

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTEENTH DAY

December 1, 2009

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

Minutes Taken By:

Lucia Braaten, Alison Mahoney & Diana Flesher - Court Reporters

Verbatim Transcript Prepared By:

**Alison Mahoney & Diana Flesher - Court Reporters
Kimberly Castiglione - Legislative Secretary**

[THE MEETING WAS CALLED TO ORDER AT 9:38 A.M.]

(The following was taken by Lucia Braaten, Court Reporter and transcribed by Kim Castiglione, Legislative Secretary)

P.O. LINDSAY:

Madame Clerk, would you call the roll, please?

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

(Not Present)

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present)

LEG. COOPER:

(Not Present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

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

P.O. LINDSAY:

Could everyone rise for a salute to the flag, led by Legislator Kennedy?

(Salutation)

P.O. LINDSAY:

I'd like to have Legislator Kennedy join me to introduce our visiting Clergy.

LEG. KENNEDY:

Good morning, Mr. Presiding Officer, and thank you very much. It's my honor today to bring to the podium here Pastor Albert Hahn from the Smithtown United Methodist Church. Smithtown United Methodist has been in existence in the Town of Smithtown since 1808. Pastor Hahn has actually been the Minister for the congregation, which is over 500 members, since 2005, and they have a very active ministry in our Town. In addition to ministering to the spiritual needs of the congregation, they operate a day care center, they operate a Parkinson's Therapy Center, which my mother-in-law used to attend. They are one of the seven congregations of the Smithtown Food Pantry. They sponsor Boy Scout troops, thrift shops, and they are a robust and active ministry within our community.

Pastor Hahn has a Master of Arts from the Princeton Theological Seminary, a Master of Divinity from Union Theological Seminary, and a Doctor of Ministry from the Iliff School of Theology in Denver, Colorado. He and his wife, who is a pastor in East Hampton, reside in our town, and he served in a number of other congregations prior to being with the Smithtown United Methodist Ministry. So it's my great honor and privilege to introduce him today. Thank you. Pastor?

PASTOR HAHN:

Thank you. It is truly my honor to be present here, to be among you. And when I think about a Legislative session here, I remember reading about First and Second Kings in the Bible, in the Hebrew scripture, and there is a repeated theme there. The theme is when the king is -- when the king is honoring the will of God, everything goes well. And when the king does evil things in the sight of God, everything falls apart. I think that's a little simplistic version of reality, but I think there's a sense -- there's one truth that leaders cannot avoid. The leaders set the tone, right? Leaders set the tone. If a leader's -- if leaders carry out the business in the way that really honors people and honors God, somehow things will go right, but when the leaders don't do that, those communities do fall apart. The dilemma for leaders, I believe, is this: The leaders can never be as great as people want them to be. People have tremendous expectation. People expect the leaders to just solve all the problems with the little resources that we have. People expect the leaders to know everything and make the right decision and make no mistake. But the good thing, the good news is that God doesn't expect us of that. God expects us to be human. We will make mistakes. We will, we will make mistakes. Humans will err. However, I believe that God does expect us to have integrity, integrity. And when we uphold that integrity, justice. And when we always remember who we are serving, the people around us and God, then I believe not everything won't go right, but somehow things will go right in the long run.

Let us pray. Heavenly God, we give you thanks for another day that we can make a difference for our neighbors. We trust that -- we trust that today is filled with opportunities to care for the least, the less and the lost, to uphold the justice, to heal the wounds of the world, and to proclaim the hope for a better future. We thank you for the men and women in this room who care, who give themselves for the public service in this County. We thank you for their passion and dedication, willingness to take risks, and grace to embrace one another, even when they passionately disagree. We pray that you will guide us with your wisdom and integrity so that we may be faithful and effective in our service for our neighbors.

We also give you thanks for the men and women in our armed forces, and those who served in the past. And we are the beneficiary of their dedication and sacrifices. For those who are in harm's way, we ask for your protection. For those who are wounded, we ask for your healing. For the families who are separated, we ask that you will bless them with deeper love that transcends the geographic distance. We look forward to that day when nations will not fight with one another, but peace will prevail. Until that day, bless us with an assurance that small and great things we do for the peace will never be in vain.

We also lift up the family of the late Councilman Keith Romaine as they grieve for the loss of their father, husband and their son. Be with us as well, for we, too, grieve the loss of a leader, a public servant and a friend. Reassure us over and over again that he is in your loving arms and that the love we share with one another is never lost. Until the time we all will be united in heaven, keep us true to one another and to you, oh, God. Now as we begin this day, we acknowledge that each day is a gift from you. Help us to live and work this day so that when we come before you one day you will call us faithful servants. We pray all of these things in your holy name, Amen.

P.O. LINDSAY:

First, I want to thank the Pastor for those very moving words and prayer. And the standard that he set for us to live up to was kind of high. Let's hope we can live up to it.

Would you please remain standing for a moment of silence for Courtney Sipes, who was killed by a hit-and-run driver last week in Smithtown, and Nicholas Svercel, who was killed riding his bicycle on Route 347. Also for two anonymous deaths of teenagers in Smithtown who died tragically from heroin overdoses. And as we do every meeting, unfortunately, for the last few years, let us remember all of our men and women who, as we speak today, are in harm's way defending our country.

(MOMENT OF SILENCE)

P.O. LINDSAY:

Please be seated. Before we start the public portion, just one announcement to my colleagues. At 12:30 we will be taking our annual photo of the entire Legislature. If anybody has some extra minutes, stick around and watch it, it's very amusing.

MR. GRAVANO:

Not for me.

P.O. LINDSAY:

Public portion. First is Ginny Munger Kahn.

MS. KAHN:

Thank you very much. Can you hear me?

P.O. LINDSAY:

Yes.

MS. KAHN:

Okay. I'm Ginny Munger Kahn, President of the Long Island Dog Owners Group, a nonprofit New York corporation that works to increase access to parkland for Long Island dog owners and their dogs. We are here to urge you to pass I.R. 1866, which would appropriate funds for the creation of a dog park in Southaven County Park. We understand the Southaven Dog Park needs to undergo environmental review. This bill will preserve funding set aside in the 2009 Capital Budget for the construction of dog parks. As you undoubtedly know, there is no money in the 2010 Capital Budget for the five new dog parks initiative, so preserving the \$50,000 in the 2009 Capital Budget for dog parks is critical to keeping the initiative moving forward.

We especially want to thank all the members of the Parks Committee for their intense interest in this issue and their unanimous approval of this bill in committee. If it were not for their active interest in moving the five new dog parks initiative forward, we would be facing a second year in a row in which money set aside for the creation of dog parks was never spent.

The Suffolk County Legislature and the County Executive made a big deal of the passage of the five new dog parks initiative in May 2007. Dog parks represent real daily quality of life improvements for hundreds of thousands of dog-owning families. We urge you to bring the benefits of dog parks and the promise of the dog park initiative closer to reality by passing I.R. 1866 today. Thank you very much for your consideration.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Jim Pike, followed by John Halsey.

MR. PIKE:

Good morning. My name is Jim Pike, and I'm here to speak in support of Resolution No. 2062, Authorizing the acquisition of development rights of the Hopping Farm in Southampton Town, in Sagaponack in Southampton Town. I am a vegetable grower in Sagaponack. Myself and my wife currently grow about 50 acres of vegetables every year and we operate a farm stand on property owned by the Hopping Family in Sagaponack. It is a 7.5 acre parcel of land. It is where we operate our farm stand and also where we store our equipment. We have been renting the property for about 20 years.

Two years ago Mr. Hopping informed me of his intention to sell the property. Not knowing -- it had always been our hope to buy the property from Mr. Hopping. Unfortunately, real estate prices appreciated faster than our ability to buy the property. I contacted the Peconic Land Trust when I heard that Mr. Hopping was selling the property and they have graciously agreed to help us preserve the land. And we have been in the process for the last two years of trying to raise the money to buy the farm, and I would appreciate your consideration of purchasing the development rights of the property so that we can keep this property as a farm in perpetuity. Thank you.

P.O. LINDSAY:

Thank you, Mr. Pike. John Halsey, followed by Peri Grandone.

MR. HALSEY:

Yes. I'm John Halsey, President of the Peconic Land Trust, and a pleasure to be here today. I basically want to point out that the Land Trust has had a very long working relationship with Suffolk County in protecting farms. In fact, one of the farms earlier this year that we worked with the County on was the Richter's Orchard in East Northport, so we're active in the entire County. This particular property, the Hopping Property, which Jim Pike just referred to, is one that we have gone into contract on to purchase. It's 7.6 acres. It's the cornerstone of the 60-acre farm operation that Jim and Jennifer Pike have operated. It is really the cornerstone and key to their operation, so that's a very important point.

We initially went into contract on this property about two years ago. Purchase price at the time was 8.23 million, believe it or not. It is -- the County offered 6.5 million for the development rights, and the Trust was raising the difference of 1.73 million to make this deal work. In recognition of what has happened with the economy and the desire on the part of all the parties involved in this transaction, we have successfully renegotiated the purchase price of this property, so now the purchase price is 6 million dollars. The County and the Towns' share of the acquisition would be 4.3 million dollars. So we've worked very hard to keep this affordable and viable in these trying economic times. This property also has tremendous visibility and a great deal of public support for this to occur.

I just wanted to sum up by saying that really what this project is about is more than protecting an ag resource, it's also protecting a farm operation, which is really the genesis of the County's Purchase of Development Rights Program. And we're also taking an extra step here to come up with a new tool to assure that this protected farmland will be available to farmers forever. So if this property is sold again in the future, the land trust is going to ensure that farmers have the ability to acquire this property. So you're really key to this project going forward, because it's truly a partnership between the funds that we're able to raise, plus what the County and the Town bring to the table. So I very much appreciate your consideration.

P.O. LINDSAY:

Thank you, Mr. Halsey. Peri Grandone.

MS. GRANDONE:

Hello. My name is Peri Grandone and I am the Director of Conservation Planning at Peconic Land Trust. And I just wanted to talk to you a little bit about another reason why this project is so important. One of the things that we're going to do with this is to attempt to put a new model into play to help keep our agricultural land in production. It's not enough to just protect the property by taking the development rights off it, we want to find a way to make sure that the property is available and used by farmers for agriculture.

You may not be aware, but restricted property in Sagaponack has been sold upwards of \$150,000 an acre. It's been in some cases acquired by people with means and they kick the farmer off the land and use it as sort of a big backyard for mansions out in Sagaponack. So what we would like to do is to after the development rights are sold is to put what we call an overlay easement on the property. It will be further restricted. In this case, we'd like to restrict the property to 60% food production. This will ensure that the property remains in production and we will steward and monitor that. If it's not farmed, it has to be kept available through a natural resource conservation program so it's ready for agriculture.

We also have embedded in the overlay easement what's called a preemptive right, which means that if the farmer can't find another farmer to buy the property or wants to sell the property, we have the option of purchasing that property so we can then turn around and resell it to a farmer. And what all of these restrictions and this preemptive right does is it lowers the value of that restricted farmland even further. If you have a very small market for the property, if it can only be sold to a farmer, we have an appraisal method which will reduce that ag value from 100 to 150,000 an acre down in this case to about 20 to \$22,000 an acre, which makes it much more affordable for farmers to purchase. And so this is why this is an important model.

We can also do this on other land that's already protected. And, for instance, if the County has purchased development rights on other agricultural properties, we can come in and we can put this overlay easement on those properties, reduce that value and get some of these properties hopefully back into agricultural production. So it's the business of agricultural as well as scenic open space. Thank you.

P.O. LINDSAY:

Thank you very much, Peri. I was just looking through the cards and we have Mayor Imbert with us from the Village of Amityville. I'm sorry I didn't recognize you earlier. If you'd come forward, Mayor, I know you have pressing business back in the Village. I don't mean to have you held up.

MAYOR IMBERT:

Good morning, Mr. Presiding Officer, Members of the Legislature. It's a pleasure to be here this morning before you. I'm asking on the Village's behalf your support of I.R. 1923. Essentially what happened was this Legislature authorized the purchase of five parcels in the Village for a {nautical} park in 1999. It was signed into law by Executive Gaffney.

The County acquired the first four parcels with the help of the Village kicking in some money, and when it came down to the final parcel, the seller would not make a deal. So it was agreed that the Village would condemn the property and then the County would buy it from the Village. When the condemnation was finally done, we had a new County Executive who changed the rules of the game midstream. His position is that it sets a bad precedent for the County to acquire open space for municipalities. However, we didn't acquire this. We're not asking the County to acquire from the Village. Previously owned, we bought it specifically at the request of the Real Estate Division. We didn't get a contract in writing because we already worked through four parcels. If I had a contract, I wouldn't be here in front of you now.

So, really, all we're asking is that the County Legislature ask the Real Estate Division or make the Real Estate Division live up to their original agreement with the Village. That's all I have to say. Thank you for your time.

P.O. LINDSAY:

Thank you, Mayor. Looks like Steven Serl, followed by Sara Gordon.

MR. SERL:

Thank you. Good morning. My name is Steven Serl, Project Manager with the Peconic Land Trust, and I work primarily on the North Fork, and I am speaking today in support of Resolution 2062. I've been working with the Trust now for over three years. I also come from a family farm on the North Fork and I'm a resident there.

I wanted just to reiterate what Peri Grandone said and speak in a little bit of a broader context in support of this project. And, in particular, we've been -- I've been working with the Trust and with John Halsey on developing different ways to keep farmland affordable and accessible to farmers. And we've got a long road ahead of us, but I think we've turned a bit of a corner where, clearly, our first priority is to conserve farmland and open space. But secondarily, we're looking and spending more and more time on how to keep that farmland available to farmers. And we've worked with -- we worked all over the Island, Western Suffolk, even helped a little bit in Nassau County as well. And some of the tools that we've developed include leases, which we've been doing for a long, long time, but also additional restrictions that Peri talked about in order to keep the scenic values there, as well as the preemptive right. And while none of these tools are -- may be perfect on their own, altogether I think it's a very -- it's a very important thing that we're doing here.

And I'd like to speak, I think, from the North Fork's perspective that this, while we certainly don't have the value of restricted land that the South Fork sees, it's getting increasingly high on the North Fork. It's becoming increasingly more difficult for farmers to stay viable, and farming operations to stay viable, and I think that the -- these kinds of tools are going to become increasingly important in other conservation projects.

And just speaking from my own personal perspective as a member of the farming community through my own family farm, we were one of the first to sell development rights in Suffolk County and are very proud of that. We are proud of the County for that, and I think we need to continue to be on the cutting edge here. And this project is certainly representative of that, so I urge everybody

here to pass this resolution. Thank you.

P.O. LINDSAY:

Thank you very much. Sara Gordon. Hi, Sara.

MS. GORDON:

Hello. I'm Sara Gordon. I'm a project manager for the South Fork for the Peconic Land Trust and I am the Project Manager for the Hopping Project. My desire today is to express to you the broad community support for this project. And I don't want to drop these dramatically and make a loud thump, but I do have 3,000 signatures on petitions representing the members of the community who urge every participant in this project to help save the Pike Farm Stand.

I am a Sag Harbor resident. If you keep going north up Sagg Main Street across Montauk Highway and a couple of miles towards Sag Harbor, that's where I reside and I've lived there for about ten years. My son attended the local schools. It's a lively and diverse community, Sag Harbor, and the Pike Farm Stand is directly on the path to our summer beach at Sagg Main. This is an iconic operation and it's loved and frequented and cherished by many, many residents and a wide representation of the year-round community. We -- also, we have the support of many local organizations as well. And I'd just like to briefly thank Hampton Jitney for transporting our group here today.

There is an extraordinary opportunity here to do something novel, to pilot a new preservation tool, and we hope that you will put together all these pieces and see the tremendous benefit to the community, to the County and to the potential for agricultural production to be protected and to be supported, nurtured, to continue to thrive in perpetuity through the -- through the support of I.R. 2062. And I thank you very much.

P.O. LINDSAY:

Thank you. Rebecca Chapman, followed by Terry Stevens.

MS. CHAPMAN:

I'm Rebecca Chapman, Vice President of Philanthropy for Peconic Land Trust, and this was really a community project. As my colleague said, we had over 3,000 people who signed petitions, actually all over Long Island. And from this group of people we formed communities -- a committee and we went directly to the committee -- to the community and toward the purchase of the farmland we've raised just under a million dollars. This diverse project has really had a diverse funding stream from the private sector. We've gotten donations from \$25 up to six figures and we're not done yet. We certainly are -- have 'til the end of the year. We've also gotten the national foundation, the Pew Foundation, interested in what we're doing. They think this is serving as a national model for preserving farmed land and young families who want to continue farming and for the private sector part, they are going to put up a dollar for every \$5 that we've raised.

So, again, we have a wonderful group of people, over 285 people, that have actually signed on the dotted line to make a contribution, and so we know we have community backing behind us. Thank you.

P.O. LINDSAY:

Thank you, Ms. Chapman. Terry Stevens, followed by Tom Williams.

MS. STEVENS:

Good morning. My name is Terry Stevens. I'm a year-round resident in Sagaponack and been there for 16 years. And two years ago, when I saw the real estate sign for selling the land and I asked what's going to happen to the Pike Farm, and they said they are gone. And I was like, that couldn't be believable, because what about the vegetables and all the other natural things that we've been

buying there and providing for the families, you know, usually all year-round, so it was like this is not fair.

This year I volunteer for Peconic Land and this past summer I was sitting at the Pike Farm handing out fliers and explaining to people the need to get involved and sign a petition and avoid the land to be sold for the development. And then one family was a little girl, maybe she was six or seven years old, and she asked, "What's going to happen, Mom?" And her mother said, "Well, unfortunately if they're going to sell the land it's not going to be a farm stand here" and she started to cry and she said, "No, it couldn't be true, where am I going to get my corn". So it was really something that got me and I just was like I have to do something and help to avoid for them to, you know, finish the farm stand. So, please, just consider it and approve the resolution. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Tom Williams.

MR. WILLIAMS:

Good morning. Thank you very much for the, excuse me, the chance to speak to you today about this bill, 2062. I'm Tom Williams from Brookhaven Hamlet, excuse me, and I am on the Board of the Peconic Land Trust as well. We believe and I believe living in slightly Western Suffolk that it's an important initiative to protect farmland in this way. We've seen a lot of farmland that has been developed, acres where development rights have been taken off have sold for high prices. It's important to be able to keep land in production and food production and keep farm, large farm operations, continuing. So we feel this is a creative solution and in the future, as has been said, that if this farm, the current farmer cannot continue, it would continue to be farmed and put into agricultural production.

It's obviously a very strong community partnership with a number of people who have participated in raising funds and, therefore, it's really -- it's well supported both in the East End and throughout Suffolk, so I urge you to support it. Thank you so much.

P.O. LINDSAY:

Nancy -- is it Goell? Followed by Leigh Hubbard.

MS. GOELL:

Yes. Good morning. My name is Nancy Goell.

D.P.O. VILORIA-FISHER:

You have to put your finger on the button. At the base of the mic there's a button.

MS. GOELL:

Okay. Could you hear me now?

P.O. LINDSAY:

Yes.

MS. GOELL:

Good morning. My name is Nancy Goell. I am a resident of East Hampton and a member of the Board of the Peconic Land Trust. I want to take you back to the late '70's, when I, with the Group for the South Fork and many other people, worked with John Klein and then Legislature to pass the original legislation for the purchase of development rights. It was -- showed such foresight on the part of the County and the Legislature to pass this legislation. And now it is used as a tool throughout the country to preserve the important agricultural lands and other lands of conservation purposes. And I think when we worked to get this legislation passed we were certainly thinking

about precisely this kind of parcel which needs to be preserved. And I hope all of you will be as foresighted as your predecessors and vote to support this resolution and preserve this enormously important farmland for the future of agriculture in our community. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Leigh Hubbard.

MS. HUBBARD:

Good morning. My name is Leigh Hubbard and I work with Peconic Land Trust in the Philanthropy Department. I'm here to read a letter by John Erwin, and he is a representative of the Hopping Family, to the Suffolk County Legislature.

"Dear Sirs and Madams, I have been a resident of Water Mill, New York for 20 years, and I am writing to support the County's participation in purchasing the development rights on the Hopping property in Sagaponack, New York, home of the Pike Farm Stand. That property is an integral part of the character of Sagaponack and the effort for sustainable farming and local food production. It is very popular and important to many residents. I can think of no better use of the funds available for preservation of farmlands. A favorable resolution would be cheered by your constituents. Thank you and sincerely, John S. Erwin." Thank you.

P.O. LINDSAY:

Kimberly Quarty, followed by Justina Fargiano.

MS. QUARTY:

Good morning. My name is Kimberly Quarty and I am a Project Assistant with the Peconic Land Trust. I actually would like to read a letter as well. I don't know if I should hand them out to you.

MR. LAUBE:

Sure.

MS. QUARTY:

This letter is from Kathleen White, who's a longtime farmer in Sagaponack.

"Dear Members of the Suffolk County Legislature, I am writing to voice my support for the preservation of the Hopping Farmland located in Sagaponack, New York. As you know, the Energy, Planning and Agricultural Committee of the Suffolk County Legislature unanimously approved the purchase of the development rights on the Hopping property. A vote by the full Legislature is scheduled for Tuesday, December 1st."

"I ask that you each vote yes to save this one-of-a-kind piece of Long Island farmland. We owe it to our children and grandchildren and the generations to come to act now to save this precious farmland. It is an irreplaceable resource for food production for Suffolk County."

"Please count me as a Suffolk County resident, homeowner, taxpayer, small business owner and lifelong voter who wholeheartedly endorses the County's plan to preserve the Hopping Farmland through the purchase of its development rights."

"Thank you for your time and attention to the concerns of this letter. Sincerely, Kathleen White."
Thank you.

P.O. LINDSAY:

Thank you. Justina, followed by Mary Wilson.

MS. FARGIANO:

Good morning. My name is Justina Fargiano. I work with Peconic Land Trust. I'm also here today to read a letter by Lee Foster, who's a Trustee of the Village of Sagaponack, and also part of a longtime farm family in the area.

"To the Members of the Suffolk County Legislature: My name is Lee Foster. I am an elected Trustee of the Village of Sagaponack, which voted unanimously in favor of this project. As a resolute proponent of farmland preservation, I am sorry not to be speaking to you in person."

"This project, ironically, is an example of what is wrong as well as what is right. What is wrong is the woeful ignorance of the Federal and State lawmakers who do not see the economic damage inherent in Estate Tax policy. Farmland, particularly the quality of farmland which is represented in the Hopping parcel, should never be paved, never have a tennis court, or a pool, or a septic system installed upon it. Productive agriculture is a primary source of revenue. That in itself should persuade our elected Legislators to seriously consider the consequences of what happens when farmland must be sold to settle an estate. It is an irreversible economic loss."

"What is right is what is happening today. On account of Suffolk County and Southampton Town's willingness to persevere with the purchase of development rights, the persistence and participation of the Peconic Land Trust with an additional element that reflects the long term and eventual transfer to a future farmer, years past our own. This land is secured; prime soil, stewardship, locally grown food."

"It is commendable, and is an example of what municipalities and the private sector can actually achieve. In the broader sense, it's a save." Thank you.

P.O. LINDSAY:

Okay. Mary Wilson, followed by Mary Graboski.

MS. WILSON:

Good morning. Mary Wilson. I'm the Community Preservation Program Manager for the Town of Southampton. Supervisor Linda Kabot was unable to attend today, but asked me to read this letter on her behalf.

"To the members of the Suffolk County Legislature: Before you today is a decision on whether or not to vote in favor of Suffolk County's partnering with the Town of Southampton and the Peconic Land Trust in preserving approximately 7.5 acres of farmland located in the Village of Sagaponack on the Town's eastern border. This land is located in our Farmland Target Preservation Area of the Community Preservation Project Plan."

"This parcel is cultivated for farm crops, and contains a very successful farm stand, providing locally-grown produce to residents and visitors alike. The land also is immediately adjacent to the Sag Swamp freshwater wetlands complex and other protected farmland, totaling approximately 107 acres of protected lands. Over 3,000 individuals have signed a petition to save the land and the farm stand on this property."

"Farmland is one of our most treasured resources, a link to the Town of Southampton's rural past and a gift to future generations. Suffolk County's part in preservation serves as a shining example of what good government partnership can offer. With the County's help, we can assure the sustainability of local, farm-fresh produce and farming as a viable way of life on the East End, while at the same time maintaining the pristine freshwater wetlands nearby."

"I urge you to vote Yes on this important acquisition funded by Suffolk County's Drinking Water Protection Program and Southampton's Community Preservation Fund. Thank you for considering

my comments. Sincerely, Linda A. Kabot, Town Supervisor."

And I would like to quickly add, though, that this parcel is similar to many priority acquisitions in western communities of Suffolk County in that its importance is not measured in the size of its acreage, but by its strong contribution to community character. Thank you.

P.O. LINDSAY:

Nancy, followed by Jennifer Pike.

MS. GRABOSKI:

Good morning. My name is Nancy Graboski and I serve on the Southampton Town Board. I'd like to thank you for this opportunity to speak to you this morning in support of the resolution that you'll be considering later to move forward with the acquisition of development rights on the Hopping parcel where the Pike Farm Stand is located in Sagaponack.

I actually wear two hats in standing before you today. The one hat you know I wear as a member of the Southampton Town Board. The other hat that I wear is as a member of a farm family from Bridgehampton. In fact, we had the opportunity, the Graboski Farm, back in the early '80's, to participate early on in the Purchase of Development Rights Program that Suffolk County had initiated and were -- have protected under that program 26 acres on that farm. So I come with that in my heart and with another hat that I wear as a member of the Southampton Town Board. This is really an extraordinary partnership that has emerged in the effort to try and preserve and protect this piece of property, a partnership that involves the County of Suffolk, the Town of Southampton and the Peconic Land Trust.

Clearly, you've heard from a number of speakers today how very important this one farmland parcel is to the community at large on the East End. I just want to remind you, you're protecting a number of things here when you protect this parcel. When you think about the legislation that put this program in place in the first place, the enabling legislation is essentially open space legislation and it's also linked closely to -- excuse me, to the protection of the extraordinary natural resource that we're protecting, that being the prime agricultural soils. The soil profiles that we're protecting, Bridgehampton loam and Haven loam, when you look at the soil maps of Suffolk County. This is soil that washed out when the glacier melted and left, and it sits on the outwash plain, and it's among the most productive soil in the world. That, coupled with the climate that we have on the eastern end of Long Island causes there to be such an extraordinary growing season that we all enjoy this great produce, and it's been going on and on for many years. So we have the prime ag soils. We're gradually trying to reach what we term a critical mass of experts tell us that in order for agriculture as an industry to remain viable we must assemble a certain amount of acreage. We're moving in that direction.

The Community Preservation Fund, the 2% transfer tax, has enabled us to -- I think that's my time, I'm just about up so I'll wrap up -- has enabled us to move aggressively on that front.

I want to thank you for this opportunity, thank you for your past support, and urge your support on the acquisition of this parcel. Thank you.

P.O. LINDSAY:

Jennifer Pike, followed by Gary Barrett.

MS. PIKE:

Good morning. My name is Jennifer Pike and I would like to thank Peconic Land Trust and all of you here for considering Number 2062 today. My husband and I are farmers. We are local food production, and we would like to continue growing food for the people in our neighborhood and beyond who have been so supportive. I would like to leave you with the slogan from the American Farmland Trust, "No Farms, No Food". Thanks.

P.O. LINDSAY:

Thank you for your brevity. Gary Barrett, followed by Anthony LaFerrera.

MR. BARRETT:

Good morning. Got to hold it, okay. Hello. Okay. My name is Gary Barrett. I'm here to inform you today of a nonprofit organization that I am the founder, also the President of, it's called National Safe Rides. And I want you to remember that name. We definitely plan to make this a household name. We are a service that offers transportation to anyone who may have had too much to drink or to anyone who may be riding with somebody that's been drinking. This is something that we've been putting together for the last two years. We were able to launch finally this summer, and it's something we feel is going to be very effective, a very effective program to keep people from drinking and driving, or having to ride with someone who may be impaired.

We're working on several different sources of funding, government grants. We're also organizing many fundraisers and things to help us fund this program. We're having a fundraiser actually this next week. If this is something you feel you may be able to attend, if this is an interest, a subject that is of interest to you, we definitely encourage you to try to make it there. It's next Sunday evening.

We believe this organization will not necessarily replace Mothers Against Drunk Driving, but will definitely become far more effective, and definitely our mission statement, and that is basically to save lives, to save lives. If you think you are not going to wake up next week and see an article in the newspaper about somebody, you know, who's been drinking and driving and a life may be lost, I really want you to remember that name, you know. National Safe Rides, and remember our logo because that's what we do.

This is not a short-term solution, it is a long-term solution what we are trying to put together here. We're going to get high schools, high school kids, even college kids involved in volunteering and working with this organization. We feel that by doing this, we're going to be changing the behavior of basically of drinking and driving, how it's prosecuted, how it's perceived, and by getting these kids involved at a younger age, we feel they're much more likely to make better decisions down the road, down the road before they, you know, may encounter those situations. Thank you very much for your support today.

P.O. LINDSAY:

Thank you, Mr. Barrett. Good luck with the organization, it sounds very interesting.

MR. BARRETT:

Yes, thank you.

P.O. LINDSAY:

Anthony.

MR. LAFERRERA:

Good morning. Anthony LaFerrera, Co-Chairman, Suffolk County FRES Commission. Two weeks ago 1777 was tabled, I appreciated that, and I'm just asking for consideration to keep it tabled. Tomorrow night there'll be a new Chairman, Co-Chairman of the FRES Commission, and I would like to see them have the opportunity to meet with members of Public Safety and/or the Presiding Officer to review 1777 to its fullest extent and try to come to some conclusion with that. I would appreciate that.

And to Legislator Romaine, on behalf of the Suffolk County FRES Commission, our deepest condolences.

P.O. LINDSAY:

Okay. That concludes my cards. Is there anyone else in the audience that would like to address the

Legislature under the public portion? Seeing none, I'll make a motion to close the public portion, seconded by Legislator Alden. All in favor? Opposed? Abstentions? Before I start.

MS. ORTIZ:

Thirteen -- fourteen.

P.O. LINDSAY:

Thank you, Madam Clerk. I have two resos that I would like to take out of order. First one, I'll make the motion on **2059** on Page 8. It's ***confirming the appointment of Suffolk County Commissioner of Economic Development and Workforce Housing, Yves Michel***. Mr. Michel is here, and rather than have him sit here all day, I thought we would take it out of order and discuss it. I have a second by Legislator Viloría-Fisher. All in favor of taking it out of order? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Leg. Cooper).

P.O. LINDSAY:

It is before us. Mr. Michel, if you would come forward, please. Maybe you could just have a seat next to Barbara there and she'll show you how to operate the mic. We're just going to make a motion to address this issue and then I'll recognize everybody. Motion by Legislator Viloría-Fisher to approve.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. And it's before us. And Legislator Alden?

LEG. ALDEN:

I just wanted to point out, and in committee I had absolutely -- I abstained from voting because the candidate really didn't get in touch with me. I haven't had a conversation with him. I did subsequently have a couple-minute conversation with him on the phone, but between the committee meeting and there was a holiday and, you know, we were busy in the office with packing up and that type of thing, so I really didn't get a chance to meet with him.

I was going to suggest that maybe we put this off to our last meeting of the year and to give the candidate an opportunity to contact some of the Legislators that he didn't. I don't know if he contacted other members of the Legislature, maybe I'm the only one that he didn't have a chance to talk to. In that case, you know, I could see why you would want to go forward with it today, but I haven't had a chance to talk to him. I really don't know him, and prior to him coming before the committee, the Economic Development Committee, I really had never heard of him.

So maybe that's the case with other Legislators, maybe it's not, maybe I'm unique to that position, but I would suggest that we put it off to the next meeting to give a chance to at least meet him and talk to him a little bit, find out who he is and what he's about and things like that. And I recognize that if he becomes the Commissioner, it's very important and it's going to absolutely -- it can change the face of Suffolk County for the better or for the worse, but you'd hope that it would be for the better. So that's my request.

P.O. LINDSAY:

Just to -- I had a very nice conversation with Mr. Michel yesterday, but that was just me. Legislator Losquadro.

LEG. LOSQUADRO:

I would like to make the same request. I have not had any conversations with the applicant. I know some information just anecdotally, but I have not had a chance to have a conversation, nor

was my office contacted. So I'd like to make the same request, that I have an opportunity to meet with this individual. As Legislator Alden pointed out, we're really at a crossroads with the County in terms of the direction that we're going to move with good, solid, smart planning and expediting reasonable development. So I would like to have an opportunity to sit down and have a formal meeting and have some of the questions that I have answered.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Oh, thank you, Mr. Presiding Officer. I also did not get a chance to speak to the Commissioner, but that's not your fault, that's my fault. You called my office last week, I believe it was on a Friday, maybe Thursday. I did not get back to you because of the activities and some personal issues, and I apologize for that. And I would like to set up a meeting with you to talk about your agenda. But I did want to put on the record the reason we didn't speak is my fault, not yours.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. Good morning, Mr. Michel. Thank you for coming --

MR. MICHEL:

Good morning.

LEG. KENNEDY:

-- to speak with us. However, I share some of the same concerns with my colleagues. As a matter of fact, I'm going to offer a motion to table for one cycle.

It occurs to me that you and I have met each other on occasion at functions. I know, I believe, generally of your role in the Town of Brookhaven, particularly with the Brookhaven IDA. I have some concerns with the way that the Brookhaven IDA has functioned in the past. I know of some of the projects that the IDA has supported, while they may have been large scale projects, I'm not quite certain how they resonated with the labor community, and it's very important for me to know firsthand what your feelings are and your thoughts are regarding interaction with our labor community here and throughout Long Island.

I'd be curious as to whether or not you continue to hold your seat on the Brookhaven IDA if, in fact, what you see as far as your role with interaction with our Suffolk County IDA, and for that matter the Empire Zone and how it functions and operates. And for that matter, the legislation that Governor Paterson has just put forward regarding the possible renewal of the IDA operations throughout the whole State of New York. So I think there's many important things that we need to speak about so that I can have a better understanding what your mindset and philosophy is going forward with operating the County Department of Economic Development.

So I'm going to offer that motion to table just for one cycle. I'll be more than happy to make myself available to sit with you and hopefully we can have a good discussion, but as of right now I don't have the ability to cast an informed vote, so I'm going to offer that motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

There's a motion to table by Legislator Kennedy. It was seconded by Losquadro, but I have a number of other people and I wanted to weigh in on this too, but Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I just wanted to say, you know, this Legislature has confirmation powers and a lot of the discussion we just had was that we haven't had a chance to ask Mr. Michel some questions. He's sitting here. He's sitting here, so if you have a question, ask it. And I've only been here two years and, actually I'm only going to be here two years, and I don't recall having a Commissioner contact me. I read his resume, I went through his background. I didn't have any questions so I didn't contact him, but he's here. We would like to have a Commissioner of Economic Development, because, obviously, I don't need to tell everybody around this horseshoe how important that is, especially in these times. So if you have questions, ask him. He's here. Why put it off?

LEG. ALDEN:

Well, then -- a response?

P.O. LINDSAY:

Wait a minute, wait a minute, I got a list. Legislator Gregory.

LEG. GREGORY:

My concerns were similar to Legislator Beedenbender's. I mean, the gentleman's here. I've heard five people speak and he hasn't said one word yet, not even hello, the opportunity to say hello, and we're already trying to table his confirmation. I would like to ask you, Mr. Michel, what is your vision? From your experience, what do you think that you can bring to the table for Suffolk County as a Commissioner?

MR. MICHEL:

Thank you, Legislator Gregory. Good morning, Members of the Legislature. I appreciate this opportunity to come before you, and to seek confirmation as the Commissioner.

My vision is to attract companies within our County that will have the ability to increase our ratables while in parallel retain the companies that we have here. A lot of discussion regarding attracting companies here, well one thing that is also extremely key, in my opinion, is retention of the organizations that we have here. They already contribute to our tax base. They hold a tremendous amount of people that are being employed within Suffolk County, and things along those lines I think are paramount. And, Legislator Losquadro, I did reach out to your office. I don't know if you did receive that, but I did make an attempt.

LEG. LOSQUADRO:

Okay.

MR. MICHEL:

And I would love to address any questions, comments, concerns that anyone has. I would also look forward to the opportunity to meeting with every one of the Legislators to discuss their specific districts, their priorities, and also their visions.

LEG. GREGORY:

So, as your involvement with economic development in the largest town in Suffolk County, you think you can bring something to the table, obviously, to address the issues that we have here in Suffolk County?

MR. MICHEL:

Absolutely, I do believe that I can and I will. And, Legislator Kennedy, your point is well taken regarding the support for labor. At the Town of Brookhaven through the IDA, we've always supported labor. We've supported projects that have a strong component during the construction phase to ensure that labor is a participant in there. We also have a prevailing wage with the IDA as well.

LEG. GREGORY:

Thank you.

D.P.O. VILORIA-FISHER:

Legislator Horsley.

LEG. HORSLEY:

Good afternoon -- good morning, Mr. Michel. I want to just speak up for Mr. Michel in that I -- we interviewed him at our committee, the Economic Development Committee, and I know Mr. Michel's work going back to the Brookhaven Industrial Park, which he helped put together, which is a sewer industrial park, which I was truly appreciative of. And I know when he reached out and they received State dollars for it and he was able to work through the bureaucracy of the State to bring dollars to Brookhaven, and I was duly impressed by that.

Secondly, one of the questions that we asked in committee was what was his feeling about the role of sewerage in Suffolk County. And, as you know, I'm a proponent, as are many of us. And, Mr. Michel, I think maybe the best way for me to speak for you is for you to speak to us about your philosophy of growth, how you feel that smart growth is an integral part of our community and the like. Why don't you give us a little update on what your feelings are about how we can grow Suffolk's economic development community.

MR. MICHEL:

Thank you, Legislator Horsley. As the Legislator stated, I'm very involved. I was the Project Director for Sewer District No. 2 within our Empire Zone in Shirley. And if you look at smart growth, there are areas within Suffolk County that it's extremely important to target and ensure that smart growth occurs. Smart growth cannot occur without infrastructure. One of the keys to infrastructure are sewers. You bring sewers within specific areas within the County where smart growth will occur. With every project I believe there are four components. One is office, residential, retail, and recreation. Those things can only occur if we have the infrastructure. The infrastructure are the sewers. The infrastructure are putting in a position where companies can relocate from a corporate or business point of view. Retail can occur, residential, and also recreation. So it's quite key. And this does not fall in place throughout the County. Again, I must echo, there are specific areas within the County where this works. Smart growth works. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I think Brian pretty much said it. Mr. Michel, I've gotten to know when he was with the Town of Brookhaven. We have had a lot of informal conversations, so I won't support the tabling. I think he's a great candidate, and continue to ask the questions. I think you will have my support.

MR. MICHEL:

Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Actually, I left my list of talking points on my desk and I don't think everybody would go for a short recess while I ran back to the office and grabbed them and came back, would they?

[AFFIRMATIVE RESPONSE FROM LEGISLATORS]

LEG. NOWICK:

Fax machine.

LEG. ALDEN:

Actually, you know, it's not faxable. It's like scribbled. But in the absence, and as I put on the record, I was glad that after I made the suggestion at the committee meeting that you got in touch with me, because I really can't think back to another time when a proposed candidate for a Commissioner's Office has not contacted at least my office and given me the opportunity to have a nice informal conversation to meet the potential candidate. But you did reach out after the committee meeting.

We started to talk a little bit about sewers. How do you feel about this latest change that the Legislature made in the quarter cent allocation? Prior to this latest change there was more money going into sewers, and it's my belief that the number one way that you can protect your drinking water is not through acquisition of properties, but through sewers, and that's what one of the leading -- I guess it's incentive for me to actually craft that legislation back in 1998 was to help eliminate the problems that we were having with sewers. And we did, we changed the whole way that sewers actually operate here. We don't even use those as offsets for other projects, we bond out of the sewer district. We've established a reserve account in the sewer district.

Now this latest change in the quarter cent has pretty much stifled that and eliminated that funding source. So where would we get the money and what's your idea as far as how we can fund the expansion of sewers, because we need a massive expansion of sewers here. What is it, 27%, 22% of Suffolk County that's sewerred. That's really -- we sit on top of our drinking water, so that's one of the most important things to me for future generations, is eliminating that problem.

MR. MICHEL:

That's a very good question. One of the ways that we were very successful with Sewer District No. 2 within the Town of Brookhaven is to seek funding from alternative sources. We worked very closely with the Environmental Facilities Corporation where they had funding available to us to promote sewerred Brookhaven, the Town of Brookhaven, as well as Suffolk County. Also, in addition to EFC funding, there were funding available -- that were made available through the stimulus package, which we will also have an opportunity to tap to.

I think everyone from State, local government, as well as the Federal Government understands that the sewers are quite key to protect our drinking water. In addition to the protection of our drinking water, construction on a sewer district will enable people to get to work right now. Once it's identified where a sewer district will be constructed, you can get our union workers, our construction workers available to work immediately, so the funding is there to spur economic development.

LEG. ALDEN:

What funding? Because -- and I hope you have more luck and success with Federal, State and other types of funding sources than I've had over the past 12 years because every one of them has basically told me that, you know, we have our own problems and we're not coming out with -- and, you know, it's billions of dollars that we need over a period of time. They tell us flat out, we're not coming out with those kind of funds, we're not going to supply your funds, so figure out a funding source that's self-generated or internal type of generating. I don't see it, but maybe you can elaborate a little bit on that.

MR. MICHEL:

Working with the Environmental Facilities Corporation there were specific steps that we received in order to be eligible for that funding. Some of the -- some of the items were not a very easy transition to be eligible, but they were extremely reachable.

LEG. ALDEN:

And how much of the funds that we're talking about through the --

MR. MICHEL:

The Sewer District No. 2 is a \$10.5 million project, 200,000 gallons per day. It's going into the Brookhaven Technology Park off of Exit 68 off the L.I.E. and William Floyd. That model of sewer district is a model that has a tremendous amount of flow, not only for the companies that are there, but you can tap into out of connection recipients to grow your company, an existing company, but also to bring new companies there. It works well with retail. That model also would work well with residential and also recreation as well.

LEG. ALDEN:

After the Facilities Corporation, after you get that \$10 million from them, how much more do you think they have available in the near term?

MR. MICHEL:

I don't know those numbers for sure, but I know that they were searching for other eligible projects within the Town of Brookhaven.

LEG. ALDEN:

But those are kind of small projects, though, right?

MR. MICHEL:

"Small" meaning the dollar amount or --

LEG. ALDEN:

Yeah, that's fairly small. Like, for instance, to expand Southwest Sewer District to take in the area of Wyandanch, North Babylon, Amityville, that wasn't covered as it exists right now, and even go up into the 110 Corridor a little bit, we're talking about maybe hundreds of millions of dollars rather than \$10 million. So do they have that kind of financial strength that they could come up with those kind of dollars for us?

MR. MICHEL:

I cannot answer that because I don't know that for a fact, but I do know that if a project is worthy, we will put every effort that we can to seek funding from multiple sources. It might be a series of grants, it might be a series of zero cost loans, things along those lines.

LEG. ALDEN:

There was a lot of need and the only way that I could come up with the funding was through that quarter cent allocation, and that was cut considerably by this last modification of the quarter cent sales tax that protects drinking water. That, to me, unless you have some other kind of vision of where we can go to get money, that was the only thing that we came up with in many, many years.

As a matter of fact, the Legislature prior to that piece of legislation going forward, what they did was refinance the original debt that was used to create the Southwest Sewer District, and that led to just more and more debt service, hundreds of millions of dollars of extra expenses to the citizens of Suffolk County, and that was needless. If we came up with a funding source that could have expanded or paid for that sewer district in another manner -- and that's with Federal and State help. So I'm not so sure that, you know, that this -- and it's just a Brookhaven location, right, the Facilities Corporation that you're talking about?

MR. MICHEL:

That is correct.

LEG. ALDEN:

Okay. So it's not going to help like the rest of Suffolk County.

MR. MICHEL:

But there are also funding sources that were received with other projects not in Brookhaven.

LEG. ALDEN:

Okay. But as I've -- my experience over the past twelve years, the small amounts, and we're not going to get the help that we really do need from the Federal or the State Government at this point in time, and I think sewers are an emergency situation, not just something that we can look at ten or 20 years from now. That's something if we don't take care of it right now we're going to run out of drinking water and I think fairly quickly. And we're going to run out of areas that we can actually expand our business growth, because if you don't put it on a sewer area, I think it's a big mistake that's being made.

The other point, and I'm trying to do this from memory, I did have the talking points sitting in the office. But taxes -- and I actually operated a couple of businesses in Suffolk County and I always thought that it was really crummy for Federal programs or State programs to come in and offer tax incentives or tax credits for people who were just coming into the area when I sat there for 20 years and paid tens of thousands of dollars in taxes, even property taxes because a couple of the businesses I had were school bus operations where we had to have land and we had to have buildings, and we paid tens of thousands of dollars a year in taxes. These guys come in and they get tax credits; they actually don't have to pay the same tax that I had to pay all along, nor did I ever get the same tax credits. Is that a fair situation? I mean, is that the right way to actually attract business into this area?

MR. MICHEL:

I think for New York, I think for this region, I think for Suffolk County to remain competitive for attracting businesses to our region, we have to provide some kind of incentives so the companies can take a good, hard look at what we have to offer. I feel we are in a very unique position to offer a very strong workforce, a very talented workforce, things that would attract companies here. One of the tools in the toolbox are incentive programs, very similar through the IDA or if they would like to relocate in an Empire Zone, the Empire Zone. Those incentives will bring the companies there, will employ the residents of our town. Yes, there are some tax breaks to get them here, but once let's say in the Empire or the IDA, after that ten year period expires, they will pay the full taxes for that property and that will increase our ratables.

LEG. ALDEN:

I can relate some of the experience that I've had over the past 30 or 40 years with people talking to me, other businessmen talking to me about these tax incentive programs, and they're insulted that here they've actually given their time, their energy. We've actually had people here that were farmers and come from farm families where they had to pay the full tax year after year after year and basically farming -- you don't make much money on farming. It's a lot of hard work and in the end you don't really put a lot of money in your pocket. So I still have that problem that most of my constituents are existing businesses and they're not getting any kind of help and they can see their tax dollars going to help other businesses locate here, which I do understand the benefit for Suffolk County, but there's a balance. And if -- what do we say to a business owner that comes in and says, "Oh, that's nice. They're in an Empire Zone. Why can't I be in an Empire Zone and why did I pay taxes for the past 40 years and go home with a couple of bucks at the end of the year."

Then they gripe a little bit about our acquisition program. They tell me if you guys are so smart, why are you taking all these properties off the tax rolls. You're actually creating a situation where we're sitting here and we've given our sweat, our blood, our year, sometimes multiple generations have actually worked the same business, and you guys are taking huge chunks of property off the tax rolls, and guess what that does to our taxes. They tell me that makes their taxes go up because proportionately they're picking up the proportion that would have been paid by these other open space and these things that we've acquired.

So there's still not an answer that I don't believe that you've given me so far that's good enough to go back to the existing business owners who have actually put their lives into businesses here and

are still being taxed at the full amount plus.

MR. MICHEL:

When the companies do come in, let's say through the IDA and it's new construction, they do pay a level of taxes. They pay a pilot, which is a payment in lieu of taxes, and the payment will be on the land, the tax property that the building will be constructed on. Those taxes will go to the taxing jurisdictions like the school district, like the special district, things along those lines. So there is some tax that these companies will pay and it's deferred. So your point is well taken with the existing companies or businesses that may not have been in an Empire Zone or may not have had the financing done through an industrial development agency.

LEG. ALDEN:

Well, that's 99% of the businesses in Suffolk County that are outside of the ones that actually get help. There's probably one or two percent and that's about it. But you're talking about breaks in payroll tax, right, and there's other tax breaks that come down to businesses when we try to get them to into an Empire Zone, right? It's not just one incentive, one tax incentive. There's multiple type of tax incentives.

MR. MICHEL:

If they're eligible for that. Many of the companies, they may not be eligible because the job creation numbers are not as high as one would like, but there are incentives for creating an employee, a full-time employee in the area, a resident of Suffolk County. So there are some tax benefits there as well, and those are tools that we have in our toolbox.

As many of you may know, Governor Paterson is looking at ways of modifying the Empire Zone, and I think one of the things that he has done is to listen to all of the economic development professionals throughout the State. I participated in a conference in Watkins Glen where we were able to provide input on what works and what does not work. And I think whatever the program is, whatever program that will supersede what we have now, it will address some of the things that you cited.

LEG. ALDEN:

Well, I don't know if anything that he proposed -- I looked at it and I don't know if that addresses the existing business owners and that disparity between what they pay in taxes and what the other businesses are lured in and the business credits and the tax credits and things like that. So I don't see that rectifying that situation.

But another situation is enforcement where in the past we've given tax credits, incentives, and these businesses have come in -- they don't even perform to like a percentage of what they said as far as job creation, yet they got all of their -- they got all of the benefits and nothing happened to them. There was no penalty because no one was looking to see what they were doing. Is there some kind of a stepped up enforcement in your view of how you'd run the department?

MR. MICHEL:

Absolutely. One of the things that the State did do, they reviewed all the companies that participated in the Empire Zone, and there were companies that were decertified because they did not meet the employment numbers. There were companies that more information was requested regarding their employees, their investment, and they had to come back to the State and say I am still eligible for these tax credits because I have done X, Y and Z. There were some companies that did not even respond and they were decertified automatically. So enforcement is quite key once we're giving benefits.

I think each Empire Zone within the region and, you know, if confirmed I'll be responsible for the Empire Zone within Suffolk County, we will definitely keep a very strong eye on every company that is receiving benefit and we will remain vigilant to ensure that if they do not make the employment numbers that they signed up for, they will be decertified.

LEG. ALDEN:

And that pretty much covers the new business that I would have asked you about. How about outreach to existing businesses and what type of programs are you going to offer them to either enhance their income, expand their businesses, make them more profitable? What can you bring to the table to help the businesses that are here right now?

MR. MICHEL:

That is a very good question, and as I opened my comments I talked about a good retention strategy. I think a retention strategy is key because the companies that we have here, we want them to continue to think of Suffolk County as not only their home, but a place that they would like to do business with. We have to go out there, reach out to every executive in all the companies that we have here to not only bridge or start a relationship, but to see what are the things that are keeping them up at night when they're thinking about doing business here in Suffolk County.

One of the things that are keeping them up at night when they say do we stay or do we go elsewhere, address those issues, make sure we have a thorough understanding of what those issues are, and more importantly, one of the things that I don't think that has been done successfully throughout the region is to put a workforce development program. Every company that is here, they need solid employees. I think we have one of the hardest working, talented workforce in -- on Long Island. We make sure that we attract the people that have the skills that these companies are looking for. If they do not have those skills, we have to build -- foster a relationship with all of the academic institutions that we have here, in addition to the academic institutions the vocational schools, to ensure that those potential candidates receive those skill sets. When a company says I need to stay here, I need four, five individuals with this skill set, we can say here they are. And they will be employees that reside within our County, they will be employees that spend money within our County. And I think that is quite key.

LEG. ALDEN:

What's your plan as far as how would you reach out to them? Would you go to Chambers of Commerce, would you visit individual businesses? Would you hold some kind of forums on your own?

MR. MICHEL:

All of the above. I think it's a multi-pronged approach. I think one of the things that is paramount, all of the top let's say 100 companies, and I say top 100 by the way of the number of people that they employ, we should bring them all in. We should have a forum where they can feel comfortable in saying, "Suffolk County, I want to stay here. These are the things that I cannot afford or I cannot do to keep me here", and we will catalog those things. And I do believe every problem there is a solution, and with those problems we would bring all the necessary entities that have the power to say let's find a solution to the table and we would sit there, discuss it, find a solution and bring it forward to these organizations.

LEG. ALDEN:

Most of the businesses are going to say taxes are their biggest problem, so what's the solution to high taxes? Because they all don't fit, as you pointed out before, everybody doesn't fit into an Empire Zone. Everybody doesn't fit into some kind of government program where they'd be lucky enough to get some kind of tax break, so how do we deal with the high tax base we have right now in Suffolk County.

MR. MICHEL:

That is one of the things that we will always challenge -- we'll always be challenged by. I do believe in addition to high taxes there are some other things that we bring to the table that may offset that. Taxes are a reality anywhere we go. Some of them are higher than others. I know there are companies that have left our region and moved down to Pennsylvania and North Carolina. Two of the companies returned back to Long Island because they were unable to get the workforce that

they desired. So there is a balance, and -- but one of the things that we cannot do is be surprised when a company says, "Suffolk County, we're packing up our bags, we're relocating elsewhere". We have to be in front of that before that conversation ever, ever occurs. And there may be things that we can address, there may be things we cannot address, but however, I think an open dialogue is one of the most important things. And, you know, with every situation there's the good, the bad and the ugly. There's a lot of good here, there's a lot of good here. There's some things we cannot address. There's some things that we can alleviate or make less painful, but having a dialogue is quite key.

LEG. ALDEN:

Do you support the concept of clustering our -- and it's workforce housing basically like in a place like Yaphank. Is that a project that you support?

MR. MICHEL:

I think the affordable housing issue is something that has to be addressed. Independent of your position on where those clusterings are, I think it has to be addressed. I think there are areas where it makes sense. I think transit oriented development where there is public transportation, where there is retail, where there is recreation, where there are different routes where young professionals, young men and women have an opportunity to get a piece of property where they may not necessarily have to buy a car, but they can hop on the Long Island Rail Road or walk to work. So I do believe there is an issue with workforce housing that has to be addressed. Now the location where they are targeted, that's something that everyone has to take a good, long, hard look at and see if it makes sense.

LEG. ALDEN:

From your first part of your answer it sounds like you looked at like a decentralized type of affordable housing that was spread where the jobs are, where the transportation -- more like a needs assessment rather than plop a huge project down in one area. A more spread out approach, a more regional approach to it, is that what you would support?

MR. MICHEL:

I support higher density, but I support the density where there is all of the ancillary items like public transportation, things along those lines, because there are individuals that will not be able to afford a home right now. But there are individuals that if they have less expenses, let's say the need to not have a car, but to use public transportation or other means, they can offset some of their expenses to focus on purchasing a home.

LEG. ALDEN:

That leads into downtown revitalization. Is that something that you would step up or is it something you would leave at the current level or decrease?

MR. MICHEL:

We have to increase downtown revitalization where it makes sense.

LEG. ALDEN:

Well, that goes along with your mixed use type of comment, right?

MR. MICHEL:

Yes.

LEG. ALDEN:

And to actually -- in Suffolk County there's only a couple of towns or downtowns that really are on a sewer type of basis so that would require the extension of sewers.

MR. MICHEL:

Yes.

LEG. ALDEN:

And would that be the priority on the extension of sewers that you would kind of establish?

MR. MICHEL:

Well, the sewers would be a priority without a doubt, because the sewers do two things, as we discussed. The sewers will enable smart growth from an array of different areas, number one. Number two, with a sewer in place it would increase the property value of said property. And it would put the companies that are existing there, give them the opportunity to expand, because if there are no sewers there, they're sterile; they cannot expand. So we eliminate one of the potential economic development engines for the companies that are there.

Number two, we can attract companies in that area, because the sewers do exist. The companies are there, that is the office that I spoke about. We can build workforce housing also in that area, that's the residential piece. We can bring businesses and back office operations or other types of commerce, that's the retail. And if we do that intelligently, we can bring recreation to keep the people there, so they can spend their dollars here within our County.

LEG. ALDEN:

I only have about ten or 15 more points that I want to hit with you but I see everybody's getting restless. Right now I'm just going to yield to the Chair and maybe other people will hit on those same points.

P.O. LINDSAY:

I appreciate, that Legislator Alden. I need a chair, you're wearing me out. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. You spoke about attracting companies to our area. I want to talk to you a little bit about one particular project with the Town of Brookhaven, the Clare Rose facility and the real concern that I have with the town's lack of guidelines and restrictions on that project to have no local preference law as we do here in Suffolk County. And the fact that the contractor -- it's one thing for a contractor to be out of state, but to bring in out of state workers as well on a project of that scope and scale where we have significant incentives being given to that company through those pilots which you mentioned before, was that taken into consideration? What is your position on the local preference laws? Is that something that should have been changed or will be changed in the Town of Brookhaven?

MR. MICHEL:

The Clare Rose project was not a bond transaction, it was a straight lease transaction, whereas there was no bonding of the project where they received preferential interest rate. It was a lease very similar to a mortgage where you would add your name on that property. My understanding --

LEG. LOSQUADRO:

Weren't benefits given to them, though, in terms of the pilots? They received some benefit for going there, did they not?

MR. MICHEL:

They received a straight lease, which they had a lower percentage -- they did receive a pilot, to answer your question, yes. Yes. They did bring an out of state general contractor on this project and all of the workers were workers that were local, but the GC was not. They did bring an out of state contractor for a specific piece of that, and I think that was a tilt wall project for the construction. In addition to that, they did have a percentage of the project that went to union labor.

Now, the Clare Rose project was one that was approved prior to some of the Local Law that the Town of Brookhaven had put in place i.e., if a structure is over a certain period -- a certain size, you will have to use not only prevailing wage, but you would have to use local labor.

So that's one of the things that I feel that we have learned from. We can do things better, and everyone here feels that having people that reside on Long Island, that reside in Suffolk County, should have an opportunity to get the work that the County or the IDA's and the Empire Zones bring forward.

LEG. LOSQUADRO:

I appreciate that, and to my understanding, the agreement to have simple local workers that were on this project was only reached through the intervention of labor. Initially that was not the plan of the general contractor. I -- eventually some people were brought on, but I know that was a serious point of contention with not having the local preference laws, which I guess subsequently were put in place.

To your other point of sewer districts, we have a sewer study going, ongoing, right now in my district in Rocky Point, and it brings me to your point of smart growth. And you touched on what I thought were a couple of interesting points when Legislator Alden brought up Yaphank, the Yaphank proposal to you. When you talk about transit oriented development and the need for additional density to be able to provide businesses opportunities, to me and to many people here that we've talked about, the Yaphank proposal seems like the antithesis of that. We're not directing development towards our existing economic centers. We're not providing opportunities for our existing businesses as Legislator Alden pointed out. And you talk about density, what I wanted to ask you was, do you feel that 1,000 units separate and apart from an existing economic base is excessive?

MR. MICHEL:

I think with each area within our County, each hamlet, there are certain hamlets that have a certain identity.

LEG. LOSQUADRO:

I don't want to hear about carrying capacity. I just asked you a simple question. Do you feel that 1,000 units of housing separate and apart from existing economic bases, existing downtowns, is excessive.

MR. MICHEL:

If it's done right, the answer is no. If it's done in an area that is not a good fit.

LEG. LOSQUADRO:

Okay, thank you. The position that you hold with the town, is that a Civil Service title?

MR. MICHEL:

No, it is not.

LEG. LOSQUADRO:

Is that going to become a Civil Service title?

MR. MICHEL:

Not that I'm aware of. There is a Civil Service position there and that was the Director of Economic Development. That is a Civil Service title.

LEG. LOSQUADRO:

Okay. Did you apply for that position or did you take that test for that position?

MR. MICHEL:

Yes, I did.

LEG. LOSQUADRO:

Were you reachable on that list?

MR. MICHEL:

No, there were people ahead of me.

LEG. LOSQUADRO:

Okay. Thank you. I just wanted to bring that up. All right. I'd like to listen to more of the testimony that's here because I'm sure I'll have more questions. These have just been coming up as I'm listening. Again, this is why I would have liked to have had an opportunity to sit down with you, because this is going to take quite some time.

P.O. LINDSAY:

I still have a few more on the list, but I just have to make an observation. We approved an Economic Development Commissioner not more than two years ago and never went through this scrutiny, never went through this scrutiny.

LEG. ALDEN:

He came to our house.

P.O. LINDSAY:

He came to your house? He didn't come to my house.

LEG. ALDEN:

Came to my office.

P.O. LINDSAY:

Didn't come to mine. Legislator Kennedy.

LEG. KENNEDY:

Well, thank you, Mr. Chair. And I guess at the urging of my colleagues and hearing some of the dialogue, I would have much preferred to do this at my office or at your office, because I expect -- well, let's see where it all goes.

I just got an opportunity to see a copy of your resume, and I apologize for not being at the committee. As a matter of fact, my wife was in the hospital so I wasn't able to be there at that time. But nevertheless, I see that you were I guess the Director of Brookhaven Economic Development from what, 2007 to current time now?

MR. MICHEL:

The Deputy.

LEG. KENNEDY:

Okay. Do you still hold the position there or have you actually resigned from Brookhaven?

MR. MICHEL:

I do not hold the position there. I did resign.

LEG. KENNEDY:

You did resign, okay. And is there any particular reason that you elected to leave? I mean, was that a part of this offer that the County Executive had extended to you, or is this coincidental that you're before us.

MR. MICHEL:

It was part of the offer that was extended to me from the County Executive.

LEG. KENNEDY:

Oh, I see. Okay. So in other words, you went ahead and left the position and now you're here to go

ahead and talk with us. Okay. You're familiar with the Empire Zone in Brookhaven. I think that's physically located out on Horseblock Road. Is that where it is?

MR. MICHEL:

Yes, in the greater Bellport/Medford/Yaphank area.

LEG. KENNEDY:

Okay. And there's quite a bit of construction in there I guess and the Empire Zone, as I understand it, offers developers a whole variety of tax abatements and incentives for constructing there. Is that correct?

MR. MICHEL:

It affords the companies that are relocating within the Empire Zone New York State sales tax credits.

LEG. KENNEDY:

Sales tax credits, there's utility relief. I believe there's property tax relief. There's payroll tax relief, there's corporate tax relief. They are significant. As a matter of fact, we dealt with this extensively with a developer right here in the Hauppauge Industrial Park. As you may know, in the 12th Legislative District is the largest industrial park on the eastern seaboard. So the developer at that point was the developer LMJ Contracting. Are you familiar with them?

MR. MICHEL:

Yes, I am.

LEG. KENNEDY:

Okay. That was about a ten million dollar project, somewhere around there, 10, 12 million dollar project, and LMJ as the prime contractor refused to put any of the subcontract bids out to any union firms. Are you familiar with that?

MR. MICHEL:

I'm not familiar with that project where -- where you just cited occurred, no.

LEG. KENNEDY:

Okay. Well, how about when they were building out in Brookhaven in the Empire Zone, did they routinely provide an opportunity for union subcontractors to bid on the projects or were union subcontractors excluded?

MR. MICHEL:

To the best of my knowledge I think they did provide the opportunity and LMJ, that is Marc Siden's company, correct?

LEG. KENNEDY:

I'm sorry, say again?

MR. MICHEL:

That is Marc Siden's company, LMJ Contracting.

LEG. KENNEDY:

I believe the gentleman is the principal, yes. After about eight months we ultimately, along with my colleagues as a matter of fact, had the opportunity to encourage that contractor to engage in some discourse and put out plans. All I've ever asked for for any kind of municipal incentives is that there be an open, equal playing field for contractors, whether it be union or non union. Prevailing wage, as you've stated, must be paid across the board. Actually, I'm a strong supporter of approved apprenticeship language, but that's not in place in Brookhaven, is it?

MR. MICHEL:

Yes, it is.

LEG. KENNEDY:

It is? Is there a threshold there when the projects are let?

MR. MICHEL:

The project -- the structure has to be 100,000 square feet project.

LEG. KENNEDY:

Oh, I see. It doesn't go by monetary size, it goes by footprint. Okay. Well, in any event, so during the time that you were there, there was, I guess, a successful run with this contractor. Nevertheless, let me go on to some of the other areas that I've got questions with, because in the 12th and actually 13th Legislative District you must be familiar with the support -- the work that Legislator Nowick and I have done in conjunction with the County Executive to move forward revitalization of downtown Smithtown and Kings Park. Do you have any thoughts about those projects in particular?

MR. MICHEL:

Those projects, the revitalization of downtowns are very important for a number of reasons. Number one, they bring back the identity, the flavor of certain downtowns that were either -- that evaporated or remised. In the process of getting those projects off the ground, there are pre-construction jobs or construction jobs that are so vital to not only our residents here within Suffolk County, but to our economy as well. Those individuals who are in the construction trade not only will they have work, but there's a multiplier effect. They will also visit the local bagel shop in the morning to get their cup of coffee. They will have a slice of pizza or things along those lines for the small business in that area. They would fill up their trucks and their cars with the fuel there. So that is one aspect of the multiplier effect with the downtown revitalization as it relates to the construction jobs that occur there. Once downtown is revitalized, they will bring additional young men and women that will say this is an area that I feel that I can not only live, but also use as a base to go to work and things along those lines.

So I think downtown revitalization is quite key. I do believe that this County, we have an opportunity to look at certain areas within each of the Legislative Districts where downtown revitalization makes a tremendous amount of sense.

LEG. KENNEDY:

I'm glad to hear you say that. Now, earlier when you were speaking, I guess it was with Legislator Losquadro I think, you spoke about your ardent support for TRD projects. And as you must know, both the Town of Smithtown and the Town of Kings Park are Long Island Railroad stops, so I would assume that in looking at that you would realize or acknowledge that as an additional enhancement or inducement to move forward with those projects?

MR. MICHEL:

That is correct.

LEG. KENNEDY:

Okay. One of the elements that will probably be critical to moving this forward in addition to the sewerage funding, which again as I said, the County Executive has supported and both Legislator Nowick and I have been grateful and acknowledged that many times, is workforce housing funding. You're aware we have a capital project that has I think about five million or so. I don't see anybody from BRO. But in any event, in an effort to go ahead and move forward with the infrastructure and the construction, I would imagine that that would be a source that we could hopefully bring to bear to move the project along. What are your thoughts with that?

MR. MICHEL:

Workforce housing is a very critical component of any type of transit oriented development. And I know that our Director over at Workforce Housing, I will be meeting with her to discuss the projects that she has currently in her pipeline, to look at other projects that make sense along the lines of your Legislative District and Legislator Nowick's District as well. And those are the things that we will have to look and say this makes sense, what are the negatives, what are the problems, and how do we solve them so we can move projects forward.

Moving projects forward in this tough, tough economic time is a stimulus that will encourage these developments. It's a stimulus that will encourage our economy. Doing nothing or spending a tremendous amount of time over studying a project I think is good, but I think it may also -- puts us in this position where we're not getting things done as quickly or expeditiously as we should.

LEG. KENNEDY:

Well, to a certain extent I agree with you. I imagine any large scale developer, all you would have to do is speak to Mr. Wang about the lighthouse and he'd probably say we would prefer not to over study it. But nevertheless, since there's so much in the way of resources, and particularly some of the areas that we talk about in Suffolk County have -- are fragile from an environmental perspective, I don't think that, certainly I can't and I don't think any of my colleagues, could go forward without thorough, due diligence on the environmental side with any particular project.

But let's stay with transit oriented development and let's go over to the Ronkonkoma hub. Now, you must be familiar with the study that's been done to date and the fact that there's 622 units that are proposed with that Ronkonkoma hub TRD.

MR. MICHEL:

Yes, I am.

LEG. KENNEDY:

Okay. And you know that there's a range of financing that's attached to those units. And as a matter of fact, those units are specifically proposed so that they can be tailored towards our young people, singles, maybe one child families, and have the opportunity to basically be those places where the kids in the basement can go to live.

MR. MICHEL:

Yes.

LEG. KENNEDY:

Okay. So when you were with the town, what -- where did you -- what degree of involvement did you have with that project and where would you see that going now in your role as the Director of Economic Development?

MR. MICHEL:

I think that project -- I was very involved in that project, working with our Planning Commissioner, working with our Division of Environmental, working with all the other agencies within the Town to look at this project. And obviously it's a project that works with two townships, the Town of Islip and the Town of Brookhaven, that we've identified a land where the sewers will be placed in that. We've worked with the MTA to get funding for a garage.

So that is an example of a project where, as I had mentioned earlier, you bring all of the interested parties to the table and say this is what we're looking at. It makes sense to do X, Y and Z. This may not make sense, let's figure out why and how can it make sense. So everyone has a vested interest in getting a project like this fully vetted, the due diligence are done and when you do put a shovel in the ground, the result, the end result of a project like that, can be a model for all of the other areas that have similar characteristics within our township to say this is how we should move

forward in specific locations.

LEG. KENNEDY:

You mentioned the sewerage aspect, and as a matter of fact, just yesterday I sent an E-mail to Lori Baldassare specifically to try to pick up in status. So will that property on the south side of the tracks now, is that the area that's being identified for possible construction of a sewerage plant?

MR. MICHEL:

To my knowledge, yes.

LEG. KENNEDY:

Okay. I think Ronkonkoma had -- Legacy Village. Now, we just talked about the fact that the Ronkonkoma hub and the Smithtown and Kings Park projects will be very compatible with workforce housing, mass transit and a revitalization of our downtowns, and there's probably over 1,000 units that would be linked between those three areas. Having talked about that, what's your thought with Legacy Village?

MR. MICHEL:

Legacy Village is a project that I believe had a tremendous amount of dialogue. People are looking at it. There are some pros and cons there, and one of the things that I would like to do is, if confirmed, I would like to look at all these projects, have a good understanding of their needs, what is the genesis of each of those projects and why, what is it going to address, and see how it makes sense in the bigger scheme of things. Some of the things I believe may make sense to me, some of them I may need additional education, or additional information. But I do believe that if you look at us as a County, there are areas where a project like Legacy Village and other projects that we discussed should line up nicely to move forward, and there may be some projects that if you look at it in a macro sense may not make a lot of sense, and then we'll have those dialogues.

LEG. KENNEDY:

I would welcome further discussion with this, because I would look to you as somebody with over 20 years in the business area and I see you've worked on both coasts.

MR. MICHEL:

Yes.

LEG. KENNEDY:

One of the most glaring contrasts that emerges to me is the three projects I just spoke to you about, not five cents would have to be spent in declaring any land surplus. In Legacy Village I'm being asked to contemplate declaring almost 250 acres surplus as I heard this morning about the importance of buying farmland. So I very much would like to talk more about that, but I am going to yield to the Chair now.

*(*The following was taken & transcribed by
Alison Mahoney - Court Reporter*)*

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. Mr. Michel, hello.

MR. MICHEL:

Hello, Legislator Stern. How are you?

LEG. STERN:

It is good to see you again. I was fortunate enough to be a part of the discussion we had before the

committee. So whether it was myself or others, we did have the opportunity to hear a lot of your thoughts and had the opportunity to review your resume, your background and know about many of the good things that you will bring to Suffolk County Economic Development.

One of the things that I was most struck by was your long dedicated history to working with youth within whatever community you were a part of. I was hoping that maybe you could talk about some of your background experience, but particularly how you believe your background experience could lend itself to working with not just those that are starting out in the workforce, but our future workforce here in Suffolk.

MR. MICHEL:

Thank you. The youth, in everyone's opinion, and I think there's a consensus here, they're our future, simply put. If you have an opportunity to mentor a youth, might it be from the world of academia, might it be from the world of athletics, might it be from the world of arts and crafts, they will receive certain skills that will put them in a position as they grow older to be very active and take part in their future, in their community, in their County. If you show them this is a good example of what you can do with a little bit of coaching, with a little bit of encouragement, I do believe our youth, not only as the stakeholders of our future but they are the ones that will pick up the torch when we move on to move this County forward. They will have an opportunity to take those life lessons, those skills that they have received throughout whatever walk of life that they may elect to move forward, and they will take those and bring it forward.

By way of example, working with challenged youth from an economic or social economic background, they can see the opportunities that lay ahead of them. They can see the challenges, they can understand it, and also they can have someone as a mentor to say, "Independent on how you move forward, there's a world with education that can help you move forward, there's a world with mentoring or partnerships that can help you move forward, and you would be not only an active participant in your community, but you will be a force in the future." And I think the youth is so key for us as we move forward, regardless of the path that they take. And when I say the path, I would say the path of public service, private corporate or giving back to other youths where they can have identified that, "I was there at one point and I will pass it on." So the youth, our future, extremely important.

And also, just to close out, once they have a good understanding of how they can impact their community from an economic point of view, they will be engaged, they will be active participants. They will say that, "It's up to me and no one else," and that's what you want, people that are self-sufficient that can contribute back.

LEG. STERN:

And so I'd love to get some of your specific ideas on how you and your department would best be able to do that. You know, as the parent of school-age children, you see that they spend an awful lot of time on preparing for their standardized tests, but this is something that we all know ultimately don't come out very well prepared in the ways of the world and certainly not when it comes to finance and economics and business. Specifically, what are some of the things that you envision, you and the department being able to do to better educate our children as to not just the standard subjects in school but how business gets done in Suffolk County and how can they be a part of that in the future?

MR. MICHEL:

Absolutely. Working with the Sachem School Business Alliance, we go to the high school and we meet with the students at 7 AM in the morning. We give them workshops on credit worthiness, we give them workshops on being prepared to land their first jobs. There are a lot of students that may not have post high school academics on their mind, they want to enter the workforce; if that is the case, we give them courses on how to prepare for that with vocational studies, with making sure that they know how to prepare for a resume.

It even comes down to a simple thing of dressing for success, being prepared to go in front of individuals who you are seeking employment from. How do you speak, all those intangible things that are glaring once you see it, but if they were not taught they probably would not have known how to position themselves. In addition to credit worthiness, resume writing, interviewing skills, things along those lines. And those things, I feel, will have a young man and woman in a best position to move forward in the next chapter of their lives. Thank you.

LEG. STERN:

Thank you.

MR. MICHEL:

Thank you.

P.O. LINDSAY:

Legislator Eddington?

LEG. EDDINGTON:

Yes. What is your name again?

*(*Laughter*)*

I welcome you. You know, I've known you for a long time, my wife and I, we know your family, and I have learned a lot more about you in the last few minutes. What I can share from my knowledge of you is that you're an open, honest man, a good communicator and a man of integrity. You obviously have a knowledge base that's more than I was familiar with, and your problem solving skills seem to be very proactive style. And just from what I'm hearing, you seem to represent all the qualities that we need in our Suffolk County Commissioners. So I for one will be happy to approve you.

MR. MICHEL:

Thank you very much. Thank you, Legislator Eddington.

P.O. LINDSAY:

Legislator Barraga

LEG. BARRAGA:

Mr. Michel, good morning.

MR. MICHEL:

Good morning, sir.

LEG. BARRAGA:

I'll also be supporting your appointment.

MR. MICHEL:

Thank you. Thank you very much.

LEG. BARRAGA:

I've had the privilege over the years to be on committees where at least 50 or 60 people have come up looking to be Commissioner and looking to be confirmed. And my impression is that once you're confirmed, to make it real simple, if you do a great job, in this particular case the County Executive will take all the credit.

*(*Laughter*)*

If you do a poor job, I'll pick up Newsday and read that you're leaving because you want to spend more time with your family

*(*Laughter*)*

One philosophical question. It seems that every municipality in Nassau and Suffolk County have their own IDA. And we've talked over the years about consolidation of school districts and water districts, sewer districts, library districts, you name it, and nothing has ever really happened. Now there seems to be a lot of discussion with reference to IDA's, whether or not you have to have one in every single town. Are they in competition with each other? There's talk about, you know, at your level, Economic Development Commissioner, should you be there and they should not be there? Then there was also talk about putting in some sort of bi-County czar, economic development czar over everything, but when you do that you don't eliminate anything, you just add something to it and you add the expense, and I've got taxpayers who really are hard up against it. Because from a property tax perspective, as you well know, Nassau, Suffolk, Westchester and Rockland rank in the top ten of counties with the highest property taxes not in the State but in the nation, in the nation. So you will now be in both areas -- you headed up Brookhaven, now you're going to take over the County -- what is your philosophical bent on this?

MR. MICHEL:

At my time at Brookhaven, I worked very well with other municipalities, other townships that had IDA's. And in the townships that did not have IDA's, they worked well with the IDA of Suffolk County.

I don't believe they are in competition of each other. I do believe that if there is open dialogue with the IDA's of each municipality, the projects that are coming down the pipeline, the municipalities will know where they are and where they make sense. At Brookhaven I worked very, very closely with the Town of Islip's IDA, I worked very closely with {Bill Mannex} and we were on the phone sharing ideas, looking at solutions as needed, and when we met up in conferences, I had the opportunity to meet with other IDA members and we had the same dialogue that you brought. And I believe within Suffolk County the existing structure where there are no IDA's in certain municipalities, those municipalities work with Suffolk County's IDA. And I think the local control, let's say the Town of Brookhaven which is, you know, one of the largest municipalities in the state, it made sense to have an IDA there and it made sense in other municipalities to work with the County IDA.

So I don't think having the czar, I don't think that would be an effective solution. I may be proven wrong, but I do believe the IDA's -- we have to look ourselves as a region. Yes, Islip has an IDA, Brookhaven has an IDA, Suffolk County has an IDA, but we look at Long Island as a region. And I think it's important that from a region, we need to be competitive with other areas, not only in the State but in the nation. I have a company that was flown down to Pennsylvania where the Governor of the state met him and his company on the tarmac to say, "Welcome to our state. We would like you to be considered" -- "We would like to be considered as your new home." I don't know if we're ever going to do that, but I need to come back to this company and say, "That is great, but this is what Suffolk County has to offer."

And a lot of the executives, at the point in life, they would like to be close to their family. So I do my homework. I do my homework, I know how many children of these executives still reside in Suffolk County. I even go as far as how many grandchildren because that factors into it. If your grand-kids are here and you're an executive of a company, I would say that you would like your children and your grand-kids to be near you, I know that I would when I get to that point with grand-kids, but I'm not there yet, but those things factor into it. And that's why if we look at Suffolk County as a region with open dialogue with each of the IDA's and the County, I think the best possible solution for any company that's looking to relocate here, expand or even keep them here, I think we will find that solution.

LEG. BARRAGA:

Thank you.

MR. MICHEL:
Thank you, sir.

P.O. LINDSAY:
I'm going to go next. I'm on the list, there's still a few more.

LEG. BROWNING:
Take me off.

P.O. LINDSAY:
That's all right. I was just looking over your background, Mr. Michel, it's very impressive and extensive, both in the public sector and the private sector. Just -- I just want to touch on a couple of things.

In the last year, year and a half, we had OSI moving out of Suffolk County, which was a huge blow to us, and then we had, of course, the Canon Camera North American Headquarters appears to be moving forward and is going to happen which is a huge victory. The Office of Economic Development plays a major role in that give and take to try and either attract a company or to keep a company, and I know you've stated some of your views on that. And there was some talk about empire zones and IDA's, but, I mean, they aren't policy decisions by you, I mean, they're existing State or County programs that are like tools in your tool box to retain or to attract a company; is that correct?

MR. MICHEL:
That is correct.

P.O. LINDSAY:
Okay. There was -- in terms of OSI, what are your thoughts on that? Was there any way that you think we could have been able to keep that company?

MR. MICHEL:
(Nodded head yes).

P.O. LINDSAY:
Not to, you know, take the inventory of your predecessor or anything like that, but what's your thoughts on it; was there any way you think you could have made a difference there?

MR. MICHEL:
I think the best lesson from OSI is for us, in this role, to ensure that every executive of every company that is here in our County we have an active relationship with, we have an active dialogue with. So at the moment they're thinking about relocating elsewhere, we have to assemble all the troops and say, "What are your issues and how can we address them?" Will OSI have stayed? I don't know. But I think, as I mentioned earlier, the retention piece, the retention strategy of ensuring that a company is happy here, they may not be ecstatic because we can't solve all the problems, but they're happy here, their employees are happy here. And the employees, in my opinion, have a tremendous amount of say when they go to the company and say, "Our families are here, our roots are here. My children attend the local schools here. I would prefer to stay here as opposed to moving to Westchester or anywhere else within the country." And us, as economic development professionals, must meet with those executives and say, "There are things that we can work on, there are things that we cannot work on, but we're here to listen and we're here to help."

You mentioned Canon; that is an example of what multiple areas of talent can come into one room

and say, "We are going to make this work," and give the company's executives an opportunity to say, "A, B, C and D are important to us," and then we go back, huddle among ourselves and see what can we do. And we have to think outside the box.

Your point, Presiding Officer Lindsay, is quite, quite crucial. These Empire Zone programs, these IDA programs are not something that is manifested in the local level, it's manifested in the state and we administer the program. But getting creative to see what we can and cannot do is something that is quite key to retain companies here.

And there are some things that we can do, above and beyond what the State gives us in our tool box, that -- like the workforce development piece, I think that is quite key because human capital, human talent makes every company successful. The lack thereof makes a company, like similar to the one that was moved to Pennsylvania, come back to Brookhaven or come back to our County, and I think that's key.

P.O. LINDSAY:

Legislator Browning, you --

LEG. BROWNING:

It's okay, go ahead.

P.O. LINDSAY:

Pass? Okay. Legislator Alden?

LEG. ALDEN:

Thanks. And I did look up a couple of the other notes that I had that I was going to talk to you about, and one of them was a situation in Brentwood where Entenmann's Bakery has basically relocated thousands of workers. Those were good paying -- some of them were line jobs, but almost every one of the jobs was very good paying. What could have been done or should have been done in an instance like that? Because it did impact my community and Legislator Montano's community very heavily.

MR. MICHEL:

Absolutely. And it's also very -- always sad when you have individuals that are, you know, single household earners or a family where they depend on that income interrupted because a company has left or relocated. Again, getting in front of that before it happens is quite key, number one. Number two, the displaced workers, we have to ensure that we help them find a new employment. It may not be the employment that they're accustomed to, but we have to make sure -- and again, the workforce development piece I felt is the glue that puts all these things together.

LEG. ALDEN:

You only need one hand to control the mike.

MR. MICHEL:

I know, I'm getting excited. But that's the glue that put all these things together because the bottom line, it's jobs. The bottom line is an individual having an opportunity to earn income to bring it back to their household to feed their families and also spend money within our community. And with the workforce development piece, if we create -- in Brookhaven I created a database and we were in touch with all the companies within Brookhaven when they have an open requisition. We also have a database of individuals that are looking for work. Working very closely with the Department of Labor, we try to connect those dots to ensure that all of the hurdles to employment, like transportation, like garments, like health care, like training and education, those hurdles to employment are addressed. So when you have an individual that has completed a job readiness assessment, they can be employable. And if they're unemployed or under employed, they will have an opportunity to go to the companies that are employing, seeking employees and put them in place.

LEG. ALDEN:

And I appreciate the answer. Those were good answers, especially being ahead of it, I like that, so that you're going to be proactive.

MR. MICHEL:

Extremely

LEG. ALDEN:

And I appreciate your candor there. Do you view the Legislature as a coequal branch of government?

MR. MICHEL:

Absolutely.

LEG. ALDEN:

Okay. And so your plan would be as far as what working with the Legislature?

MR. ZWIRN:

That was a trick question.

MR. MICHEL:

I believe that everything -- as you stated, Legislator Alden, economic development is extremely important. And as the economy becomes tougher, as there are more people that are slower to get back on their feet, everything that I do must have -- I must have an opportunity to share with you my plans, my thoughts and what I'm doing, and I do that because I am not ashamed to say that I do not have all the answers, because I do not have all the answers. But what I do know is that I can find those that have the answers, I'll bring people together to discuss the issue, and through open and honest dialogue answers will arise. There may be some solution that are better than others, but you know your district, your Legislative District more so than I will ever know. I will make every attempt to know it and to go there and to reach out and to understand those issues, but I am going to rely on your input, your guidance and your consideration when we move forward with any initiative under the Division of Economic -- the Division of Economic Development and Workforce Housing.

LEG. ALDEN:

And that's a good answer, too, admitting that you don't know everything, because any of us that think we know everything is, you know, really deceiving. So you're going to be in a tough spot, and the next question is directed directly at that. You're appointed by the County Executive, you're confirmed by this Legislative body which to me would indicate that your allegiance should be to both, but you're going to find it very, very difficult to work with the Legislature when the Legislature's view is different than the County Executive's. And the guy sitting to your left, what we don't want -- not Lance. What we don't want is somebody that's just going to be a yes man, and Ben actually has the intestinal fortitude that when something was wrong, he would stand up and he would say it was wrong. He would look for a right type of situation or a right type of solution to a problem that would benefit the people. I'm hoping that that's the type of Commissioner you're going to be, rather than somebody that would give in to the pressure, because you do owe your job to the County Executive and I think you serve at his pleasure, even though we would confirm you. So do you feel you're that type of guy, you have the intestinal fortitude to say, "It's wrong and I'm going to fight you"?

MR. MICHEL:

I'll be very, very honest; the short answer is yes.

LEG. ALDEN:

Good.

MR. MICHEL:

And I owe that to my parents. They have never ever raised my sisters and I to be yes people, but they have raised us to look at a situation and to do what's right and to have a tremendous amount of dialogue said around there to get to that point. So I am -- I've never been a yes person. I don't think yes people make the right decisions because it's clouded for other judgment, but I will do what's right. And I may not be right a hundred percent in my position, but one thing that I will commit to is that there will be a dialogue, there will be a good, honest analysis of the problem that we're trying to solve. And I may be right sometimes, I may be wrong, I may deliver what I feel is the best possible solution, it may not be accepted, but I am not a yes man, by no means

LEG. ALDEN:

Thank you for your answers.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Well, Yves, it seems a long time since I made the motion to approve, and I'm very proud to have done that.

MR. MICHEL:

Thank you.

D.P.O. VILORIA-FISHER:

Particularly based on your articulate and composed demeanor during this long questioning period with difficult questions being thrown at you. I've been impressed by your resume, by your experience and certainly in all of the encounters I've had with you, you're doing a great job.

I only have one brief question, and it hadn't occurred to me at the committee meeting. The importance of large companies notwithstanding, the fact of the matter is that most of our economic development in Suffolk County is based on smaller companies, and sometimes the greatest obstacle to their success is our own County red tape. I met with former Commissioner Chaudhry and Mr. Miner from the Health Department regarding some of the, it seemed, draconian measures in the Health Department where often Legislators had to intervene on behalf of small businesses who were being crushed under this red tape. Mr. Miner has been working on developing a short cut or streamlining of that red tape. Do you see it as part of your role, after we have confirmed you, to work across department lines to help with the small businesses?

MR. MICHEL:

Absolutely. Within Brookhaven, we were part of the Small Business Advisory Council that focused on the 1,700 small businesses that are within the Town of Brookhaven. We promoted them, we provided ourselves as a resource not only to those small businesses but also other entities like SCORE, the Service Corps Of Retired Executives, to help them navigate all of the hurdles that a small business owner has here.

In addition to that, every project that comes through economic development we shepherd hard them through all of the other agencies to ensure that their project is looked at in a timely manner so the small business owner can do what they do best, which is run their small business. And it's very important because if they do not bring income into their small business, to put it in simple terms, they simply don't eat. So the backbone of our economy is the small business.

So there are multiple different plateaus within economic development. It's the corporation, as you cited, it's the small business on the next level, and then it's the entrepreneur or someone who is unemployed and they're going in to launch their own small business. There are resources there to

help those individuals as well, working with the Small Business Development Center, working with the Small Business Administration, things along those lines. And as we connect all those dots and bring all these individuals altogether, we will make sure that they have the right resource, the right information that they require at that point in time to get their business moving forward.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Legislator Kennedy to ask a question.

LEG. KENNEDY:

Thank you, Mr. Chair. Yes. Yes, Mr. Chair, thank you. And once again, thank you. I appreciate the opportunity to have this dialogue and it's been helpful and informative.

You know, one of the other thing that we see are upon us now is an effort to jump start our economy right from the national level on down. And there's been a tremendous amount of discussion about stimulus funding and there's been a tremendous amount of discussion about advocacy on the part of Suffolk County and Long Island to compete for Federal dollars and Federal funding. You're familiar with Brookhaven Lab, and I believe it's the multi -- the project goes almost to a billion dollars, I believe, in total. It's broken ground. Unfortunately there is -- well, I shouldn't say unfortunately; it did not go to a local contractor. Calverton Cemetery is being expanded, apparently there's out-of-state workers going on there. What role, if any, would you play, or what degree of contact do you have now with our Congressional Delegation and what could you do, or what would you do in that role to try to address those issues?

MR. MICHEL:

I have -- in my role at Brookhaven, it was important to have a relationship with our Congressional leaders. I always reached out to Congressman Bishop to let him know and to keep his office aware of projects that are important, which they all are, but projects within our district where his participation, his support at best, but at least his understanding of the project and how it translates to our local economy is done. I made it a point to ensure that he had that information, so when he is in a position to make a decision, he has the data in front of him, and he has always been open to that. And regardless of who is in that office, I think it's paramount that a relationship with anyone and everyone from the Federal level is made because those are the decisions in the Federal level that will impact us here on the local level, and if those decisions are being made without the proper information, it is upon me or anyone in this role or any economic development professional to make sure that that information is brought to the right people.

LEG. KENNEDY:

The --

P.O. LINDSAY:

Where's your question, John?

LEG. KENNEDY:

Well, I'm on the Federal level. One more that I want to see -- you know, if there's a level of support or commitment there. Let's go back to the sewer funding. We all agree that sewerage requires tremendous amounts of money and we are contemplating, I guess, the beginning of the 2011 Federal budgetary process. Each of us on occasion has the opportunity to communicate with our Federal delegation about looking for things to fund here in our County and in our districts. Let's go to sewerage; specifically what are your thoughts as far as what you would bring to the delegation to prioritize?

MR. MICHEL:

Well, with every prioritization, we have to have all of the projects that are either listed, contemplated or on the way. And I do believe that the priority list is done in concert with everyone involved. Obviously they may be the final result where one project is not as high up on the priority list as the other, but I do believe that having a priority list that everyone involved has a voice will give you the best possible list for us to bring forward to the next level. And you need someone to basically quarterback that to make sure that everyone has an opportunity for their fair say. So I do believe that's an active role that economic development can do because those stimulus funds, those funds from the Federal and State level will spur economic development.

LEG. KENNEDY:

Okay. Should you be confirmed, I have five sewer districts in my LD and I'll be looking to have a dialogue with you very shortly regarding that. All right, I'll yield, Mr. Chair.

LEG. LOSQUADRO:

Mr. Chairman?

P.O. LINDSAY:

Last question.

LEG. LOSQUADRO:

I was just going to ask, I know this has been going on for some time, but if we could take a brief recess just so we could discuss this, no more than five minutes, I'd really appreciate it.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

Thank you, sir.

*(*Brief Recess: 11:59 AM - 12:16 PM*)*

P.O. LINDSAY:

Okay, Madam Clerk, call the roll, please.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

(Not present).

LEG. BEEDENBENDER:

Present.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

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:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MS. ORTIZ:

Seventeen.

LEG. BROWNING:

I'm here.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Legislator Losquadro, did you -- you're all set?

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Okay. Okay, we have a motion and a second to table. Roll call, please.

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

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

I'm sorry, this is on what?

MS. ORTIZ:

To table

LEG. COOPER:

No

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

In the negative.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Six.

P.O. LINDSAY:

Okay. Motion to approve. Roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Abstain.

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Abstain.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Fourteen.

Applause

LEG. MONTANO:

Congratulations.

D.P.O. VILORIA-FISHER:

Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah, I would like -- thank you, Ms. Deputy Presiding Officer. I'd like to make a motion to take 2062 out of order. It's on page nine of your agenda, it's --

D.P.O. VILORIA-FISHER:

I'll second that.

LEG. SCHNEIDERMAN:

Thank you.

LEG. MONTANO:

Why?

D.P.O. VILORIA-FISHER:

Because there are people in the audience. Okay, we have before us a motion to take 1292, Jay?

LEG. SCHNEIDERMAN:

2062.

D.P.O. VILORIA-FISHER:

I'm sorry, 2062 out of order.

LEG. MONTANO:

What page?

LEG. SCHNEIDERMAN:

Page nine.

D.P.O. VILORIA-FISHER:

Page nine.

LEG. SCHNEIDERMAN:

The last resolution under Environment.

LEG. MONTANO:

2062? I don't see it.

D.P.O. VILORIA-FISHER:

It's at the top of the page -- it's the last one on the Environment committee.

LEG. MONTANO:

Okay, I got it. Thank you.

D.P.O. VILORIA-FISHER:

It's the resolution that people have been speaking about this morning. Okay, there's a motion before us to take 2062 out of order. All in favor? Opposed? 2062 is before us.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

LEG. SCHNEIDERMAN:

I'd like to make a motion to approve 2062.

MS. ORTIZ:

I'm sorry, sixteen (Opposed: Legislator Barraga - Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, *2062* is before us, ***Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Peconic Land Trust, Incorporated property – as contract vendee – Hopping Farm Town of Southampton (SCTM No. 0908-001.00-04.00-011.000 p/o) (County Executive).***

Do we have a motion to approve?

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper. On the question, Legislator Alden.

LEG. ALDEN:

Normally I do support especially the Farmland Development Rights and Farmland Preservation Programs. I'm a little conflicted at this point in time because we just went through a budget process where we eliminated legal aid for senior citizens, we cut down the Legal Aid Society that provides -- really that's the other necessary element in our criminal justice system, to the point where they might not even function. We in the past bought a piece of property that it ends up it's one guy's backyard, and that's the Cavett Preservation Property, for tens of millions of dollars. We have a budget crisis that everybody admits is just off the wall, and now we're going to spend how many millions of dollars for this? I'm not so sure it's --

D.P.O. VILORIA-FISHER:

Three.

LEG. ALDEN:

Three million? I'm not so sure that sends the right message to anybody, where families are struggling to put food on their table, we cannot supply the necessary even support services for

veterans, seniors, our homeless, the people that don't have food. In this County we've cut program after program after program and then we can sit here, and there's other resolutions like this to actually purchase property, I'm not so sure that that's the right message to send to our population in Suffolk County at this point in time.

So I'm conflicted. I wish that I did hear some kind of testimony that would tell me that it's okay, let's go ahead with this, even though we've taken all these drastic steps to cut services and to cut the support that people -- you know, really need to survive and here we're going to spend three million bucks. I just -- I don't think it's the right time.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. We just spent the good part of about two hours talking about how to keep economic development here in Suffolk County. Well, our agricultural community provides the greatest capital dollars in agriculture of any other County in the State. And it's part -- not only an important piece of our economic history and economic development, but it's an important part of our cultural history here in Suffolk County.

If we were to lose a farm such as this, although it's not very big, it's lost forever. And so if we consider the economy and the culture of Suffolk County to be important, and agriculture is a very critical piece of this, then we need to support this resolution.

P.O. LINDSAY:

Legislator Kennedy?

LEG. KENNEDY:

Thank you, Mr. Chair. Is there -- what -- do we know what the appraised value of this property is, if it was to be put out on the market? Anybody have any of that information?

LEG. SCHNEIDERMAN:

Well, I know when this went through ETRB, it was around eight million, over \$8 million, and that's actually what the offer, original offer was made and the contract signed, and it was then renegotiated \$2 million lower, roughly.

LEG. KENNEDY:

And that was based on what, that was an appraisal that was done, say, two years, three years ago?

LEG. SCHNEIDERMAN:

I think maybe some market conditions had changed. I think it was a willingness on the part of the seller to work with the County and lower the price.

LEG. KENNEDY:

My recollection is that I believe in the last meeting we acquired the development rights for a farm in Bridgehampton, very recently, and that went at about \$400,000 an acre, was a multi-acre parcel. Is there -- I'm just curious, what's the economic drives during this time where there has been basically no construction that's going on at all anywhere and actually a complete absence of any commercial development funding to go ahead and do residential or commercial construction. How is the market being made, what is the development likelihood in this area at this point?

LEG. SCHNEIDERMAN:

Well, this goes back several years, this process to preserve this farmland. And probably at the time there probably was a little more development pressure, it comes and goes. In the future there will be development pressure again. This is probably a good time to do some preservation where you have a slightly deflated market and you have the seller who's willing to, on their own, drop the price

after the County and the seller has already agreed upon a price. So it seems like a win/win for the County.

LEG. KENNEDY:

So there was an initial discussion at eight million and the owner voluntarily has won it down to three million now?

LEG. SCHNEIDERMAN:

No, the numbers aren't correct there. The original offer was around eight million, maybe Mr. Halsey has the exact numbers in front of him, if he would step forward. But an offer was made and accepted at a price around \$8 million for the purchase of development rights, it was then renegotiated. I believe the County Executive initiated a process to renegotiate; is that correct, Mr. Halsey; through the Chair, is that okay?

MR. HALSEY:

Yes. I mean, basically the land trust was under contract to purchase this property for 8.23 million. We went into that contract, I think it was in April of 2008. The County subsequently offered six-and-a-half million dollars for the development rights, and that was based on a 30% match from the town and based on having gone through the appraisal process and the ETRB?

D.P.O. VILORIA-FISHER:

That's it.

MR. HALSEY:

So the -- we were actually ready to move to closure when it was pretty apparent, given the circumstances of the economy, that there was an opportunity here to renegotiate this. So the land trust renegotiated the overall purchase price to six million and the County's share with the town is 4.3 million. So we have essentially knocked about \$2 million off the County's portion, the County and the town's portion of the acquisition.

LEG. KENNEDY:

I'm going to ask you again, Mr. Halsey, and I apologize, but so let me just make sure that I follow this.

MR. HALSEY:

Sure, it's complicated. Go ahead.

LEG. KENNEDY:

You, as a not-for-profit entity, approached this owner, you negotiated a contract and there was a mutual execution, and that was for full fee or was that just development rights?

MR. HALSEY:

For full fee, full fee. So the Land Trust -- and this is one of these instances where you had a farmer leasing farmland from a non-farmer, central to that farm operation, so it's where this particular farm operation has sold their produce for 20 years now. The farmland owner simply had made a decision to sell the property, principally in anticipation of Federal or State taxes. His wife had passed away, he was in his late 70's, and by the way, he has since passed away, so we have now a family that's facing an estate tax problem as well which adds another piece of urgency to this whole situation. It was at that point that we, I guess about three months ago, renegotiated the purchase price from 8.23 million to \$6 million. Now --

LEG. KENNEDY:

The estate -- excuse me one second.

MR. HALSEY:

The Land Trust.

LEG. KENNEDY:

No, no, no. This is a multiple, multi-part matter that we're speaking about.

MR. HALSEY:

Correct.

LEG. KENNEDY:

And actually, sir, as you know, we're fiduciaries on behalf of all of our constituents.

MR. HALSEY:

Correct

LEG. KENNEDY:

But if there's an estate involved that's in distress and the estate basically voluntarily said they can't cover what the cost-to-carry, so they voluntarily broke and went down?

MR. HALSEY:

No, no. I think what happened here was before the process, before one of the owners passed away, there was a deal negotiated, a purchase, an acceptance, an offer and an acceptance; that included the County at a set amount of money, at six-and-a-half million, basically, with the town participating. It became clear again, given the circumstances in the County and the country as a whole, that we ought to try to renegotiate this purchase down, and so we engaged in that process.

During the process of that, the -- one of the owners passed away. So, I mean, that's just the way things happen sometimes. But the agreed upon purchase price is now \$6 million by the Peconic Land Trust. We cannot complete this purchase unless there is a partnership with the town and the County at the \$4.3 million purchase price.

LEG. KENNEDY:

So the land trust will then be in for 1.7?

MR. HALSEY:

Correct.

LEG. KENNEDY:

And we are, for a combined six million, acquiring development rights only.

MR. HALSEY:

No, for 4.3 million is what the County and the town are going to pay for the development rights. We are making up the difference between the development rights purchase and the restricted land, in effect. We're purchasing the entire property for \$6 million. We are then selling the development rights on that property to the County and the town for 4.3 million.

In order for us to be able to close, we also need to raise 1.7 million, and we're about at the million dollar mark. So about 285 people have contributed, up to this point, privately towards this acquisition a million dollars, so we're in the process of raising the balance.

LEG. KENNEDY:

So even if we pass this resolution today, you still can't close because you don't have all the money.

MR. HALSEY:

But I'll tell you what, we need your support to be able to raise the balance. Because I think people are saying, "Well, why should we commit if we don't have the County and the town as partners", and I can't blame them. So I think it's -- to me, this is a beautiful partnership. Because we're going to acquire this farm, in partnership with the private sector, the community and the public sector

coming together, we will in turn sell that restricted farmland to the farmer who's been leasing it for 20 years. We will sell to that farmer at far less than what we're paying for it because we are going to apply additional restrictions to that land, such that that land must be sold in the future to a farmer to ensure that that property stays in some form of agricultural production. So this is sort of a model that we're testing, this would be the first time in Suffolk County where this kind of a tool has been applied to a purchase and a resale of a farm.

LEG. KENNEDY:

How will you value what the sale price is to the subsequent grower or the current tenant grower?

MR. HALSEY:

That will be based on an appraisal of sales to farmers. There's a wide disparity between what restricted farmland has been selling in recent years on the south fork and what a farmer can afford to pay. So you've had, and I think this was mentioned earlier in testimony, we have a situation where non-farmers have been purchasing restricted farmland for up to \$150,000 an acre, and that, of course, undermines the intent of all these acquisition programs in the first place.

One of the reasons you're buying development rights is to ensure that that farmland is available for agricultural production. And on the east end, there happens to be enough money in the pockets of some to go and buy that land, not for agricultural production but because it's an amenity to their house next door or what have you. So that is an issue that we're facing, that's what we're trying to resolve with this project, that's why I think it represents a very unique and interesting model for us to pursue. But again, it's critical that we have the County and the town's participation in order to do this.

LEG. KENNEDY:

I'll yield, Mr. Chair.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

And I'll be really brief because it's just past 12:30 and I know these people have been waiting patiently. Thank you, John. I think you answered a lot of the questions.

One of the things that makes this different is the role of the Land Trust here in that the restrictions that they will place will not only guarantee that it will be farmed, but predominantly food farmed. And we've seen a lot of this land that we're preserving, unfortunately we hope to see, you know, potatoes and corn and then we end up seeing ornamental trees and they're legitimate agricultural uses, but this one will stay in food production and I think that is really critical.

And of course, it's the Quarter Penny Program, it's a program that the voters approved for these types of uses, not to fund other types of uses but specifically for farmland, groundwater protection, open space preservation. And it's nice to see in this case a renegotiated price downward where basically the price that is being paid overall is dropping by \$2 million. We also -- I just wanted to state the numbers here because the County is in 70%, that's 3,028,760; the Town of Southampton is in it 30%, 1,298,040, and then the fee is going to be owned by the Peconic Land Trust until it's transferred to a family farm.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Just quickly. This is Farmland Development Rights; is that correct, George? And I'm just confused

by the fourth RESOLVED, it says that, "Title to this acquisition shall be held by the County and the town." But this doesn't come off the tax rolls when it's Farmland Development, or is this a different -- is this different than what I envision it to be?

MR. NOLAN:

You want to know if taxes are still going to be paid?

LEG. NOWICK:

Well, I know that -- I was under the impression Farmland Development Rights, the title stays in an individual owner and it does not come off the tax rolls.

MR. NOLAN:

That's generally the rule, yes.

LEG. NOWICK:

On the fourth RESOLVED clause it says that, "Title to this acquisition shall be held by the County and the town as tenants in common with the County owning 70%." So --

MR. NOLAN:

Of the Farmland Development Rights.

LEG. NOWICK:

So it stays on the tax roles.

MR. NOLAN:

It should, yes.

LEG. NOWICK:

So when they say title, what are they referring to then?

MR. NOLAN:

The title to the development rights.

LEG. NOWICK:

Not to the property.

MR. NOLAN:

Not to the fee, no.

LEG. NOWICK:

Okay, thank you. That was my only question.

P.O. LINDSAY:

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

LEG. KENNEDY:

Abstain.

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MS. ORTIZ:

Fifteen.

P.O. LINDSAY:

Okay. With that, we stand recessed for lunch, so we're back at 2:30.

D.P.O. VILORIA-FISHER:

Is our picture still being done?

P.O. LINDSAY:

Yeah, we have to get our picture taken, so please --

*(*The meeting was recessed at 12:37 PM*)*

*(*The meeting was reconvened at 2:34 PM*)*

P.O. LINDSAY:

Okay. Madam Clerk, you want to call the roll, please? Would everybody be seated?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not present).

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:
(Not present).

LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

D.P.O. VILORIA-FISHER:
(Not present).

P.O. LINDSAY:
Here.

MS. ORTIZ:
Twelve.

P.O. LINDSAY:
Thank you, Madam Clerk. We have *Public Hearings*.
Okay, our first hearing is on *IR 1793-09, A Charter Law to strengthen the independence of the Ethics Commission (Montano)*. I do not have any cards on this subject? Is there anybody in the audience who would like to address us on 1793? Seeing none -- the sponsor isn't here. I'm going to skip over that until the sponsor shows up.

MR. NOLAN:
Recess it.

P.O. LINDSAY:
Okay, I'm going to make a motion to recess.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Thirteen (Not Present: Legislators Losquadro, Alden, Kennedy, Stern & Viloría-Fisher).

P.O. LINDSAY:
Public Hearing on IR 1868-09 - Approval of ferry license for Roncalli Freight Company Inc. D/b/a Coastline Freight (Presiding Officer Lindsay). And I do have a card here, Eric Von Kuersteiner.
Mr. Kuersteiner, are you here?

MR. KUERSTEINER:
Yes, I'm right here.

P.O. LINDSAY:
Oh. Hi, Mr. Kuersteiner. You have five minutes.

MR. KUERSTEINER:
I'm just here to answer any questions you might have. I'm the Vice-President of Roncalli Freight.

P.O. LINDSAY:

What I need is I need Budget Review. Where are you, Budget Review? Because you guys did the analysis on this.

Okay. Maybe, Mr. Kuersteiner, you could explain to us, you know, your intention of this. You're buying an existing business; is that correct?

MR. KUERSTEINER:

Yeah, that's correct. Kuersteiner Freight has been in operation, I believe, about 20 years, it hasn't been licensed up till now. We are buying the assets of Kuersteiner Freight. We are employing the principal who's been running it for the past 20 or some odd years and that's why we're trying to get a license for the freight business.

P.O. LINDSAY:

Okay. I'm still waiting for Budget Review to see if they have any outstanding issues on this application.

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

BRO did issue a report, it made two recommendations that they suggested the Legislature include in the legislation. I don't -- I missed what the gentleman said, but --

*(*Gail Vizzini & Lance Reinheimer entered the auditorium*)*

P.O. LINDSAY:

Here comes Budget Review. Ms. Vizzini, we're talking about 1868, about the approval of a ferry license for Roncalli Freight Company. I did read your report and it did seem to give preliminary approval of this application. Do you want to comment on it?

MS. VIZZINI:

Well, basically, Mr. Presiding Officer, we issued our report I believe it was November 13th. As you indicated, we basically -- we summarized that Roncalli is in the process of closing on the purchase of the freight company. The Public Hearings, it would be prudent, if it is at your discretion, that after all the speakers have been heard, they be closed so that the particular resolutions can be considered in the Public Works Committee and hopefully approved this year; otherwise, the applicants will have to begin the process from the beginning, so to speak.

P.O. LINDSAY:

Okay. But the basic application, I'm trying to get on the record, you guys are fine with it.

MS. VIZZINI:

Well, most of the paperwork requirements have been met with the exception of the final document in terms of closing of the sale; I don't know if you're prepared to update us on that or not.

MR. KUERSTEINER:

We were waiting to get their approval and then we're going to close on the business after we have the approval from the Legislature.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

I defer to George in terms of the issue in terms of the license and the timing of that because it has to be considered in light of the closing of the purchase.

As far as the rates, we are actually recommending that it not be over a five year period but rather you have the opportunity to reevaluate after two years, since there is no -- there is no history in terms of the appropriateness of the rates and the rates that the company is opting to use are a little bit old.

P.O. LINDSAY:

Okay. I'm going to make a motion to close the public hearing and the resolution, if we need to modify it in any way, we'll do it before it goes to committee.

LEG. BARRAGA:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Thirteen (Not Present: Legislators Beedenbender, Alden, Stern, D'Amaro & Vilorio-Fisher).

P.O. LINDSAY:

All right. If you could just stay there, Mr. Kuersteiner, because the next one is you as well.

Public Hearing on IR 1870-09 - Approval of rates established for Roncalli Freight Company Inc. D/b/a Coastline Freight (Presiding Officer Lindsay). And you heard the comments, which I'm sure you won't object to, instead of locking you in for five years, it suggested it only be for two until you can see how your operation is going and then we'll give you a longer term rate schedule after that.

MR. KUERSTEINER:

Yeah, we thought that would be prudent.

P.O. LINDSAY:

Okay. Any questions? Seeing none, again, I'll make a motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen.

P.O. LINDSAY:

Thank you very much, Mr. Kuersteiner.

MR. KUERSTEINER:

Thank you.

P.O. LINDSAY:

Next up 1922, a Local --

MS. ORTIZ:

Sorry, that was 15 (Not Present: Legislators Alden, D'Amaro & Vilorio-Fisher).

P.O. LINDSAY:

1922-09 - Adopting Local Law No. -2009, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development (County Executive). And I have a number of cards, first is Thomas Williams. Tom is followed by Steve Correia.

MR. WILLIAMS:

Good afternoon. Thanks again for the opportunity to speak to you and thank you for this morning's action on the proposal to preserve the Hopping Property in East Hampton which I think is a beautiful acquisition. So the history of the Legislature and the County in preserving open space is well acknowledged and is gratefully, gratefully acknowledged.

I'm speaking on behalf of Carmen's River, we're very concerned about this proposal. We would ask that the Legislature not act on this until there's a full environmental impact statement on this proposed surplus land and on the sale of the property to a developer. We would like to encourage the County to see the results of the CEQ, the Council on Environmental Quality review which is happening next week, and also the Carmen's River Groundwater Watershed Planning Study. We have just received the maps from the County Health Department delineating the groundwater watershed for the river and we feel that that study needs to be done in order to fully determine what kind of development should be done in that watershed so that we can be sure to protect this beautiful, scenic, wild and recreation river which is a jewel in the crown of the County and is a resource to us hopefully for many generations to come. So we urge you not to approve this resolution at this time. Thank you.

P.O. LINDSAY:

Thank you, Tom. Next up is Steve Correia and followed by Jim Mule. Steve?

MR. CORREIA:

Yes, sir.

P.O. LINDSAY:

Please take the mike.

MR. CORREIA:

Yes, sir. Good afternoon, everyone. My name is Steve Correia, I'm one of the proud owners of the Long Island Lizards as well as a Suffolk County resident. I speak to you today just to go over a couple of things I'd like to bring to everyone's interest in regards to doing this type of project. I just think not only as an owner of the Long Island Lizards, I also coach youth programs, we do a lot of things together. My biggest thing right now at this point is to go over what kind of revenue that this could bring to Suffolk County.

Right now we currently play at Hofstra University; we're a tenant there, we've played at several other places, too. I know is after the experience last season, that I've seen 98% of our fan base was Suffolk County. All I know is our residents travel really far to watch our teams play. As a resident of Suffolk County, I would love to see nothing more than to see some of the revenue come back in our backyards, I'd like to see that. I mean, it can definitely increase jobs, concessions, parking, there's so many things for economical development; the key factor here is you could generate a lot of money towards doing it towards the County.

As far as affordable family entertainment, it's definitely the best. Compared to going to the movies,

great; you know, it's the same price basically. You're seeing the fastest sport on two feet, it's unbelievable. If you like action movies, there's nothing better than sitting down on the field in the VIP section, which is not a lot of money to watch and it is -- it's unbelievable. It's a great thing for the kids. We do a lot of -- a lot of events we do with children, youth teams, like I said before. We go -- we've even knocked on back doors, people's houses, came to them, presented them, kids that were sick, they've done coin tosses. We've done a lot of things for the community as well. We're not here to just look and try and make revenue ourselves, we're looking to try and generate revenue, positive revenue to Suffolk County.

P.O. LINDSAY:

Thank you very much. No questions? Thank you. Jim, I guess, Mule, if I'm pronouncing this correctly, followed by Julian Watts.

D.P.O. VILORIA-FISHER:

It's Jim Mule.

P.O. LINDSAY:

Mule, excuse me; Jim Mule.

MR. WATTS:

Hi, good afternoon. Jim Mule is not here, he's my coach, so I'm Julian Watts. Basically --

P.O. LINDSAY:

Where's Jim?

MR. WATTS:

He's not here.

P.O. LINDSAY:

Not here, okay.

LEG. ALDEN:

He signed a card.

P.O. LINDSAY:

Yeah. Julian, you're next, go ahead

MR. WATTS:

Basically I just want to touch base on what lacrosse has done for me personally. I grew up here in Huntington, Huntington Hospital, I come from a single-parent, middle class background. Lacrosse has -- it's a major part of my life, it's done so much for me. I received a scholarship to go to Hofstra and play there. My dream was always to be a professional athlete and I was able -- I was drafted in the Collegiate Draft to play for the Los Angeles Riptide and then I was later traded to Long Island.

I just want to explain, I was so -- like the weight was lifted off my shoulders, so I wanted to be back here on Long Island because lacrosse has done so much for me. And the community here is unbelievable, lacrosse is a tremendous -- there's a tremendous following. People always talk about how they want to come to the Lizard games, you know, but we compete in the summer with baseball and vacationing. And what other place to do it than to have it right here in Suffolk County where people can watch the best players in the world play right here in their backyards, and the whole thing is to keep the younger kids attracted to the sport. I love to compare it to how Texas and Florida have great football programs, they produce great athletes; lacrosse is one of the hotbeds of lacrosse (sic). Almost every divisional roster has at least six or seven kids from Long Island. And lacrosse is so family oriented that you watch brothers, sisters play and those names stay in the

communities for a very long time. So what other better way to have it than have those kids play right here, so you watch them grow up, you watch your careers and you watch them come back here and play on Long Island.

I do a lot of work in the community, I coach Huntington Village Lacrosse, 8th graders, I coach Long Island Express, it's a club team. Right now I'm currently in Hofstra at grad school to pursue a career in coaching. After working in finance for a year, I realized that you've got to do what you love, you know, it's not work if you wake up every day and love what you're doing. I want to give back to the kids because it's done so much to me, it taught me a lot of life lessons. I met some tremendous people working in lacrosse, I've seen -- in the Major League Lacrosse, we play in every major city every weekend, I got a chance to travel and it broadened my horizons. When they asked me to come up here and talk about it, I didn't write any speech, this is just everything coming from me as a person communicating to you guys about how important it would be to have a stadium here in Suffolk County. I think it's going to produce a lot of revenue and people are going to love seeing guys they've watch throughout their collegiate careers play right here on Long Island, and that's about it in a nutshell. Thank you very much

Applause

P.O. LINDSAY:

Nicky Polanco and then John Guadagno.

MR. POLANCO:

Good afternoon. My name is Nicky Polanco, I'm the current Captain for the Long Island Lizards. I've been playing in Major League Lacrosse for nine years now. Just to, you know, reiterate what Julian had said, how important lacrosse is to me, my family and my friends, you know, people I associate myself with every day. You know, just for the community itself, you know, for the children today, you know, keeping kids off the street, to me there's no such thing as having too many fields, too many places for the kids to play sports and keep them occupied. Without that, you know, obviously things -- you know, its lead to trouble. So to me, you know, having this facility, especially in Suffolk, you know, there's a lot going on in Nassau County. To me lacrosse is -- I mean Long Island is the hotbed of lacrosse and I take it personal to compete against Maryland and some of the upcoming states and cities. I take it personal to grow the sport of lacrosse in Long Island and keep it here. I pride myself when I say I'm from Long Island, I think the best lacrosse players and athletes in the United States are from Long Island; I've always said that.

You know, just a simple thing, keeping kids off the street, allowing them to get a full athletic scholarship to college, whether they play professional or not. The fastest growing sport in college today is lacrosse, both boys and girls, and colleges are giving away scholarships right now and most of the them are from Long Island.

You know, we're trying to grow the sport throughout the country, but Long Island is where the Division I, II, III, they all come here first to recruit and it starts with youth lacrosse. I've never seen as many youth teams in my life, I've never had an opportunity to play youth lacrosse.

And getting back to the community, right now currently on average I do about a hundred appearances a year, to youth lacrosse, you know, anything from lacrosse to -- you know, me being a professional lacrosse player, you know, I read to pediatric cancer wards, I read to children with cancer, I do things with the Special Olympics every year, you know, the March of Dimes. I'll tell you one quick story, I've been an All-Star the last four, five years and this past year -- you know, every year we play for some kind of charity and this past year was for the Make-a-Wish Foundation and there was one kid that we raised money for and his last wish was to attend an MLL All-Star Game and meet Nicky Palanco. He's an 8 year-old boy, his name is Ofeck Shmuel with brain stem and brain cancer, his last wish was to meet me; I just wanted to reiterate that. You know, it could have been an NFL player, it could have been anybody else.

But what makes our sport so beautiful is that 80% of our fans are kids and if you've been to a game,

you know, you'll see us after a game, win, lose or draw, we'll stay there for kids two, three hours, sign autographs for kids, and you just leave such an impression and an experience for a young kid today and I think that's what this project would lead to, is just more of that. And I think we all agree that there is no such thing as too much of, you know, leaving an impression on children, kids, opportunities for jobs, I think that, you know, it's pretty self-explanatory. So I am in full support of this project. Thank you.

Applause

P.O. LINDSAY:

John Guadagno followed by Kevin Harvey.

MR. GUADAGRO:

Good afternoon to the Suffolk County Legislature. I'm here speaking in support of this property being transferred or sold to Legacy Village. I'm an electrician by trade, I represent 2,400 electricians in Nassau/ Suffolk County under IBEW Local 25.

This project will create over \$400 million in this project, 5.5 million in revenue, over a thousand construction jobs which we surely need. It's mixed-use. And personally, with young kids, two finished with college, two in -- one in college right now. I would hope my kids have an opportunity to stay on Long Island, work on Long Island and prosper on Long Island, and I think this Legacy Village can provide all that with tech jobs, which we sure need on Long Island, so where our families and our kids don't leave to get jobs outside of Long Island.

I think this builder will listen to the concerns of all. This is years away, with environmental impact and everything else, that we can come together with -- to make a project that will benefit Long Island and be a destination for Suffolk County. Thank you very much.

Applause

P.O. LINDSAY:

Kevin Harvey followed by Daniel Tangel.

MR. HARVEY:

Good afternoon, Members of the Legislature. My name is Kevin Harvey, I'm a member of Local 25, the International Brotherhood of Electrical Workers. I'd like to speak on behalf of your approval of IR 1922.

These projects, in scope, are never easy to undertake. Over the last couple of years, we have spoken on behalf of the Tanger Mall which took a couple of years to get through the process, we spoke about the Caithness Powerhouse which also took a couple of years to get through the process; they're never easy decisions to make, there's a lot of factors to take into consideration. However, construction is the economic engine that drives our economy; that is a fact of life.

Now, in saying that, I would also like to remind the Legislature and the Town of Brookhaven of their due diligence with regard to other citizens. The project is big in scope, it's going to provide a lot of jobs, it's going to provide a tax base, but it doesn't come with hiccups. And your responsibility is to act accordingly, and we hope you do so, and take all things into consideration. I would just like to say that these projects take a long time to get off the drawing board, there's always concerns, which there should be. However, they do provide us with the much needed jobs to keep the economy of Long Island growing.

Now, one other thing. In closing, I would like to say this developer is willing to build a \$400 million project in Suffolk County. That being said, there probably aren't hundreds, if not thousands, of counties and townships all over this country that wouldn't welcome, in these economic times, a developer that's willing to spend \$400 million. So we appreciate your support and hopefully you'll act favorably on this IR resolution. Thank you.

Applause

P.O. LINDSAY:

Daniel Tangel followed by Mary Ann Johnston.

MR. TANGEL:

Thank you for the opportunity to address the Legislature. My name is Daniel Tangel, I'm a licensed professional engineer in the State of New York. I'm principal of a consulting engineering firm in Smithtown, New York as well. I was born and raised in Suffolk County and I own a house in Holbrook since 1980. I love Long Island and I love all that it has to offer and I take full advantages of all the benefits that our wonderful communities have such as retail stores, entertainment venues, the County and the State parks, the beaches, athletic facilities, the hospitality industry, restaurants and particularly the housing.

When I was married in 1979, I rented a small apartment in Lindenhurst. Having been raised in a house in Commack and later in Smithtown, I also aspired to own my own house so that my two children that would come later along in 1982 and 1985 could be afforded the same life experiences that I enjoyed as a child; a nice house, a quiet neighborhood where I grew up playing sports, the local park and a quaint suburban street where I could ride my bicycle and gather with my friends and neighbors to build memories that I cherished and that remain to me -- with me to this day. My children are grown and married now. Their dream was also to live on Long Island and purchase a house of their own where they could forge the memories with their own family that they experienced as children; that dream is vanishing for our young children. My son, daughter-in-law and my three grandchildren have moved Upstate, New York, to seek affordable housing. My daughter and her husband are looking to move to states like George and Tennessee and Arkansas for the same reason. My daughter works two jobs, approximately 60 to 70 hours a week, to help makes ends meet while her husband has returned to college to further his education in the hopes of securing a career that will allow them to buy a house and to remain on Long Island and build a family of their own. I think most parents pray that their children surpass any of the dreams that they've come to realize; again, that dream is vanishing as well.

With the Legacy Village project, we have the unique opportunity to assist our children, our grandchildren and our communities to obtain their own dreams. It can become a reality, but we need the support of the Legislature and the community to give this project a chance. Many people want the same good fortune for their families, friends and neighbors, but they say, "Not in my backyard." I don't know about you, but I want to see our children be able to stay on Long Island and I welcome them into my backyard. Any development will have hurdles to overcome, but if we don't move forward with projects that will increase the housing, help increase our workforces by creating construction jobs and increasing the potential for the retail sales in those areas, we cannot enrich our communities and our economy. We will continue to lose more of our young people to other states and other regions that afford them better opportunities.

Let's move forward with the Legacy Village project. Together we can solve any obstacles or concerns that we need to stop -- but it's time now to stop this "not in my backyard" mentality. Our economy, our Island and our youth are fading fast, let's give them all a chance. Thank you.

Applause

P.O. LINDSAY:

Okay. We have Mary Ann Johnston followed by Brad Hemmingway.

MS. JOHNSTON:

Good afternoon, members of the Legislature.

LEG. ROMAINE:

Hold the button.

MS. JOHNSON:

You need a button here. Good afternoon, Members of the Legislature. I'd like to tell you, once again, that the people who have signed on to a coalition to advocate for the protection of the Carmen's River Watershed are not NIMBY's, they come from Quoque, they come from Islip, they come from Brookhaven, they come from the environmental, they come from the civic and they come from the farming community. We want you to do your due diligence. We are tired of being called names by the County Executive and anyone else who comes here asking you to forget what your job is.

Your job is a 44-page contract given to you some time yesterday. Look at the bottom of your shoes, see if it says "rubber stamp", that's the reality here. We're asking you to do the jobs that we elected each and every one of you to do just a little bit more than a month ago; reel in the over -- the exertions of this County Executive who wants you to tell him by this resolution that everything he's done without your consent thus far is legal. Realistically, I'm going to ask you to do what we need to do which is to evaluate the impact of this project on the Carmen's River, the community, the character of that community and whether or not we can afford to build and give away this land.

I'm reading this contract at two o'clock in the morning, I see the net dollar amount is somewhere around 58 grand an acre; I'll take two. This is outrageous, absolutely outrageous, and every single one of you should be offended by it, absolutely offended by it. This isn't about people playing lacrosse, this isn't about kids moving away, this is about whether the County is going to sell land based on a plan that you were told last time doesn't exist. Mind you, this contract picks out the turf builder who's going to put turf down, several places; but mind you, there's no plan, it's just a concept. This is offensive. And I'm asking you to please do what we have asked you, we are 41 groups representing thousands of residents of Suffolk County, thousands, and we are asking you to please recess this so we can go through this contract and you can go through this contract with due diligence and do what you need to do to be sure that the people of this County are protected. Thank you.

Applause

P.O. LINDSAY:

Brad Hemmingway followed by Matthew Crane.

MR. HEMMINGWAY:

Good afternoon. My name is Brad Hemmingway, I'm a lifelong resident of Suffolk County. I currently reside in Brightwaters and grew up in West Islip. Thank you to all of you for your time today, I appreciate you listening to both sides of the story.

I would like to disagree with the previous speaker that just spoke because this is about keeping our kids on Long Island, this is about kids playing lacrosse. It goes above and beyond, you know, where all the different things that we've heard. I think what people need to understand, that presently this is conceptual and this is a project that needs to go forward for the benefit of so many, again, to keep those people on Long Island, the job generation that we can appreciate from a job of this scope, and really the fact that we need to get jobs like this in the pipeline. Regardless of how far out this project might be, whether it's three years, five years, it's projects like this that need to be in the pipeline for many of the people that are sitting in this room. I'm not a builder, I'm not a developer, but I'm here to say that I am in support of this project.

Applause

P.O. LINDSAY:

Dan Crane followed by Dan Tomaszewski. Oh, Matt Crane and then Dan.

MR. CRANE:

Good afternoon. My name is Matthew Crane, I'm a lifelong resident of Brookhaven Town. I'm also a registered land surveyor and a managing partner of a 20-person firm in Medford.

As a citizen that is a design professional, I wish to express my support for Legacy Village. You do not need me to tell you, the housing for our young people in Suffolk County is a big problem. Legacy Village offers a vague, if only partial, solution to this big problem. As an employer, housing issues are near the top of the list of concerns of young professionals on my staff, even though I pay them well. The current lack of reasonably affordable housing has led some of them to leave this part of the country in search of a more affordable existence, even before the economic downturn.

I would liken this project to an omelette that is desperately needed by a hungry constituency, and that omelette can only be made by breaking eggs. And it's not to make light of the valid concerns of the good citizens of Yaphank, but I shutter to think of all the fine, worthy things that never would have been built in this country if elected officials buckled under every time somebody shouted, "Not in my backyard." So I respectfully request that this body approve this much needed project. Thank you.

Applause

P.O. LINDSAY:

Okay. We got Dan and then Steve Jensen.

MR. TOMASZEWSKI:

Good afternoon. My name is Dan Tomaszewski and I'm Vice-President of the Longwood Board of Education. Thank you for the opportunity to continue discussion on Resolution 1922.

On November 17th, I presented testimony outlining the opposition of the Longwood School District to the Legacy Village Project. Today I come to you -- before you to explain the rational of our position which goes far beyond the NIMBYism which we have been accused of harboring. As government officials, I'm sure you all realize the best predictor of future events is prior history. It is the understanding of our community's history, not NIMBYism, that is behind the overwhelming majority of our residents being opposed to this potential economic liability for Longwood taxpayers.

Exactly 50 years ago, our school district was created by the merger of six contiguous districts that were seeking to provide a first-class education for their children. We were very fortunate to have a board of education that was visionary. Our founding fathers, as that first board of education has finally come to be know, realized that although they were creating the second largest school district in New York State, the advantages of this union would allow them to build a new area high school and give their children a critical link to future success.

As our new district moved through the 1960's, we began experiencing explosive growth throughout our 53 square miles. The result was swift; overwhelming our taxpayers and straining our resources to the limit. Our infrastructure and academic programs suffered greatly and the tail spin began. The result was two decades in which austerity budgets, split-sessions and crumbling buildings became the norm. At the very root of the district's decline was local government leaders' lack of sound regional planning and consideration of sustainable residential growth, along with the need for industrial development to bolster our tax base. Fortunately, with the help of Senator LaValle, we were able to secure State assistance to climb out of an economic hole. Since that time, we have survived with great difficulty due to the hard work of our school district leadership, together with tremendous support from Ken LaValle and John Flanagan in the Senate and Mark Alesi, Pat Eddington and Steve Englebright in the Assembly. They understand how the State aid formula is flawed and does not work for Longwood, Middle Country or Patchogue-Medford.

Each year we are faced with a new battle to educate the ever-changing authors of the State budget about adjustments necessary to ensure we receive the same consideration as other districts across the state. No one in Longwood is convinced of the County Executive's claims that Legacy Village will

produce only a few children and have a positive tax impact on the district. We know better because we live there, we have lived with the impact of similar types of housing. We have also experienced similar projects where big promises were made and we were left with the aftermath of broken promises.

We are grateful to the Long Island Housing Partnership for providing us with an updated version of their Multi-Family Housing for Long Island conducted by Dr. Pearl Kamer. The updated version lists all the multi-family housing complexes in the Longwood School District and indicates that 44.4% are taxed negative. Dr. Kramer (sic) concludes, and I quote, "The financial characteristics of individual school districts containing multi-family housing may have a bearing on tax- positive, tax-negative status of these complexes. Further research is needed in this area," end quote. This is what we have been trying for a very long time to tell anyone who would listen. We believe this project needs fuller examination that includes the study of Longwood's housing, household incomes and property tax history. I ask you, would the County Executive sign a bill passed by this body if it had only a 55.6% chance of meeting its goals, even though you all believed in your hearts that it would succeed? Would he support a plan that had a 44.4% chance of failing when failure would result in a property tax hike? Our districts don't like -- our residents don't like the odds, not when they can point to several of these multi-family complexes that generate far more children than the statistical norm. One complex, of which 238 units, generates 149 children; this is a significant tax-negative for our taxpayers.

What is to prevent Legacy Village, a complex of well over a thousand units, to generate in excess of the average of .18 children? Our residents are well aware that if they do not give careful attention to the outside factors that threaten their schools, the community could easily return to the dark decades of the 70's, 80's and early 90's.

We all know what got us into trouble and the last thing we need is people with no stake in our community dictating what is good for us.

The State is operating at a projected record deficit. The future of all New York schools is in peril, yet there are those who want to with our fragile future; we take that very personally in own home town. Addressing problems with a solution that risks creating even greater local challenges is poor public policy. Greater transparency would have alerted County planners to these significant issues long ago, but it's not too late to regroup and brace the community and indicate the types of studies that the community, school district, environmentalists, civic leaders have called for from County planners. I urge you to consider alternatives before a hastily made decision locks in the future cost of residents of Suffolk County. Thank you.

Applause

P.O. LINDSAY:

Dan, before you go, Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Thank you very much for your comments. I just have a couple of questions. I served on the Affordable Housing Commission when Jim Morgo was Chair and we had an opportunity to look at some studies that indicated that multi-family housing that had units the size of the units that are proposed with Legacy Village, in fact, didn't have a negative financial impact on the school districts because of the number of children that were generally raised in these types of developments. I would like to just refer that to this new study and do a comparison. Do you know if there was a comparison done with previous studies? And I'm curious to see the study by Pearl Kamer, she's a very well respected economist. Are you aware of the previous studies and does this make reference to those and counter -- and contradicts their findings, is what basically I'm asking.

MR. TOMASZEWSKI:

Well, I'm not really contradicting Dr. Kamer's findings, I'm quoting them.

D.P.O. VILORIA-FISHER:

No, no, no. I'm sorry, let me restate that question. There have been studies that, as a member of the Affordable Housing Commission, have been brought to us, and I see several members of the commission in the audience, wherein it was stated that the type of housing that's being planned in Legacy Village, in fact, did not have a negative financial impact on the school district because there were not that many children in that type of development. And what I'm asking is if you were aware of those previous studies and if Pearl Kamer's study contradicts those previous findings; that's what -- are you following that or am I still not clear?

MR. TOMASZEWSKI:

Well, let me try to explain. You know, first of all, we thought -- we think it's more valid to look at the housing inside the Longwood community, that's certainly without question.

D.P.O. VILORIA-FISHER:

And is the housing that's inside the Longwood community similar or equal in terms of the size of the units, you know, the number of bedrooms in the units? Are they comparable to the type of units that are being planned in Legacy -- I'm going to breakdown my question.

MR. TOMASZEWSKI:

Okay.

D.P.O. VILORIA-FISHER:

Are the units that were studied that are existing in Longwood School District comparable to the types of units that are being planned for Legacy Village?

MR. TOMASZEWSKI:

To my knowledge, they fall within the same general range that the houses that Dr. Kamer used in her study. If you look at -- now, the study that I'm referring to I believe went all across Suffolk County, and we recently got an updated version that included the specific units in the Longwood School District. Now, if you look, I think there was a conclusion in there, a general conclusion that .18 is a number that they use for the average number of children produced in a housing complex of that nature. Now, the County Executive has stated that Legacy Village will produce much less than 100 children. If you take that .18 number that Dr. Kamer uses, that average number, that's a lot more children than Mr. Levy predicts. I don't know that any study can exactly say what -- the exact number of children that are going to come out of that unit because there are a lot of variables there. Within the past year or so they've added in the issue of attached accessory apartments which could add. And also, if you note, the quote that I took from Dr. Kamer's report, that the financial characteristics of each school district are very, very different. So that number that he uses of \$15,000 let's say per child to educate, that is not a hard and fast number. We are -- I'll give you an example as to why. We have 15% of our students are special education students. Now, it's not uncommon to spend \$100,000 for one child. We spend \$11 million educating our Special Educating kids. We have one of the higher numbers of Special Ed students in the County and the reason is we do a such a good job with it. We have a great Special Ed Department and it's well known throughout Long Island and people with special needs kids actually move into our district because they know that their kids are going to get a first rate education; that is a factor and it drives up our cost. So there's a lot of variables here that you just can't take a report like Dr. Kamer's and say this is now hard and fast proof of how many kids are going to come out; there are just as many factors the other way which can drive it up. I think Mr. Levy has taken an exaggerated direction when he says one hundred less -- significantly less than 100 kids are going to come out of it when the average is .18 per unit. So there are some variables in there and we question those and --

D.P.O. VILORIA-FISHER:

Okay. You almost answered my question. What I'll do is I'll look at Pearl Kamer's report and look at the previous studies that I had seen. And I know where the County Executive got his numbers, it was from the previous reports that this type of unit doesn't attract families who have, you know, children because they're so small, they're one-bedroom units and that generally isn't a place where

people are raising their kids; I think that's what he based that on. Thank you for the information so that I can look up the report myself and read it.
Thank you.

MR. TOMASZEWSKI:

I just ask you to be mindful of the fact that a lot of this information can be very subjective. So, you know, we need -- we are trying to look at it in an objective way across a large spectrum and that's what we're trying to do here, and we don't see the same things that he's seeing.

P.O. LINDSAY:

Dan, Legislator Browning has a question of you as well.

LEG. BROWNING:

Just a real quick one. You know, I did ask you this at the last meeting about the school superintendent and the school board, about the communication between the school district, the developer and the County, and I believe according to the County Executive, there has been a lot of communication between Mr. Gerstenlauer, your school Superintendent and his office. Could you please let me know how much communication, how many times that the County has met with the superintendent or yourselves?

MR. TOMASZEWSKI:

I'd be glad to. As you may or may not know, prior to this year, as Vice-President, I was the board -- I was the Board President for the last three years and the Vice-President before that, so I worked very closely with the Superintendent, as most of our board members do but particularly close. We had a meeting with Mr. Isles and Mr. Morgo where they came down and reported to the board, that was March of 2007. As a matter of fact, I spent a couple of days this week reviewing the tapes of that meeting and all it did was really reinforce my -- the direction of my thinking. In any event, that was the last formal meeting that we had. After that meeting, there were a number of calls made by our Superintendent to the County Executive staff looking for possible information, "Is there anything that we need to get together on, come together, discuss?" "No, no, no, not yet, not yet. We'll let you know. We're still -- things are still up in the air, we're still negotiating, we're doing some things." At that point we noticed that there were a number -- the two builders, it was Avalon Bay and Beechwood, were starting to meet with some of the civic groups. So I called the Superintendent and I said, "Could you please contact the County Executive's people and say maybe we should be meeting with them as well," the answer that we got back was, "No, no, no, it's not time. It's not appropriate for you to meet with them yet."

So at that point, you know, we live in the community, too, so we went out to the civic meetings and we met with them and I asked them direct questions; are these developments going to produce a significant number of kids, and at that time the answer was yes, that came from Avalon Bay. And if you recall, Beechwood originally wanted to build an elementary school, you don't build an elementary school if it's not going to produce any kids.

There was a call that Mr. Kent spoke to you about on the 17th, I think that was the next contact and that wasn't that long ago and it was to see if he could get some support from the project and Dr. Gerstenlauer alerted him that there wasn't much community support that he could see. And then I believe Friday before Thanksgiving week, Mr. Kent -- and that was after the 17th, that meeting -- Mr. Kent and Mr. Isles came down to meet with the Superintendent. So, you know, there -- however, when I played the tapes of that meeting on March of 2007, they did assure us that there would be a lot of follow-up meeting and information exchanges and whatnot and they did assure us that they believed that our concerns were extremely valid, they weren't way out there, like we read about in the newspaper, and they should be addressed, but they never got addressed. So that is -- I gave you the facts.

P.O. LINDSAY:

Another question, Dan. Legislator D'Amaro

LEG. D'AMARO:

Thank you. And sir, thank you for coming down. You were here at the last public hearing as well.

MR. TOMASZEWSKI:

Yes, I was

LEG. D'AMARO:

I appreciate you taking the time. Are you -- you're a member of the school board, correct, the Board of Education?

MR. TOMASZEWSKI:

I am a member of the Longwood Board of Education, yes.

LEG. D'AMARO:

Right. And you're here on behalf of the Board of Education?

MR. TOMASZEWSKI:

Yes, I represent the entire Board of Education. I was selected as their spokesperson to come and speak on their unanimous behalf.

LEG. D'AMARO:

Okay, I appreciate that. I think it's important to get that on the record as well, that's why I asked you that question. But I wanted to ask you, you're discarding or not believing the County Executive's statements with respect to the number of children this may generate, you said he stated on several occasions less than a hundred. I will tell you when I met with him he said to me a couple of hundred, so maybe we're making some progress there at least.

But what I wanted to ask you is I want to just continue the math a little bit more, just a little bit more. And you threw out some very interesting statistics, and I think you're right about the special education needs could be very cost prohibitive to school districts and I understand that, and it's a very legitimate concern. The .18 figure that we're using or that you talked to is a figure that is for general purposes. Of course, there's always going to be -- it's not an exact science, it depends on what actually happens case-by-case. So what I want to ask you is with the units proposed, how many children does the Board of Education believe this project will actually generate?

MR. TOMASZEWSKI:

I believe if you were to do the math, if you were to use that number of \$15,000 per child --

LEG. D'AMARO:

Yeah.

MR. TOMASZEWSKI:

-- okay, which is the number I believe they used -- and again, we dispute that number because we -- as Dr. Kamer says, that number is, at best, a guess.

LEG. D'AMARO:

No, I'm not -- I'm sorry for interrupting. It's not dollars, I'm asking number of students.

MR. TOMASZEWSKI:

I know that.

LEG. D'AMARO:

Okay.

MR. TOMASZEWSKI:

I'm getting to that --

LEG. D'AMARO:

All right, sure.

MR. TOMASZEWSKI:

-- because that drives it, okay?

LEG. D'AMARO:

Thank you.

MR. TOMASZEWSKI:

So at 200 kids, it would be a break-even, it would be a break-even because they're projecting, what, it will produce three million in revenue I believe? So if you do that math, I think it comes out to that point. We don't think it's going to come in under 200 kids, it could significantly be higher.

Now, let me give an example of when I talked to you in my report about other examples that we saw in our community, there's a much smaller community in Ridge on Smith Road called Strathmore Ridge. That was built in the 70's and the developer promised that there were going to be three phases there; phase I they were going to do some houses, then they were going to come in with, you know, pools and clubhouses and amenities and then more houses. Well, they came in, they built step one and then the developer left us flat and went to the north shore and started building homes over there where he could probably make more money. So that neighborhood went down hill, the people -- there were a lot -- and it was also proposed -- because I lived in that community all my life. I remember going to meetings where it was proposed as a place for workforce housing, they didn't use the word workforce, but to people like from Brookhaven Lab, Stony Brook at that time, local teachers, I know many of the professional people that moved in and bought units there. After a while, they sold, they were gone and that unit turned into a lot of rental units. Well, right now there are 238 units there which produces 149 kids; that's a real number, that's not a projection by someone who was doing a study. So, you know, there -- we know out there that --

LEG. D'AMARO:

Well, you --

MR. TOMASZEWSKI:

-- if those kinds of things happen with a development like Legacy Village, those numbers could go pretty high.

LEG. D'AMARO:

And I agree with you, but you would have to compare unit to unit to make sure that you're talking about the same capacity of that particular project and this particular project. So if it's generating 200 school children, okay, at the number 15,000 per child, which you don't agree with and it could be higher, I want to ask you, what percentage of the school children are special needs or special education presently in the school district?

MR. TOMASZEWSKI:

Fifteen percent.

LEG. D'AMARO:

Fifteen, one five?

MR. TOMASZEWSKI:

Yes, sir.

LEG. D'AMARO:

Okay, so 15%. Okay.

MR. TOMASZEWSKI:

And again, that --

LEG. D'AMARO:

So if you're looking at 200, just as a general rule of thumb, you might see 30 children, as high as 30 children coming in as special ed.

MR. TOMASZEWSKI:

That could be. But then again, there's a tremendous variable factor in there. You have to -- I think even with Dr. Kamer's report and with any of the numbers we use, there has to be a range of variation that could go either way.

LEG. D'AMARO:

I agree with you, it could go either way. Now, if it generates 200 school children or 210 or 190 or, you know, whatever variation you might be thinking about, does the school district have the capacity to absorb those children without any new buildings or infrastructure?

MR. TOMASZEWSKI:

I would have to take a look at that, I don't have that right now. But I believe that we are -- I know we're pretty close to capacity in our high school, in our secondary buildings, we probably could absorb a few in our primary buildings, but I think the major problem is -- see, we go K-4 and then we have a 5/6 middle school, a 7/8 junior high and a 9-12 high school, and those three upper-level buildings where the entire district funnels into are the ones where we've reached some critical numbers with kids.

LEG. D'AMARO:

Is there -- if the numbers -- are there numbers that would work where the school board would say, "Yes, we could absorb that number of school children and the cost is acceptable," or are there objections beyond this analysis from the school board?

MR. TOMASZEWSKI:

Well, I don't know that I'm prepared to give you right now and say, "Yeah, if you tell us that you're going to come in with 50 kids, fine, go ahead and build it." I don't -- you know, I can't -- I'm not prepared to give you that kind of information right now. You know, we would have to take a look at that. You know, you've got to understand something, Legislator. That in addition to Legacy -- Legacy Village isn't the only thing that's going to be built in the Longwood School District. It's 53 square miles, there are well over 600 starts right now on the books I believe in Brookhaven Town with developments that are planned; so, you know, we're talking about tipping points here. And to put a large complex like Legacy Village on to all of these other things is something that's going to put a strain on the school district.

LEG. D'AMARO:

I appreciate that, but I think the analysis really is from your perspective, being a school board member and speaking for the school board, you know, what is the impact of this particular project on our school district? And I think you're right to consider the other areas and what may be development down the road. That's why I think this project is being tailored with the smaller, workforce-type -- workforce housing-type units to keep down the number of school children that are generating and have less of an impact on the school district.

These are just very preliminary numbers, but I think it's important for us to know whether or not the district could absorb 190, 200 or 210 more school children from this project, and if you could get me that information, I'd appreciate it.

MR. TOMASZEWSKI:

Well, I can tell you right now, if you coupled that with the normal growth that we experience throughout the district, I would say that would be very, very difficult to do. And that's -- I think that's pretty good sense.

And also there's another factor, I think, that you need to look at, is that in economy, you know, you're saying that in a two-bedroom or even a one-bedroom that people aren't going to have children because they're going to wait until they have that house with the nice picket fence and the three and four-bedrooms which has been described. Well, you've got to realize, in this economy that isn't necessarily true and people aren't necessarily going to put off starting families because of economic reasons, because they don't have that extra bedroom. My brother and I grew up in a two-bedroom house, we lived there all our lives and we did very well, and many people in our community, people sitting here I know it's the same thing. So, you know, you can't predict how people are going to behave with their families and how the economy is going to effect -- there's a lot of factors going on here and I don't think it's all being looked at

LEG. D'AMARO:

Okay. Well, I appreciate, again, you taking the time to answer my questions and for your testimony. Thank you. Thank you, Mr. Presiding Officer.

MR. TOMASZEWSKI:

Thank you.

P.O. LINDSAY:

Dan, if you allow us, Legislator Barraga. You've sparked an awful lot of interest here in your testimony.

LEG. BARRAGA:

Just to follow-up to Mr. D'Amaro's questions. I think it's very difficult to really talk about revenues or the number of students in a potential development; it's very extremely difficult to measure that. I mean, I'm led to believe by those I've spoken with that this project would generate to the school district about \$3 million. Some have said, well, you can have 150 students, 200 students, we don't know how many would fall under the regular per pupil expense of 15 or 16,000 versus Special Ed. You really don't know until it actually happens.

MR. TOMASZEWSKI:

I agree.

LEG. BARRAGA:

And I would agree with you, I just had a constituent come in to me who was looking for a home, I got him a two-bedroom house, he has three kids. All right? So you just don't -- in this kind of economy, you don't know how many people are going to move in to a given house.

Let me ask you a question, though. Not really knowing the revenue that's going to be generated from Legacy Village, nor the number of children, supposing a provision was built in that if the revenues to the school district did come up short compared to the expense associated with the students in these homes, a pilot program could be developed where it would be payment in lieu of taxes made to the school district to make up the difference, that that money would either be generated or come from the County or from the builder or from some sort of a combination of both; what would be the attitude of the school board then if you were made whole?

MR. TOMASZEWSKI:

Well -- excuse me, I'm losing my voice here a little bit. Again, I guess you guys know, you probably know how school boards work because you know how the -- you can get out and say anything you want on what you think and then it doesn't matter until you go back and take a vote and see what everyone else thinks, okay. So I would have to get back to you on that.

However, you know, I can tell you that certainly from a financial point of view, you know, the school district is not going to turn down money when they can get additional funds. There was -- I'll give you an example. Mr. Levy came up to me at a dedication that we had a number of years back in our community and he said, "I've got the best news for you in the entire world, the best news you've ever heard," and I said, "Mr. Levy, what's that news?" He said, "Well, we just found out that there's legislation in Albany that we're going to be able to do revenue sharing with the tax rateable industrial property in South Country on Legacy Village Project," and I said, "Oh, really?" Well, he couldn't deliver on that because there's so many other things and whatnot. So, you know, we would have to -- we would have to know the figures. We would have to know how many kids we're talking about, how much you could get --

LEG. BARRAGA:

No, let me give you an example.

MR. TOMASZEWSKI:

We want to be made whole, that's the point.

LEG. BARRAGA:

Okay. Well, that's the point I'm making.

MR. TOMASZEWSKI:

Yeah, we want to be made whole.

LEG. BARRAGA:

If, for example, the revenue generated say is \$2 million, but the cost per pupil plus Special Ed is 2.4 million; you've got a \$400,000 shortfall. If somebody comes forward and gives you payment in lieu of taxes in the amount of \$400,000, you are made whole, your financial problem dissipates.

MR. TOMASZEWSKI:

I'll tell you right now, that's a heck of a lot better than it is right now.

LEG. BARRAGA:

No, I don't care how it is now. All I'm saying is if that were the case, you would be made whole, you would no longer have a financial problem, correct?

MR. TOMASZEWSKI:

I would guess you are correct on that.

LEG. BARRAGA:

All right. So that's something maybe we should look at as we go forward with this project, because we have plenty of time.

MR. TOMASZEWSKI:

Okay, thank you. Any other questions?

P.O. LINDSAY:

No. Thank you, Dan. Steve Jensen followed by Leonard Caldararo.

MR. JENSEN:

Good evening, County Legislators. I mean good afternoon. My name is Steve Jensen, I'm a small business owner in Suffolk County, and when I say small, I was bigger about four years ago, I'm getting smaller and smaller every year,

As these projects come up, and I think we've been in front of many town boards fighting these situations with smart growth projects that sometimes don't get passed for whatever reasons, I'm not going to say NIMBY's, I'm not going to say environmentalists, civics and all that. The fact is is that Suffolk County, as we stand, is in a crisis situation. About four, five years ago there was over

30,000 construction jobs; as I speak right now, I think there's somewhere around 12,000 left. Just equating those numbers alone, everybody can put what it's going to bring to Long Island just by bringing some of those jobs back. This project could be a big boost for Suffolk County, a big boost. I think most of you know where we stand as far as Long Island, Suffolk County and the construction industry and where our seniors are going, where our children are going, and we need this and this could be a big boost for Long Island. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mr. Jensen. Leonard Caldararo followed by David Maschke.

MR. CALDARARO:

Good afternoon. My name is Leonard Caldararo. I'm a long time, life-long Long Island guy, run two businesses here, and basically what everybody is saying here is pretty much the same thing. You all know what's going on, the Island, we're in trouble. This is not a happy place right now, there's no jobs; we need this. I'm in full support of Legacy Village, full support of the building industry and I'm in full support of trying to support my own industry, my own -- me being supported so I can support my family.

We cannot continue to say no to every single project that comes up. You guys, this board, you know, Mr. Barraga said the first intelligent -- he said something very intelligent before, he thought outside the box; what if we make you guys whole? What if we figure out a different way? Figure out a way to make this work, figure out a way -- we need progress. Figure out a way to make Legacy Village work so that we don't screw up the river and his school doesn't have to split the taxes with the other school or whatever else has to be done. Figure out a way to think outside the box and let's move forward.

This project might take five years; five years from now there might not be enough people to go to his school if we don't start doing something here. So, you know, everybody's got to stop fighting each other. You want to call me a NIMBY, you want to call me something else? We all have got to get together and figure out a plan. What's the stimulus plan for Long Island? Where are we going and how are we going to get there? You want to say no to this project again? There was just two other projects that we all went, all the same guys, we're all in the building industry. You go to the project, the builder was going to give -- put a million dollar sewage treatment plant up, give back half golf courses to the thing and they said no, so now where are they going to get the tax dollars to build that sewage treatment plant? He was going to build one for the job he was building and another million dollars for a treatment plant for the residents around them. Where are they going to get the money to build that sewage treatment plant now? Where is the revenue going to come from? You know, there's going to be senior housing in here, there's going to be regular housing. You know, if the seniors don't start moving out of the houses they're in, we can't move in -- our kids can't move into their houses. So we've got to be smart. Let's -- you know, you guys have our future. You guys have the future of Long Island. Think about it, think about where we're going. Work it out, work out the deal with the river, work out the deal with the school, figure out a win/win situation for everybody so that we could all stay here. You know, everybody keeps talking about, "Yeah, let's be happy about bringing my kids back here so my kids can come home from college to live here." Most of the guys, you know, in this industry are saying -- they're hoping they don't go home and tell their kids they can't go to college next year because we can't pay that bill. So this is a real situation.

You know, you drive around, you see the foreclosures, you see everything. Some lady was going on about Mastic last time she was here, about all the houses that are foreclosed in Mastic. Yeah, I'm going to tell my son, "Go buy a house in Mastic for 150 grand, dump a hundred grand into it," and have two houses next to him that are still foreclosed for the next ten years, plus he can't go to the store, he's got to watch his kids? This is going to be a place where somebody is going to want to go

to live.

You want to talk about the stadium? Look at the Ducks; I mean, you know, I can go on and on. The Ducks are a huge success. This stadium will generate revenues. Everybody is getting up and they're moving to North Carolina, they're moving to Florida, because they're going someplace that's new, someplace that's nice. I mean, I've been here my whole life, I grew up here. I live in Commack, you drive down Jericho, it all needs to be renovated, it all needs to be fixed up. We need to spare some dollars and fix up -- that's why people want to live here. They don't want to go live in Mastic; I mean, no offense to that. I'm just saying, I'm not going to tell my son to go do that, I want him to go live in a place like this. Let's use common sense, let's all figure out what's got to be done here to make a win/win situation for everybody. This is just about the land. This is going to take five years; who knows if I'm going to be in business five years from now if we keep going like this. Thank you.

Applause

P.O. LINDSAY:

Wait, Leonard? Leonard? Leonard, wait, Legislator Browning wants to ask you a question.

*(*Laughter*)*

MR. CALDARARO:

Sorry, I was on a roll.

LEG. BROWNING:

Yes. I would like to let you know, I'm a Shirley resident, I represent the Mastic area. I know we have Mastic residents here today. I just want to say I'm highly insulted. Do you know --

Applause

Do you know that --

UNKNOWN AUDIENCE MEMBER:

You're an insult.

LEG. BROWNING:

Do you know that many of the residents in my district are Correction Officers, Sheriffs, Deputy Sheriffs, Suffolk County Police Officers, my husband is a New York City Police Officer, we have a lot of New York City Police Officers, New York City firemen, so we have a lot of very professional people. And I can tell you, many people from local --

MR. CALDARARO:

It wasn't meant as an insult to you.

LEG. BROWNING:

Local 66 Building Trades, Local 25, 1049; I will tell you how many people, hard-working people live in my district. I am insulted by what you said; take it back.

MR. CALDARARO:

I'm not -- I didn't mean to insult you, I didn't mean to insult Mastic as a town in general.

LEG. BROWNING:

You did.

MR. CALDARARO:

Well, I'm very sorry if I did. I'm sorry if that's the way it came off, it was not meant that way. My

sister lived in Mastic for many, many years; she lived in a house next to a guy who lived in a foundation, he just had the foundation done, no house was ever built, it was just like that. So you know what? I'm not insulting Mastic, I'm just trying to make the point that some lady brought up the fact that, yeah, there's all these houses in Mastic for sale for \$100,000. Right now I'm not -- you know, there's a different, that's the point I was trying to make.

P.O. LINDSAY:

Leonard. Leonard.

MR. CALDARARO:

I was not trying to insult you.

P.O. LINDSAY:

Leonard, quit while you're ahead.

*(*Laughter*)*

LEG. BROWNING:

Bill, I would like to respond to the \$150,000 homes. The Long Island Housing Partnership is here right now working on rehabbing those \$150,000 homes and they will be rehabbed so first-time home buyers can move into an affordable home in my district.

Applause

P.O. LINDSAY:

Okay. David Maschke followed by Diana Weir.

D.P.O. VILORIA-FISHER:

Question.

P.O. LINDSAY:

Who had a question?

D.P.O. VILORIA-FISHER:

Ed Romaine.

P.O. LINDSAY:

I'm sorry. Did you want to ask that last fellow a question?

LEG. ROMAINE:

No, that's okay.

P.O. LINDSAY:

I'm sorry, I didn't see your hand there. Yes, Mr. Maschke.

MR. MASCHKE:

Yes, hello. My name is David Maschke, I'm a resident of East Moriches; East Moriches is well known for opposing senior housing projects, which I'm also in favor for, but now we're talking about a young people project. And just go -- my father's reality in East Moriches was a half-acre on the water, and my reality now is a third of an acre not on the water. My kids? I don't know what they're going to have. But there are projects like this that can be for my kids or else they're going to be going somewhere else.

This project's not for me and I really -- I don't see anybody in this room that this project is for; it's for people, young people, 20, early 20's to about 30 is what we're really looking at this thing as being for. And where are they? They're working, playing video games, dating, doing what kids do,

they really don't give a whole lot about government dealings. So those people, they are your constituents but they're not here because they have better things to do with their time in their young opinions.

*(*Laughter*)*

I think development's design for the working people here is going to keep them here and is vital to the growth of our economy. And like it or not, our economy is based on growth and we need that for our economy to thrive.

There's one last thing that I want to say. The guy from Longwood School Board, he said that it was more likely than not that this would have an effect on lowering the school taxes in the Longwood School District; and I don't know why he was making that argument, but that's what he stated. A 55% chance with lower taxes, and I know school boards tend to not --

LEG. ROMAINE:

No, higher.

MR. MASCHKE:

You said a 44% chance that it would have a --

MR. STRAUSS:

That's what he said.

MR. MASCHKE:

You could clarify that, I don't think he needs another five minutes to describe it, but look that over because I was kind of baffled by his statements. That's all from me. Thank you.

P.O. LINDSAY:

Thank you. Diana Weir followed by Bob Bertorello.

MS. WEIR:

Good morning, and thank you --

D.P.O. VILORIA-FISHER:

Press the button.

MS. WEIR:

Is that the button? Thank you. Diana Weir with the Long Island Housing Partnership and I think I need to address a couple of different things.

Yes, we did do a report that was just finalized and I will make sure that every one of the Legislators has a copy of it. It's the first time that a report was done with actual statistics and actual numbers. The report that you're referencing, Legislator Fisher-Vilorio (sic), is the Rutgers Study which was done in 1990; this is actual current numbers of every existing, multi-family housing development on Long Island, both Suffolk and Nassau, and with raw data from the school districts, from the tax roles and from the actual developments. Overall, it is about a 30/60 split, 30% of the developments are tax-negative and about 60 are tax-positive, and each community is different and you'll see that when I give you the reports. Again, there are many different statistics that can change that or actual, you know, things that happen in reality that may change that, but we still believe that the type of housing that's going to be built here is much needed.

Yes, Legislator Browning is correct, we have Neighborhood Stabilization Funds that are going into communities like Legislator Browning's in Mastic, Mastic Beach and Shirley and Coram and Selden, that we will be rehabbing those homes, those foreclosures and bringing them up to standard and making them beautiful and still selling them at an affordable price. So we are hitting on all those

cylinders, but there's different types of housing and I think that's what we're talking about here, that we need alternative types of housing, not just the single-family as was mentioned before.

As far as the need for housing, I'm not going to go into that because you all know. We recently, last year, got a grant to update our database, and you know that we had about 25,000 people waiting for housing throughout the area. We did a mailing to those 25,000 people to update and make sure that they were current, because people did move out of the area, we know the statistics about families leaving the area and a lot of people did leave. But what we found out was that people started copying the form that we sent them and gave them to their friends who were looking for housing, so we ended up with another 20,000 names, pretty much, and it is a very current and static list that is up-to-date.

On this particular development, again, it's going to go through many, many processes and you know that. I mean, the County is just the beginning and you have to deal with your contract and all the things that the County Executive is asking you to look at. But it will go into the town and you know that there will be a rigorous review at the town level since we've had to build housing and we know what that can be, and it will be maybe three, four, five years, we're not sure. But I think that that's something that we'll leave to those people in those communities and to the planning departments and the planning boards in those towns, which in this case is Brookhaven, that will give it a very rigorous review.

Having worked with this developer in the past on other developments, I will tell you that you have a Long Island developer who has done outstanding work revitalizing communities and building communities. And I think that this type of community -- and again, you know, it has to go through its reviews, I'm not speaking for the residents and, you know, environmental issues, but this is a developer that has a tremendous track record and would do something that we can all be proud of. But again, after the rigorous review, it may end up being a different number of units, different configurations, those are all things that we leave to the experts. But there is still a need, there is a need for the alternative type of housing, not always just the single-family home. And of course the school districts would have to be pleased, and I think Legislator Barraga had a great idea and it's been done in other areas.

So as the other gentleman said, I think if we all pull together and give this an opportunity, let it get to the next level, let it get to the other review stages and do your best to help this community and to help Long Island and our working families. Thank you.

Applause

P.O. LINDSAY:

Diana, you sparked a couple of questions. How many units are you rehabbing now?

MS. WEIR:

Excuse me?

P.O. LINDSAY:

How many units? You talked about this rehab program with Federal money on foreclosures?

MS. WEIR:

Well, right now we have two buckets of money, three buckets of money. Federal money from NSP, the Neighborhood Stabilization Program, and I think the County maybe got about six million, Babylon got a separate bucket, Islip got a separate bucket because they get their funds directly. Then the State allocated another five million, so we have about ten million for Suffolk County.

P.O. LINDSAY:

Okay. But how many houses are you rehabbing now?

MS. WEIR:

Right now we have about ten homes that we've purchased and are in the process -- and it depends because we have the money, if we can get the houses cheaper, depending on how much we have to put in, that's how long the money will last. When we sell the homes, a lot of the money comes back so we can use it again, but we do have a timeframe till the end of 2011.

P.O. LINDSAY:

Okay. But the point that I'm making --

MS. WEIR:

Maybe a hundred homes we'd like to see done with the Neighborhood Stabilization.

P.O. LINDSAY:

You know, many years ago when I was on the board of the Housing Partnership, there was a study done on how many workforce housing, affordable housing units are needed in the County; has that study been updated? Because that's -- I mean, we're going back a dozen year.

MS. WEIR:

I know, it's so hard to quantify because we have so much illegal housing because of the need. I mean, so many people living in --

P.O. LINDSAY:

Well, at that time I remember the number was like 90,000 units we needed County --

MS. WEIR:

And I think we're probably still around that, I mean, last I've heard. So the need is there, that's why people are moving into attics and basements and garages.

P.O. LINDSAY:

How many units has the Housing -- the Housing Partnership has been in business about 30 years now?

MS. WEIR:

Twenty-two years.

P.O. LINDSAY:

Twenty-two years. How many units in total have you built over the 22 years?

MS. WEIR:

A couple of thousand. And again, it's because of the rigorous review process, I'll go over that. Every town that we go into, we have to go through the full planning process.

P.O. LINDSAY:

No, I'm not being critical. I'm not being critical.

MS. WEIR:

Oh, no, no, I realize that.

P.O. LINDSAY:

You guys do wonderful work, you do wonderful work. I'm just pointing out that we're not meeting the need with all of your hard work and some other agencies like yourself as well.

MS. WEIR:

Oh, I know. And a lot -- the inclusionary zoning law which just passed and became effective January 1st, we haven't felt the impact of that yet and that really requires the developer to build affordable 10%, you know, with a small density bonus. So that will alleviate some of it.

P.O. LINDSAY:

That will help. That will definitely help.

MS. WEIR:

And again, there isn't one solution, I mean, and that's kind of what I have to impart to you. There are so many different ways of doing this. We need rentals, we need homeownership, we need one-bedrooms, we need two-bedrooms, we need four-bedrooms, I mean, so it runs the gamut.

P.O. LINDSAY:

Are you familiar with this project?

MS. WEIR:

Yes.

P.O. LINDSAY:

Okay. And this is all one and two bedroom units?

MS. WEIR:

As far as I know, the way it's projected now; again, like I said, it would change because there are many changes that will happen.

P.O. LINDSAY:

Okay. But right now, the way it's --

MS. WEIR:

It's pretty much two-bedroom

P.O. LINDSAY:

Conceptually it's like 50/50, one to two-bedroom units?

MS. WEIR:

Yes, something like that.

P.O. LINDSAY:

Okay.

MS. WEIR:

I think it's projected to be a thousand units, which is a big number.

P.O. LINDSAY:

Okay. And how many --

MS. WEIR:

But there will be commercial, too, to offset.

P.O. LINDSAY:

In your experience, what would you say, how many children would be in this project, or you just can't tell?

MS. WEIR:

I would say a couple of hundred. It really -- the number, the static number of .18 was really confirming what the Rutgers study did, that has not changed.

P.O. LINDSAY:

Okay.

MS. WEIR:

And when the real statistics came through it was about that, but it could be -- you know, point one five, it could be, you know, point two.

P.O. LINDSAY:

Okay.

MS. WEIR:

So, again, until you actually build it and people move in --

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Can I just ask her a question?

P.O. LINDSAY:

Legislator Viloria-Fisher has a question for you.

LEG. D'AMARO:

Bill?

D.P.O. VILORIA-FISHER:

Thank you, Diana. I look forward to getting that report, but let me just ask you very quickly. What is the difference in the statistics regarding the number of children with rentals and ownership; is there a big disparity between those two?

MS. WEIR:

It depends because, again, income was not used. I mean, we can't go into a development and ask the people that live there, "What's your income?" So sometimes income does have an impact on the number of children, I don't know how we would ever get those statistics. So there are some things that we really couldn't do, so this report is pure numbers, pure location of those particulars units. But we feel that in homeownership there is sometimes less than in rentals, so it really runs the gamut, it's hard to, you know, project correctly.

D.P.O. VILORIA-FISHER:

And Diana, in the report, is some of the more specific information teased out?

MS. WEIR:

Yes.

D.P.O. VILORIA-FISHER:

Because if you're looking at the broad sweep of multi-family units throughout Suffolk County, some of them have three bedrooms.

MS. WEIR:

Yes. You will see -- the report does give the breakdown of the raw -- not the raw data, but it does give a breakdown by school district, by town and by number of units and when the development was built.

To address rental versus homeownership, I know some people said that Strathmore became rentals and then it gets a little odd; that really could be taken care of in a homeowner's association. Some places do not allow rentals and that's something that we recommend, you know, since we believe mostly -- you know, we work mostly with homeownership, those can be restricted in the guidelines, you know, the covenants and restrictions and in the homeowner's offering plan. So there are ways to make sure that, you know, the homeownership stays homeownership and the rental is, you know,

just the rental part. But again, I will share that with you and if you want the raw data I will give that to the Legislature as well. It's a lot of information, we went over 10,000 people that live in these units. So it will be very interesting to you, so we'll make sure that you get that.

D.P.O. VILORIA-FISHER:

And just one last question, Diana, because you mentioned Tom Barraga's idea which I think many of us have thought of where even places where you don't have a planned community such as this, you'll have neighboring school districts. One, Three Village where I taught; and SUNY, Stony Brook is my biggest constituent and that's not a big taxpayer but it does draw a lot of services; and then you might have a neighboring one that -- you know, we have Port Jeff next door that has the power plant. What is your experience in planning a project like this and doing revenue sharing of the payments, the taxable income; have you seen that pooled in any way?

MS. WEIR:

Yes, we're doing a development in Nassau where there's a pilot. So it depends, in Nassau County the Legislature had to vote on it because the Legislature handles the assessments at the County level, but it's something innovative. I mean, it can be done, it's done in other places. I think there was legislation that the County Executive was supporting in Albany that had that type of effect, that if there was a problem and that there was a negative impact that it would be, you know, made whole, just as Legislator Barraga said.

So I think those things are something to be looked at. Again, all these positive ideas to make this acceptable to everyone I think is what you have to look at and that will be your job and the local community's job. I mean, we're there to support, you know, the actual development. And as I said, there will be better tax benefit here because you are going to have commercial space, you are going to have the arena, you're going to have some retail, so this will be more of an impact in a positive way because of the scope of the development with other segments of it that aren't just the housing; it's not like you're just putting in the housing and nothing else. So I think that just to remind you that that might be a help as well.

D.P.O. VILORIA-FISHER:

But then what you're saying, Diana, is that if you have -- it would require State-enabling legislation to move those taxing district lines over? Because the school districts are --

MS. WEIR:

I'm not sure --

D.P.O. VILORIA-FISHER:

-- taxing districts, entities.

MS. WEIR:

Right. I'm not sure how that would be done.

D.P.O. VILORIA-FISHER:

Do you know -- well, if it's being done in Nassau, is it --

MS. WEIR:

Well, it was a pilot for the local taxes, not for State taxes or Federal taxes.

P.O. LINDSAY:

Not for the school district.

D.P.O. VILORIA-FISHER:

No, but I'm talking about school district taxes which is --

MS. WEIR:

Yeah, that's a local tax, that's a property tax.

D.P.O. VILORIA-FISHER:

That's what I'm asking about. But the property tax, the taxing district is the school district, that's where most of the real estate taxes are paid.

MS. WEIR:

Right, but it's enabled --

D.P.O. VILORIA-FISHER:

Okay? And there are defined lines of that district. So was there State-enabling legislation to move those lines?

MS. WEIR:

There were no lines moved, it was just a pilot that was approved by the Legislature. There was no moving of any district lines.

D.P.O. VILORIA-FISHER:

Oh, the County paid a pilot.

MS. WEIR:

The County approved a pilot to be paid. So again, it depends on whose jurisdiction it's under and how it works, because the school districts --

D.P.O. VILORIA-FISHER:

Okay. So Longwood cannot benefit from the taxes that are going to be collected by Bellport School District in this case.

MS. WEIR:

No, no.

D.P.O. VILORIA-FISHER:

Okay, that's where I thought we were going when we were talking about shared revenues because it's all part -- it can't be done, okay.

MS. WEIR:

You know, unless you wanted to try something like that.

LEG. BARRAGA:

It won't be done.

D.P.O. VILORIA-FISHER:

It won't be done.

LEG. BARRAGA:

It could be done, but they'll never give up a penny.

D.P.O. VILORIA-FISHER:

(*Laughter*).

MS. WEIR:

Yeah, I don't think that would work.

D.P.O. VILORIA-FISHER:

Okay. I thought that's where you were going. Because it's all part of the same project, I thought that perhaps in that case it could be done.

MS. WEIR:

But again, I mean, you can be creative. I mean, that's what Legislatures do and that's what Town Boards do. I mean, they can look for alternative ways to be able to make the school districts whole.

P.O. LINDSAY:

Diana, you've got a couple of more questions. Legislator D'Amaro has some questions.

LEG. D'AMARO:

Very quickly. Thank you, Mr. Presiding Officer. I just want to ask you, and I appreciate you coming down and your expertise here. We're talking -- the impact on workforce housing would be immense building a thousand units, I would think, but what about the impact on the surrounding community? My question is this. Just from your experience, you said there are many types of workforce housing, we need them all, whether it's one and two-bedroom attached units or single-family homes and different ways of achieving the goals.

But this is a large development, this is a thousand units, this is unprecedented in recent times here in Suffolk County for attached units and this type of housing; is that more desirable? Thinking now of how it impacts the community, is that more desirable than the single-family home?

MS. WEIR:

It depends. I mean, you know, some people won't live in an attached unit or an apartment, you know, condo apartments like they do in the city. But if you remember last year, the Long Island Index which is -- does the surveys for Long Island, it was the first time that people actually said, "Yes, I'd like to move into a downtown area or a densera area where I could walk to shopping or walk to get, you know, your small little things that you might need." It's the first time that we've seen that shift. And again, when they're attached and when they're apartments or flats, they're less expensive, there's less maintenance. So you do have a group of people, whether it's the younger, entry-level professionals that don't want to mow a lawn right now, "I'll wait until I get older," or the seniors that are downsizing and they don't want to keep a big house, you know, they want to move into -- so you're seeing more of a change in the demographic and people that are interested and say, "Yeah, I would move into something like that." So that's yet to be seen, but it's the first time we've seen that demographic shift.

LEG. D'AMARO:

Right, and I understand that. I think people are becoming more acclimated to that type of living. Especially there are other successful projects that I've been to where I've seen it work and work quite well. But what about the impact on the existing community where you place a thousand units?

MS. WEIR:

Oh, absolutely. I mean, that is an impact, that's why you need a developer that's going to do it properly. And you need the buy-in of everybody; you are going to need the buy-in of the school district and the community, make sure there's no environmental issues. And that's why I'm saying that it's going to be in the hands of that Brookhaven board and the Brookhaven Planning Board and all the people that will be involved and the communities that are still going to have, you know, years of input on this development, and who knows how it will change.

LEG. D'AMARO:

Yeah, and those issues will all be vetted at the town level where the planning jurisdiction lies --

MS. WEIR:

Absolutely.

LEG. D'AMARO:

-- the zoning jurisdiction lies.

MS. WEIR:

That's where they have the law, that's where they have the law on their side to make those

changes.

LEG. D'AMARO:

Okay.

MS. WEIR:

So you here have a tremendous decision to make, you know, as far as the contract that you're dealing with and transferring the land over and whether that's appropriate; but even then, it still has to go through the town for its vetting process. So we don't make those kinds of decisions. Again, I'm here to answer questions and talk about the housing portion of it and, you know, I --

LEG. D'AMARO:

I understand.

MS. WEIR:

So I'm here at your disposal and anything you need --

P.O. LINDSAY:

Thank you, Diana. There is one more question. Legislator Beedenbender; no? It was answered already. Thank you very much for your information.

MS. WEIR:

Thank you. And again, I'll make sure that everybody has this report. Hi, Ric. Thank you.

Applause

P.O. LINDSAY:

Okay. Rob Bertorello followed by Augusto Ferentes.

MR. BERTORELLO:

My name is Rob Bertorello, I live in Quoque, New York.

MS. ORTIZ:

Press the button and speak into the microphone.

MR. BERTORELLO;

Good afternoon. I'm Rob Bertorello, I live in Quoque, New York, been a Suffolk County resident all my life. I've been involved in the construction business for about 20 years, I have a small business. Many of my employees live in Suffolk County and have a hard time finding areas to live. I'm in full support of the Legacy Village project, it will provide numerous temporary and permanent jobs as well as provide the necessary workforce and affordable housing that is needed on this Island. Thank you for the opportunity.

P.O. LINDSAY:

Thank you, Rob. Augusto?

Applause

Is Augusto here? Augusto followed by Heather Landesman. Augusto? No Augusto, okay. How about Heather; Heather Landesman, are you here? Followed by Regina Selzer.

MS. LANDESMAN:

Hi. I'm Heather Landesman, I'm a Suffolk County resident. I'm here today to speak in support of the sale of this land. My husband and I talk constantly about leaving Long Island, as do our friends and as do my husband's younger brother. I feel like projects like this are absolutely necessary to keep young people on Long Island and I would urge you to consider the value of Legacy Village. Thanks.

Applause

P.O. LINDSAY:

Okay. Thank you, Heather. Regina? Regina Seltzer followed by Andrea Spilka.

MS. SELTZER:

Good afternoon. My name is Regina Seltzer. I'm really, really offended by your being asked to approve this resolution; it's really outrageous.

First of all, the first question I have is where is the appraisal? Before we do anything about determining whether the land is surplus or not, you should have an appraisal; we don't have one.

Secondly, the County Executive is asking you at this point to give a stamp of approval for something that is illegal and that you have not even had a chance to look at. You don't know what you're being asked to do. Let me just look at this resolution. On page -- okay, on page three of the resolution, it's asking you to approve the RFP. As far as I know, you haven't even seen the RFP until after it was discussed. You were not involved in developing it, you have no real knowledge about what that is. The second one is on page three, section three, it asks you to vote on a resolution that it admits is in violation of County Law Section 215, and then it says, "On terms and conditions set forth in the sale." The contract of sale is 44 pages long; I understand you all just got a copy of it. And I have been trying to read it. I'm a lawyer, I do contracts all the time, I have to tell you, I haven't gotten past page three because it's so complicated. How can you be expected to vote on this without having had the time to really read it and analyze it and know what you're approving?

The other thing is page four, Section 5 and 6; he is asking you to give him authority to change this without coming back to you to make the changes. And then the last one is Section 9 and it says that this is a Type I Action but it will not have a significant adverse impact. How did he come to that decision that it will not have an adverse income -- impact? There is absolutely nothing in this thing that tells you that there is a basis for that statement which is, by the way, absolutely incorrect and has been criticized by all of the people who are environmentalists who have spoken up and have given you chapter and verse about all of the environmental impacts that it will have.

Lastly, page one of this resolution states that the properties were acquired for municipal purposes. There's no question about that, they've admitted it in the resolution and it says that the properties are still being used for municipal purposes; that makes it illegal for you to declare it surplus.

So I ask you to reconsider, to definitely not vote for this resolution and certainly not vote for it in the near future without first reading and finding out what you're voting for. Thank you

Applause

P.O. LINDSAY:

Ms. Seltzer? Ms. Seltzer, just to point out something to you, we're not going to vote on this today.

MS. SELTZER:

Thank you.

P.O. LINDSAY:

The only thing that we're going to do is decide whether we need more public testimony or we don't.

MS. SELTZER:

Thank you.

P.O. LINDSAY:

But this is going to go, if it's -- if the hearing is closed, it's going to go to a committee that's going to vet it thoroughly, if they don't feel comfortable with it they won't pass it out of committee and then

it will go back before the full Legislature. But we're not going to vote on it today.

MS. SELTZER:

Thank you very, very much. Bye-bye.

P.O. LINDSAY:

You're welcome.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

A question for Ms. Seltzer, if I may?

P.O. LINDSAY:

Go ahead, Legislator Romaine.

*(*The following was taken by Lucia Braaten
& transcribed by Alison Mahoney - Court Reporters*)*

LEG. ROMAINE:

Very quickly. You indicated that an appraisal is needed before we could even move forward with this. Now, I'm familiar with purchasing property, I assume the same is for selling property. I know before we buy anything appraisals are done, and sometimes that could take months before they even come to this Legislature for us to purchase property. And I've dealt with numbers of properties where appraisals have been done and sat, and in some cases years, multiple appraisals before we even get to vote on whether we should acquire property. I would assume the same is true legally, and I'm not an attorney by profession, for selling property; is that correct?

MS. SELTZER:

Yes.

LEG. ROMAINE:

I would ask Counsel is that correct; is an appraisal needed here, sir?

MR. NOLAN:

I don't know that you necessarily need an appraisal. You need -- when the County conveys the property, it has to be for, you know, fair, substantial consideration so that you avoid a gift problem. So, you know, I think an appraisal would certainly help in making that determination that you're getting a fair and valuable consideration.

LEG. ROMAINE:

Thank you. One last question.

MS. SELTZER:

Excuse me, may I just -- I don't want to disagree with you because it's not tactful and I'm trying to be tactful, which is not usual for me.

*(*Laughter*)*

But let me tell you that the law is quite clear, that public property, which is what we're talking about, has to be at market value; and you cannot determine market value by guessing, you need to have an appraisal of the value of the property. And because this property is municipally owned and used

property, there is no legal way that you can declare it surplus. That's my opinion.

LEG. ROMAINE:

Could I ask, Presiding Officer, possibly Legislative Counsel could look into this and prepare a memorandum on that issue? Because obviously, let's say we're going to be moving forward on this, we would obviously want to cross every T and dot every I. I would like -- I think all members of the Legislature should have that information.

P.O. LINDSAY:

I couldn't agree with you more, Legislator Romaine. And again, the document is 44 pages long, there should be some accompanying documents, I think we're getting all the information, we don't have it yet.

LEG. ROMAINE:

Okay

P.O. LINDSAY:

That's certainly why we're not qualified to vote on it today.

LEG. ROMAINE:

Certainly not.

P.O. LINDSAY:

I would expect, if it does close and it's assigned to committee, that the committee will fully vet this and look into a lot of the things that were questioned here. And if isn't -- if it isn't all there, I don't know how we could move forward with it unless it's thoroughly vetted.

LEG. ROMAINE:

Okay. Just when I heard Mrs. Seltzer, who had said this before, I just wanted to raise that particular issue. Thank you.

MS. SELTZER:

Can I just make one statement, and that is that under New York State Constitution, if you sell this property at a price that is below what it should be, it will be considered an unconstitutional gift and will make all of you liable for a lawsuit. Have a happy holiday.

Applause

P.O. LINDSAY:

Legislator Kennedy. Wait, Ms. Seltzer.

LEG. KENNEDY:

Ms. Seltzer, come here, one more.

*(*Laughter*)*

As I contemplate my holidays in the hoosegow, you spoke about the environmental aspects well and I know that you have, in your career, done some work with SEQRA and with the Federal Environmental Evaluation as well. And it's been a long time since I've read the SEQRA sections, but my recollection is that there are certain actions that are contemplated by government that automatically compel that an environmental impact statement must be done.

MS. SELTZER:

Correct.

LEG. KENNEDY:

And does this transaction -- one of them involved bulk actions of properties; does this rise to that level, do you recall?

MS. SELTZER:

Yes, and it seems to me that you're being unduly modest. I think you do know very well what SEQRA is and you're absolutely correct.

LEG. KENNEDY:

Okay. Thank you.

Applause

LEG. STERN:

Bill?

P.O. LINDSAY:

Andrea Spilka.

LEG. STERN:

Mr. Presiding Officer?

P.O. LINDSAY:

I'm sorry. Legislator Stern?

LEG. STERN:

Ms. Seltzer?

P.O. LINDSAY:

Ms. Seltzer, would you come back again? Does anybody else want to have a question for Ms. Seltzer? Tell me now so I don't have to make the poor woman go back and forth.

*(*Laughter*)*

LEG. STERN:

Ms. Seltzer, if I may, a quick question. Obviously, that type of an analysis does need to be done, and it's my understanding that this will be a determination that is made by CEQ, that this does call for that type of a review. So I guess my question is where in that process, with this going back before CEQ, is that requirement not being met.

MS. SELTZER:

According to the law, before any governmental entity puts a shovel in the ground, before it does anything that looks like it will have impact, if there is an environmental impact, they must make a determination whether and what that impact will be. Okay? They can't wait until after they've signed the contract, because what happens if you sign the contract first and then find out it's a problem, then it's your problem and it's the taxpayers' problem instead of the developer's problem. So that's why the thing to do is when you are doing anything that's a Type I Action, it's almost automatic to do a SEQRA review.

LEG. STERN:

Okay. So I could just understand the issue that you raise, you're not suggesting that the process of going CEQ is going to be deficient here, your issue is to the timing of, vis-a-vis, the contract.

MS. SELTZER:

(Nodded head yes).

LEG. STERN:

Okay. Thank you.

MS. SELTZER:

Anybody else before I go? Thank you and have a good holiday

P.O. LINDSAY:

Okay. Andrea? There you are, Andrea, and followed by Richard Amper.

MS. SPILKA:

I'm Andrea Spilka and I'm --

LEG. BEEDENBENDER:

Andrea, you've got to hold the button. There you go.

MS. SPILKA:

I'm the President of the Southampton Town Civic Coalition, I'm speaking on their behalf today as well as on my own behalf as a Brookhaven resident. Frankly, I'm here to speak against the sale to Legacy Village for a variety of reasons.

Number one, I think that it's poor business and planning model and, frankly, a poor legacy for the County. Number one, it's located at the head waters or right near the Carmen's River. We've seen what's happened at the Forge, I'm concerned in my own area about what may happen to Seatuck Creek. Little by little, we're polluting our waterways and that has a real cost. So again, most of my conversation is going to be about business here, not about NIMBY or you or me or whatever. I think we have to think clearly about what's best for the region, not just what's best for one area or for one developer.

As you travel through Suffolk County, you see too many homes for sale, you see too many vacant stores. Why would somebody then move into one of these vacant homes or vacant stores rather than moving into this new Legacy Village? All we'll be doing is creating more ghost towns in other parts of the area while we create this new mega-complex in Yaphank. When you listen to the President or Vice-President of the school board in Longwood, you realize the impact of this kind of development on a school district. Well, frankly, from my standpoint, what normally pushes people out of housing are the school taxes. It's not just the price of the homes. Right now our home prices have come down, but school taxes, frankly, just keep going up. Adding more children to the school district will not, in my opinion, add an incentive for people to come to Long Island. What you want to do is create more of an incentive in other ways. And I'm encouraging you to redevelop and revitalize, not focus on new development. Yes, our construction people need work, but they don't necessarily need work on developing new mega-complexes in an area that can't really sustain it.

I am concerned, too, when I heard about making the school district whole. I'm not an economist, but my sense is that money would have to come from somewhere. To me, you're taking money out of one pocket and putting it in another; again, who's benefitting? Not Suffolk County. Yes, the school district may be made whole, but at someone else's expense, at some other place in Suffolk County. That's not really what the citizens want. And as far away as my area is, it's really not what we're looking for. We're looking for a more regional approach and more redevelopment rather than new development.

The last thing I'll say is having just quickly looked at some of the numbers, I do question how many real affordable homes are going to be built in this complex. If they're talking -- it looks as if 43% might be affordable up to people making \$80,000; the rest of it is for people making over \$100,000. That's not necessarily affordable, and it's not necessarily the rental homes that we're really looking for when you're talking about first -- you know, people who are young professionals.

I encourage you, please, to take a hard look at this. I appreciate the fact that you're not closing this

today. I do suggest that in each decision that's made, that the community and the County be -- and the benefit the community and the County be the first and foremost benefit that's looked at rather than the benefit to the developer, because in this case it seems as if, in the long run, it will be the developer that will benefit and not the people of Suffolk County. Thank you very much.

Applause

P.O. LINDSAY:

Richard Amper followed by Ira Brickman.

MR. AMPER:

Members of the Legislature, I'm reminded about a great scene from a classic motion picture, *The Graduate*, which some of you may remember, where the Dustin Hoffman character comes in and he tells his parents that he is going to be marrying the girl next door, the Robinson's daughter, and they immediately suggest that they should call and congratulate these parents and Dustin Hoffman cautions them that this may be premature because the parents don't know about this yet. So the parents immediately propose that what they should do is at least call the Karen -- Catherine Ross character and congratulate her, and Dustin Hoffman pauses and says, "Well, I'm afraid she doesn't know yet either." And so his father turns to his son and says, "Son, this seems a little half baked," and Dustin Hoffman's character says, "Oh, no, it's completely baked," and I'm not sure whether the project you're looking at today is half-baked or completely baked, but it's not well done.

(*Laughter*)

So since you're the ones responsible for this, and I do think that it has been unfair and unreasonable for you to get this in the forum that you have. This has been talked about for a long time, and maybe the school district didn't get proper notice, but you people should have been involved in this process earlier and it's not your fault that you weren't. So we're all in favor of workforce housing, every one of us in the community, and we're all in favor of jobs for workers, so that's not the issue. Your decision is whether or not this land can be surplussed and, if so, what is it's best purpose for the public?

So in trying to evaluate that, and it seems like you're taking your time to do that and that's quite responsible, here are some of the questions that I suggest you may want answers to.

First of all, how can this be considered a conceptual project when so much of the details has been laid out in front of you, it's like already a done deal? You want to go back and revisit that. How can the Legislature conclude that the land is surplus? What is in front you, what information has been supplied that allows you to say, "That's right, we don't need it anymore." And when you arrived at that, what is the best use for that? Should it be a development in Yaphank or -- well, my next question would be given the numbers, tens of millions of dollars that you've spent preserving land in the medicals of dollars that you've spent preserving land in the Carmen's River corridor, is it not contraindicated now, then, to sell land the County owns in the aftermath of our just having spent a lot of taxpayers money preserving it? Maybe that land, if it's surplus, ought to be part of the Carmen's River Preserve; we ought to think about that.

The next question I'd want to ask is how can Suffolk sell land at a price half of what it is occasionally paid for land? When you look at the proposed numbers of what we're -- we've spent twice that much money per acre to buy land. How do we reconcile that? Is it an appraisal? How do we do that? But we need to make that fair, we need to know what we're doing there, and you haven't been told. You're being asked to make a decision and improve this declaration of surplus land and a particular project which may have any number of noble attributes, but you don't have any of the information that you need to make that decision; and it's your decision, not the County Executive's.

I want to know how the County of Suffolk can join the Carmen's River Preservation Initiative and simultaneously focus a mega development project right in the Carmen's River Watershed; isn't that antithetical? That doesn't make sense. You've made a major investment, you're committed to this

initiative, and at the same time we're proposing to do a major development project right where it shouldn't be.

So, what to do? And several of you have made good suggestions. CEO ought to look at this and you ought to listen to what their suggestions are. We ought to have an Environmental Impact Statement; that's right, that's what SEQRA requires. And we need to hear the economic impact, that is part of the SEQRA process and that includes both the economic and environment, the school, the taxes. We shouldn't be speculating about that, that's part of a review after which you're informed and you get to make the decision that we're all waiting for you to make.

So I think that this hearing, if I may suggest, ought to be kept open because I think there are more people that will come forward now that we're all informed. And now that this Legislature is responsibly taking the position that it will not be rushed to judgment, I think you benefit by getting a whole lot more information. We heard the school district say you have some questions that we don't have answers to; we ought to come back with that. The County has just completed a study on the watershed and its boundaries, we ought to come back and share that with you. We're happy to work with you to make a responsible decision, and the only thing you could do to not make a responsible decision is to be pushed into making it prematurely when it's just not reasonable for you to be able to make that decision on the basis of the information you got. I don't think it's a question of just today, it's certainly not this year, and I don't know when it is, but the sooner we start looking what we need to look at collectively, the sooner we'll make a good decision. Thank you very much for that.

Applause

P.O. LINDSAY:

Ira Brickman, followed by Byron Padres. Pagredes?

MR. BRICKMAN:

Yes, hi. I'm throwing out half of my prepared statement because I think enough issues were raised and at this -- I'm sorry. Enough issues were raised and I'd like to do some clarification.

First of all, those people coming to you and talking to you about jobs came to you about Caithness, came to you about Tanger; now they don't have work. What kind of work are we creating, what kind of economy, if we use that argument? You just heard what I said on Channel 12 News and it's true, you need to take a wider focus than the 22 million that the housing agency is using to put together 2,000 homes in a ten year period. You need to think grander, you need to think about all of Suffolk, or at least the five towns on the west side. For God's sakes, there are lots of housing units available and they are available to be renewed. We don't live in an infinite Earth, we certainly live in a finite Island. We have lots of development already in place. Do we do what we were trained to do as young people and that's turn our back on the old so that we can buy new and toss out the old? No. Okay? What we do is we now redevelop, we renew and we recycle, that's where we should be at regarding this matter of housing which is needed on Long Island.

Now, Mastic was new at one point, I wanted to point out, and people were moving in there because it was new. Do not fall into the trap of thinking about this complex as only being new. And further, I lived in Strathmore Ridge in the late 70's, half of the owners came from Brookhaven National Lab. They were living in what you wanted to know, two-bedroom condos, attached. And what happened to it was indeed, over a period of time, people bought them for rental and, indeed, you wound up with this 148 figure for 250 units, roughly speaking. Okay? That happened as a reason. There is a remediation. The declaration by the homeowner's association at the onset needs to specify no rentals. Strathmore Ridge just lost the case about not having rentals and are now stuck with it because they had no such declaration; that just occurred in court. Okay?

The brain drain that we're all talking about was happening before the economic downturn and before the price of housing has come down. It's interesting that this area in Yaphank and Longwood was

selected, because Middle Island and Coram have the largest number of multi-family per capita of anywhere in Brookhaven Town; I can't speak for all of Suffolk, but I know that's a fact. If you took the time to look at the County's own census of businesses and housing units and so forth, you'd see the numbers. Middle Island alone has thirty-two hundred, approximately, housing units, most of them are rentals, condos and co-ops; I mean, that's what they are. And right now they're all selling for between, 69,000 on the average, between 69,000 and \$150,000; that's even less than these units are likely to sell for, the affordable.

The discussions being framed about housing, okay. And I have to agree with the last speaker; this really isn't about housing, it is about the land. And Ms. Seltzer spoke, in part, about the other half of what I was going to say. In addition to focusing on what you intend to focus on, I would like to say the following. It seems odd to me, since Mr. Levy spent 16 years serving in this body, that he has thrown out established processes right out the window and with them the checks and balances that need to remain in tact for County government to operate under the County Charter. I ask why? And it seems peculiar that he and his staff have, for a year, regularly denied meetings and contracts have occurred with developers when those meetings are now documented in the proposed contract that surfaced yesterday. These backroom dealings are neither preferred nor prescribed practices and they are anything but transparent. I, again, ask why?

And it seems unusual that dollar amounts, all listed in the contract, have been determined in a backroom negotiation without involving this body, or even a prior, independent appraisal; it certainly occurred to me and I'm not an attorney, and I'm certainly not an environmentalist and I don't have to do with realty, but it's obvious. Because I was involved in public administration, maybe that's why it helps, which I suppose the County Executive is as well.

Appraisals are a regular part of the normal process, as was just brought out. If declaring County-owned land surplus falls to the County Legislature, why hasn't the County Legislature been involved earlier in all of this? And you need to start there. Those are but three of many questions raised by the processes. What I'm asking you to do is to --

P.O. LINDSAY:

Mr. Brickman, you're out of time.

MR. BRICKMAN:

Right. Okay. The whole process, including what the County Executive has done, is what needs to be vetted, not just this proposal.

Applause

P.O. LINDSAY:

Byron, followed by Corinne Bernath.

MR. PAREDES:

Good afternoon, Legislature. My Byron Paredes, I'm an air-conditioning and heating contractor and welcome many builders throughout the Island. So, first hand I can tell you that the builder that's trying to develop this beautiful community that I'm sure is going to be beautiful is capable, has commitment, it has the resources to develop communities that in many times surpasses what many homeowners expect. I can tell you that first-hand because I'm one of them. I purchased a home ten years ago in Manorville from the Beechwood Organization and, to date. I can tell you not only myself, but also my neighbors are very happy and pleased with the way the community came out. Not only the community, but also the purchase of our homes, the equality. So I can tell you firsthand that you're in good hands.

I know there's many concerns about what's going to happen to the land. All I want to ask you is to please have consideration to what this builder can do for this community. It can improve the equality of life, not only for the people that are going to live there but also the community. And the

most important thing for me is keeping jobs on Long Island, and affordable housing is one way of doing it, and keeping our families on Long Island. Thank you for your time.

Applause

P.O. LINDSAY:

Thank you, Byron. Corinne, followed by Patricia, looks like Burtshart.

MS. BERNATH:

Hi. My name is Corinne Bernath, I'm a Town of Brookhaven resident, I live in Center Moriches. There's a lot of talk about the brain drain of Long Island here today and that means; I can tell you because I'm one of them. I fled Long Island about ten years ago with my husband for the lack of jobs, housing and opportunity that faced us. We returned back because of our family and because we're New Yorkers and we wanted to raise our children as New Yorkers as well.

This project is so important to the economic stability of Long Island. Everyone hears the brain drain time and time again and what that means; I can tell you what it means because it's me and my friends, my family, my cousins, everyone that I went to school with. I mean, I can name 12 people off the top of my head that are living in another state like I did once. They're young professionals like myself and my husband and we moved back here, we had a dream of what we were looking for, we were looking for a community. We weren't looking for just a home, we were looking for a place with a downtown area that we could walk. We looked at towns like Northport, Sayville, Patchogue and Center Moriches all for that same meaning, because we -- we're Generation X'ers, Generation Y's, I'm in my 30's now. What we're looking for is a community that we can walk to our supermarkets, my children and I walk to King Kullen, we walk to CVS, we have bussing in our school district, we encourage our children to walk with us to school as opposed to -- so we're lessening our, you know, impact on the environment as well. We opted for a smaller home. People in our age group, young professionals, understand what the environment is and what it needs. I prefer to buy a smaller home that's more energy-efficient. The building models of Long Island right now of what houses are being built, these single-family homes, 5-acre lots going in, building these, you know, McMansions, we're not interested in the five-bedroom splanch on a cul-de-sac, that's not what we want. That's why you see so many of these ghost towns that were referred to earlier, it's not what we're interested in and we're trying to make a better community for ourselves and our family.

More importantly, you know, when an RFP went out for this project, it's not like a builder went in, your typical story, he went in and bought a farm and is redeveloping it. The elected officials understand the need for smart growth -- rethink, reuse, recycle, these are phrases we use every day, but we need to understand what they truly mean. This type of development that's self sustaining will help Suffolk County and its economic problems that we're currently in. So many businesses leave Long Island every day for the lack of talent. They're increasing costs and taxes as our population ages, more people are on advanced Star Programs, putting less dollars back into our communities. We want to stay here, I want my kids to grow up here, I want them to know that they're going to be able to have a job and stay here one day as well.

At the same time, these towns are in trouble. And it was mentioned before, the brain drain is nothing new; as I said, I left Long Island more than ten years ago and came back about six. We need to -- the aging population we currently have are getting the services cut every day because there's not enough money in our local budgets to maintain the services after they've paid their tax dollars all their years and when they need it the most it's being taken away from them as well. I attended a seminar about three years ago that talked about the economic landscape of Long Island 20 years out with the current brain drain and it was quite grim and quite frightening, I have to say. This is the third or fourth project in recent memory that is addressing this issue of the brain drain and smart growth and all those other projects were all shot down at the end of the day. And I have to say, it's really important, we have to look at the development and redevelopment of these areas, it's so vital. I'm not about paving over Long Island and rebuilding stuff; in fact, I don't build anything. I'm a financial planner, I don't sell real estate or mortgage broke or do anything like that,

I sit with my clients every day to talk about who lost their job, who's going to lose their job or who's business is moving and what asset I need to liquidate so they can stay here. And that's an important figure, I'm not making them up. Long Islanders need to get back to work and those that are working need to be able to maintain their jobs because their business is not going to another state.

And I think that's all I have. Thank you.

Applause

P.O. LINDSAY:

Thank you. Patricia, followed by Chad Trusnoff (sic).

MS. BURKHART:

You've got to hold this the whole time?

P.O. LINDSAY:

Yes.

MS. BURKHART:

Wow, you really make everybody work here, huh? Okay. Good afternoon. I am Patricia Burkhart, President of Friends of the Edgewood Oakbrush Plains Preserve, an all-volunteer, not-for-profit organization based in one of the most densely populated and developed areas of western Suffolk County known in the State and the region as the Sagtikos Corridor. I live in Deer Park but grew up in Manhattan and spent most of my life in a one-room walk-up studio. I would like to thank you for the opportunity to speak today.

Before I just continue, there were several people who spoke earlier mentioned some things about Tanger. I live directly across from Tanger, literally across the street, and it's been held up as a shining example of success. And whether I support it or not, I would urge caution in doing that because it was not built near the Carmen's River, and also the jobs that it produced are not jobs that are going to help young people. I did an experiment for a year, the last year, I applied for jobs there, eight, nine, ten, maybe \$12 an hour; no one can live on that salary on Long Island. So retail helps towns with tax revenue, it doesn't help young people to live.

I am not here as a NIMBY, a phrase I've come to detest and one that deserves to be sent to some stinky landfill and buried once and for all. I am not here as a NIMBY because I do not live anywhere near Yaphank. I am not a NIMBY because I have no backyard to speak of, I live in a condo community directly across from the Tanger Mall. I am not opposed to a development or the concept of smart growth or affordable housing with job creation; what concerns me is that not all development is good or smart. And although smart growth is a catchy phrase, what does it mean if that growth is not sound or, more important, organic? Growth indicates just that, something that has grown over time, something that makes sense, that enhances and connects and integrates all living things on all levels. Most of all, it does no harm. What bothers me about so many projects being pushed on Long Island is that someone, somewhere, in some room gets an idea, pushes it through without careful consideration, and then when the realization hits that the square peg really doesn't fit into that round hole, does that someone fess up and start over? No. There are so many square pegs being pushed into round holes all across Long Island and this is one shining example. And I would like to say that I testified at the Heartland Hearing and one -- and someone brought this up earlier, one of the most -- one of my biggest concerns about Heartland is the integration of that project into Brentwood and how it's going to affect the Brentwood community, and I think it would affect it deeply. I see this thing there and the Brentwood around it and I don't see them connecting.

I am here today to lend Friends of the Edgewood Preserve's organization support -- strong support to my fellow Long Islanders, the civics and the environmental groups and ordinary citizens from Yaphank who have more common sense than some of our elected officials who are not asking for anything more than they deserve; transparency, inclusion, information, discussion, and most

important of all, reasonableness. Stepping back and pausing is an act of strength and courage; I encourage the County Legislature to do that.

Now, one final thing. To County Executive Levy; you have made many wrong decisions before -- I have disagreed with you on most -- you are making one again. To push this resolution and this project based on scare-tactics is just plain irresponsible. Long Island does not need the things that this project will bring to Yaphank, especially the adverse impact on the Carmen's River, one of the most pristine rivers on Long Island. You have used affordable housing as a way to charm everyone. Affordable housing alone will not solve the many problems facing Long Island and housing alone is not the reason young people are leaving. I come from the city, I lived above a rug store, I have no problem with density. However, we have the most miserable bus transportation anywhere. I took a bus here today because I don't drive, so I attest to the fact that young people also need to get around. They need to connect with neighborhoods, they need to integrate. Housing is not going to just do that alone.

I urge the Legislature to vote this resolution out and send it to the same landfill as that NIMBY word. Friends of Edgewood Preserve urges our County reps to do the right thing, since our County Executive is intent on doing the opposite. Thank you.

Applause

P.O. LINDSAY:

Okay. We've got Chad, followed by I guess it's Jane Fasullo.

MR. TRUSNOVEC:

Good afternoon. My name is Chad Trusnovec and I am a lifelong resident of Yaphank. I am also a Trustee of the Yaphank Taxpayers and Civic Association.

I was quite surprised to read over the weekend how the County Executive listens in on Legislative meetings and actually calls Legislators during the meeting to tell them his thoughts. Why won't he listen to the people who count the most, his constituents? As a member of the Yaphank Civics, he's been asked to come to one of our meetings for several years to talk about this project. No response. Why won't he listen to the environmentalists who tell him this project is in the Carmen's River Watershed and will devastate the environment? Why won't he listen to the school board officials who tell him that the added children and taxes will devastate the district? Why won't he listen to the thousands of people trying to sell their homes and how much more difficult it will be to sell their homes, further devastating those neighborhoods? Why won't he listen to the people of Yaphank who's population will double over night and devastate the area? Why won't he listen to the taxpayers who tell him, "It's not your property to sell"? Why won't he listen to the people who remind him of acres and acres of closed up movie theaters, vacant stores, boarded-up businesses, empty car dealerships lying dormant across the area? Maybe he's too busy listening to the special interests in those back rooms, behind closed doors. Are you listening now, Steve? Come face the people, stop calling us names, come out from under your desk and listen to the people. This is a bad idea on all levels, and the people will be listening when your election comes up.

Applause

P.O. LINDSAY:

Jane, followed by William Stegemann.

MS. FASULLO:

Hi. Last time I was here I got very distracted from what I intended to say, so this time I'm going to try to avoid that. I have a number of points I would like to make. First of all, to give you the right direction, I'm here representing the Sierra Club of Long Island.

The group has had to consider not just development here in Yaphank, but across all of Long Island, and we have had to look at the view of where are we, what is it that we want this place to be. And

so in that context, I'm going make a number of comments that were made by members of the Executive Committee of that board.

First, it's to you personally. You represent the County, the people who paid for the land to be purchased from the farmers, but now you are to determine if the people want this land sold and built-out for housing, commercial industry and entertainment. You can look at what the people have voted for in the past; they voted for open land repeatedly. Municipal development is much closer to that ideal than the type of build-out on surplus land that's now being considered.

The 888 acres was purchased by the County for municipal purposes. Can you, in your own minds, agree that the commercial entertainment industry and housing is, in fact, commercial? I'm sorry, is, in fact, municipal?

I just looked at the numbers in the legislation as it was presented to you and I noticed that in terms of acreage, there will be a small, less than 199, from my computation, acres remaining for municipal build-out. Our County is growing and glowing rapidly. At one point, the legislation determined 888 acres would be needed and now we're saying less than 199; not quite sure that that is commensurate with the speed of build-out here on Long Island.

The Planning Board, in a sense, for the County, or at least for the County lands, that is to say, like it or not, the decisions you make greatly influences what happens to the citizens, the wildlife, the land, the water and the economy, and you can set precedent with those decisions. Accordingly, you must weigh declaring such a large piece of County-owned land as surplus against the fact that other land is still available for this intended purpose of build-out. Furthermore, many of those other parcels are closer to existing amenities and infrastructure and, therefore, are more appropriate to be developed. You must consider how much private land is still in holdings and available for the purposes that this is intended to be used for. I might draw your attention to such projects as EPCAL and Heartland and other developments which, along with this one, are, in fact, mega-developments; these are not small.

You're looking at an area where there is a low population density with limited commercial facilities currently in existence; by definition, that would make this development urban sprawl. This is counter to the goals of New York State for smart growth. One of the criteria for smart growth is that it be in an area where there are existing facilities.

You cannot allow the argument that this development will provide affordable housing to be a determining factor. As stated time and again, there is no contract with the developer, there is no written commitment to affordable or workforce housing. As such, there is no guarantee that a significant portion of the housing units will be created for workforce or affordable. Furthermore, I know of no survey that shows the salaries of the young college-graduate students that supposedly this housing is intended to be for. Using a percentage of median income should determine the value of housing and whether it's affordable or not can be very deceptive. Just a little background here, I'm a mathematician; if you like, in the handout that I'm about to give you, there are some numbers indicating how one determines a median and how deceptive that can be. But what I know of entry-level salaries, the 80 to 100% of median income which is established by the Housing Authority itself in Suffolk is \$101,800. It would put most of these units outside of the reach of our younger college graduates, and it would only further the brain drain that are so intent on preventing.

You cannot allow the argument that this development will provide jobs to be a determining factor either. The jobs will not be available until a few years down the road and this will provide no relief for the construction workers who need the jobs today. And after the build-out, what will the construction workers do? Where will they want to build next, or will they take those jobs in those stores that they have created? They're relatively low-paying jobs, salespeople, stock persons, grounds keepers --

P.O. LINDSAY:

Mrs. Fasullo, you're out of time.

MS. FASULLO:

I'm sorry. Okay, I have a lot more. I'm going to present these comments to you in writing so that you can read them over.

P.O. LINDSAY:

Thank you. William Stegemann, and followed by John Ercolano.

MR. STEGEMANN:

Good afternoon, Ladies and Gentlemen of the Legislature. I'm a member of the Long Island Sierra Club and I volunteer with the Sierra Club's fledgling Long Island Water Sentinels Program that has begun to monitor some of our creeks and rivers for general water quality. I'm speaking today as a lifelong resident of Suffolk County.

I'm certainly concerned with some of the things that I've heard from the environmental community regarding the legality of the designation of land as surplus. And certainly with my involvement with water sentinels, I'm concerned about water quality. Obviously, we don't know what impact this project will have, but there certainly will be an impact and, you know, it certainly we will be a negative one. We're dealing with things like brown tide; this certainly isn't going to help that.

Some other things I want to touch on. People mentioned about young people moving away. I can personally tell you, I've had friends and relatives move. I don't know anyone who has moved to another state to live in a development such as this. They've gone to Nevada, North Carolina, Pennsylvania, even Upstate, New York, and this was not what they were looking for. They were hoping to live in a little community like Sayville or something like that and they just couldn't afford that, so they were looking for that someplace else.

A lot of people have been talking about smart growth; that's a term that seems to mean different things to different people. As some have mentioned, you know, projects like Heartland that claim to embrace the somewhat amorphous concept of smart growth, but wouldn't it be smart to evaluate some of these projects for a time after they've come to fruition to see what works, what doesn't work and where, if at all, we could build something similar.

I'm reminded of someone who spoke here just a couple of weeks ago. She worked in real estate, I believe, and she had some knowledge of the construction industry, and she pointed out that this is one of the last remaining big parcels of land where you could even build a project like this. I mean, that begs the question, all right, so what if it does get built; then what? Then are we going to start, in earnest, rebuilding and revitalizing our downtowns, which is what I think people would really like here on Long Island? A vast majority of the citizens of Suffolk understand the importance of preserving open space, not just for drinking water, but to ensure that Long Island remains a beautiful place to live and visit for people of all ages. I would ask you to reject the Legacy Village project and protect the Carmen's River Watershed. Thank you very much for the opportunity to speak.

Applause

P.O. LINDSAY:

Thank you. John, followed by Jimmy Rogers.

MR. ERCOLANO:

Hello. My name is John Ercolano, I'm a fire sprinkler contractor and I'm for this project. Projects like these and construction companies like Beechwood Organization has enabled my company to employ many people and also to purchase a building in Medford. I want to thank the Beechwood Organization for their construction in the past and I am for this project. Thank you.

Applause

P.O. LINDSAY:

Thank you. Jimmy Rogers, followed by Johan McConnell.

MR. ROGERS:

Hi. Jimmy Rogers with DC-9, Painters and Allied Trades. Obviously I'm here in support of the Legacy Village Project. You know, hearing a bunch of speakers come before me, I hear everything about smart growth, what it is, what it isn't. There is no smart growth, we haven't seen one project yet. I hear a lot of talk about it, I hear about mixed-use development; we have yet to see any done on Long Island.

You have an opportunity here before you to vote on something, to make this property surplus and let it get before the Town of Brookhaven. I know the Town of Brookhaven is going to do their due diligence to make sure this gets done correctly. Speaking with some elected officials in Brookhaven, they said this is no slam-dunk that it's going to get done right away. It's going to take years to go through the process, through the Planning Board and whatnot and get done. But, you know, I speak on behalf -- I speak for my members, a lot of my members live in the area, they live in Yaphank. And I would -- I would be wrong in saying to support this project and not have it -- not hurt the environment and do negative things to, you know, the people who live there. So I want to see it again done right, I know they want to see it get done right, but we need to move forward with this thing and get it to the Town of Brookhaven and let them vet it out there. Thank you.

Applause

P.O. LINDSAY:

Thank you, Jimmy. Johan, followed by John McConnell.

MS. McCONNELL:

I hadn't really planned to speak this afternoon, but I've sat in the audience and I've listened to everyone speak and there's just a few questions that I'd like to ask or state.

It is wonderful to have the owner of the Long Island Lizards come up here and speak about the team and the players and everything else, and it was wonderful that the gentleman who spoke and said he was an All-Star for four years. The gentleman that's going to come up and speak behind me, known as my husband John McConnell, played lacrosse for 20 years and was an All-Star for 10 years. So I think he has an understanding of lacrosse, we've attended many games. And I will tell you that, yes, Long Island is a hot bed of lacrosse, but it's at the high school level and the college level. At the professional level, it doesn't do well. There used to be an arena lacrosse, they couldn't fill the Coliseum, and they tried Madison Square Garden and they couldn't do that and they folded. You have club lacrosse, high school lacrosse and college lacrosse. So yes, it's wonderful that we have them standing here and they do wonderful things, but lacrosse has been on the Island for 20 years.

I am somewhat conflicted. I know the developers, I've met with the developers for the project, I've met actually all of the developers who put proposals in for this project, they're all wonderful developers. They all care about their projects, they all -- some were better than others. And I will say that having met with the developer of this project, I find his work to be outstanding. But I think there are issues that we need to go beyond this, it's not just the developer. And I will stand up here and tell you that I'm proud to be called a NIMBY. I do not take it as a derogatory comment because it's my community. I live in that community. I'm exactly a quarter of a mile away from the Police Department, and last night we had a scare in our police -- in our community, we had helicopters flying over for an hour. We had police cars going up and down the road. We weren't sure if someone had escaped from the County Jail or something else was going on and we didn't find out until this morning.

So you're planning to put a thousand units of people, a thousand units over there and putting them in the same possible danger because you have the jail located. And I'm looking at that map now

and there are two very distinct things that are missing on that map which County Executive Levy is very well familiar with, and so is the Planning Department; it's the two toxic plumes, the one coming from the former Grucci property and the one that comes directly across where the residents will be formed. My house, unfortunately, happens to be right over that plume, it is moving towards the Carmen's River. There are seven test wells in Southhaven Park that the Suffolk County Health Department tests every year to see how close that plume has gotten to our river.

So yes, the river is very important to me, because it's a very important part of my community. It's the identity of my community. We have -- historically, Yaphank is a very important thing. It's got a very old history. We have a Suffolk County Farm which has over 50,000 visitors and supplies the food, the meat for your jail that's going to be next to this. We have development going on in the bottom. And I read the contract, as I was up to two o'clock last night and I read the contract. There are four quadrants to that project and the part that is going to be for the community, the community, the feels for the community, the big sell to the community, why the community should report this, that is going to be the last to be developed, area C, and I want to know why. Why in the contract does it state that area C is going to be the last one to be developed? We're going to develop the industry, we're going to develop the arena and we're going to be do the housing. Why for this small 30 acres, out of the 250, that would be a benefit to the community, the community of Yaphank and everything else there, that's going to be the very last thing built.

I serve on the Carmen's River -- Yaphank Lakes Committee. We are very concerned about this river, we're very concerned about our lakes. I was very fortunate last Friday that I went to Vision Long Island and was actually on the panel, and one of the panels I sat in was revitalization of the downtown, and they were very emphatic that they have at least 30 downtowns that they can identify, that they can revitalize, that will give well-paying jobs, will put the construction workers to work now, not five years down the road, not ten years down the road.

And I will finish with the fact that I must be very fortunate in the fact that my two oldest daughters did not leave the Island because of brain drain -- they could afford to live here, they could have stayed here if they wanted -- they moved off the Island to improve their job opportunities. Every time my children moved, there was a bump in their salary of 50 to \$60,000. So it didn't have anything to do with there wasn't housing for them here, they could have lived here on the Island, they could have lived in the city, they could have lived here. They moved off the Island because of the job opportunities. If we want our youth to stay here, we need to provide them with jobs, well-paying jobs, not jobs of eight and nine and \$10 an hour. Thank you.

Applause

P.O. LINDSAY:

John, it looks like you're the last -- no. Last speaker, John.

MR. McCONNELL:

Last but not least. Good afternoon, Members of the Legislature. My wife mentioned some of the stuff I was going to mention on here, so I'm just going to wrap it up here.

A couple of things. It is going to be a big impact on Yaphank -- that was a question asked before -- a tremendous impact on it, on just the area. With all due respect to the builders, they're very nice and they do great work, but we don't think this is the right project for this area.

I played lacrosse for 20 years, I coached, I was only an All-star for seven years, not ten years. But lacrosse has had a rough history. High school and colleges do great, little league does great, all that stuff there. The Saints, I had finished playing by about that time, they moved out, they didn't get enough people, they didn't do well in the garden. As far as playing in the summer, it's a tough sell. People, young people like to go to the beach. With the Lizards, all due respect, they have gone, the professional lacrosse players. It's a great sport, that's how I got to college, it's a great sport.

The impact -- yeah, we were really worried last night. I kept going outside and seeing this Police car parked in front of my house and then another Police car up and down the street with a search light and then helicopters flying over for an hour. Because in the past, we've lived there eight years, in the past we've been concerned about that. A Police car is going up and down, you know, we're wondering whether or not something happened at the jail, and that's a very serious concern here.

This doesn't seem to be smart growth by definition; a couple of people have said that already on it there. And the -- not too long ago, Newsday had an article that the average salary on Long Island is \$49,000. So if you make 49,000, you can't buy these houses, I don't see how you can buy these houses. It makes a lot more sense, as Johann just said, to build up, revitalize the downtown areas, put these union workers who needs jobs, put them to work now, not in five years. Thank you very much.

Applause

P.O. LINDSAY:

Thank you. I don't have -- well, Mr. Kent, you want to come forward and make a statement? I was just going to say, is there anybody else that wants to speak, but Mr. Kent and then Mario wants to speak. All right, go ahead, Mario. Give us your name, for the record.

MR. MATTERA:

I'm Mario Mattera --

D.P.O. VILORIA-FISHER:

Mario, press the button.

MR. MATTERA:

I'm sorry. Mario Mattera, 2123 Fifth Avenue. Actually, my address is 55 King Arthur's Court, St. James, New York. You know, I've been listening to a couple of speakers again, you know, I've been coming to these town board meetings -- town board meetings -- these meetings in front of the Leg and, you know, this project, I'm going to say it again, is called progress. We need your -- you know, everybody keeps on talking about this arena. I think this arena is going to be a great thing for Suffolk County. I don't want to go to Westbury anymore. I mean, I don't know how many people sit here and say they go to Westbury to go for a show. We need something in Suffolk that we could go to a nice show and sit and say -- you know, instead of going into Nassau County and then going into Manhattan. I mean, I don't understand why everybody would be upset. I even feel that, in other words, we should be doing something with Ducks Stadium that, in other words, for -- instead of just baseball games, that we could use it for other things, that other people could go there. But you know what? We need places to go and we don't have that. So this arena -- and I commend Steve Levy for his vision, actually for this, and for the Legislators that actually have their input in this project, because we need this for Suffolk County.

You know, everybody's talking about the water conditions. We have some -- you know, with the sewage treatment plants. Here on Long Island, in Suffolk County, 80% of our sewage treatment plant, we don't have on sewage treatment plants; 20% is on sewage treatment plants. So you know what? We're looking to retool these sewage treatment plants to the future.

We -- you know, everybody says without construction; without construction the economy suffers. This is called progress and it's going to actually, like I said, put people to work, which if anybody can't understand, it's going to be able to work all the way around, across the board. I just don't understand why anybody has a problem with this.

So, you know, these 1,200 square-foot homes, I'm going to say it again, a perfect size home for first-time home buyers. They're brand new, they're green, they're actually efficient and people could finally move into a home in the 200,000 range that actually can afford to do other things,

instead of sitting there and trying to buy a home for \$200,000 and then have to put another hundred and something into it. We've got a great contractor that wants to actually develop this, Beechwood, they do great work, they are willing to take anybody too show them the projects they have done.

So please, we need this land to be surplus. We need this job to get going, we need 1922, we need this to be passed, please. Thank you very much.

Applause

P.O. LINDSAY:

Thank you, Mario. Go ahead, Mr. Kent.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Thank you for the opportunity. I just wanted to respond to a few things. First of all, last night in the Yaphank area there was a car chase and it commenced -- the Police were chasing a traffic, someone who had committed a traffic infraction and the person was from out-of-state, from Texas, and they drove the Police right to Police Headquarters, so it was perfect. They did capture him and they arrested him.

Secondly, I wanted to respond to the individual who talked about whether we listen. I know you're all in the same position, we're all elected officials; I'm not anymore, but I once was and I represent one here today. We listen to everyone and we try to do the right thing, and we weigh a lot of factors in our decision making. And we have to make decisions that some people aren't happy with and other people are very happy with, but I know we all do it for the right reason which is to do the best thing for our constituents, and that's why Steve makes the decisions he makes. There are certain factors that we believe are necessary that need to -- decisions that need to be made, and some people aren't happy with them and some people are ecstatic about them, and that's the decision making process, so.

I wanted to cover a few of the things that were said at the Public Hearing. And I don't know how or where to start because I know I only have five minutes, but if Tom -- Tom, if you could show me the big map there, the one that has the backup. This is the area here, and if you look at it, the area in blue is the Carmen's River Corridor, the area here in purple is the bulk of the area that's being developed, and this little area up here is 34 acres, which is going to be the destination center. Now, if you can't see this because they're so far away, but there are houses on both sides of the Carmen River here and they're -- excuse me, not on the south, but there's houses here and there's houses on this side, there's houses here --

(*Negative Response From Audience*)

And they're on individual cesspools.

UNKNOWN AUDIENCE MEMBER:

There isn't.

P.O. LINDSAY:

Go ahead, just keep talking.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Well, I can't when I'm being interrupted by the crowd. There are houses on this side of the Carmen's River and there are houses in this area just east of Yaphank Avenue, along Gerard Road. It's the same people who complained about our Trap and Skeet Range. There are houses here and they have individual cesspools. This project is going to be sewerred, fully sewerred. All the septic is going to be handled by the sewage treatment plant which is right here.

I wanted to go quickly, if I could, to the school district. I looked at that report, I got it yesterday, I spent time on it. There are 14 complexes in the Longwood School District, condo complexes in the Longwood School District, similar to this one. I omitted the seniors because I didn't think it would be fair to include them because they don't produce any children. But of the 14 condo complexes, they produce 4,434 children. On average, they produce .15 children per unit. So in this thousand, we could roughly say there would be 150 children in the school district. That's history. That's what we talked about using, history.

So also, if we talk about the economy -- oh, and the net positive from those children, from those 14 complexes, the impact is a net positive; \$2,351,560, that's what that report indicates. The Strathmore Ridge Complex is kind of an anomaly. It was built as a condo project back in the 70's, but they didn't have restrictions and it allowed it to go to rentals and they produce now 149 children in their 238 units. And they have just recently enacted an amendment to their bylaws that restricts rentals and it has to be owner-occupied, and these units at Legacy Village will be owner-occupied. Also within the Longwood School District is Bretton Woods, speaking to Lou's point. Bretton Woods is a condo complex, 1,022 units in the Longwood School District and it produces 27 children out of 1,022 units. So you have a wide range.

Also, that study, if we're going to use the study, it says the average cost of a student -- average cost, that would include Special Ed across the board -- the average cost is \$10,427. So if you use 15,000 as an average cost and you end up with 150 children, you'd be about \$2.2 million. So if we're going to take that raw data and use it, let's use it fully.

I don't know what -- the spokesman from the school district spoke about conversations I had; he wasn't a party to those conversations. And I did speak to the Superintendent last spring and in the summer and I met with him about a week and a half ago, we've been talking about the raw data which just came out yesterday. If there are any questions, I have plenty more to talk about, if anybody wants to speak about the illegality of the resolution.

P.O. LINDSAY:

Legislator Kennedy has a question for you, Mr. Kent.

LEG. KENNEDY:

Chris, very simple; is there an appraisal that was done on this property and is that available for us to look at?

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

There has been an appraisal done, it was done in December of 2006, one month before the RFP went out. I don't want to discuss it here, I think it's something that should be discussed in Executive Session at the committee level, and I'd be glad to discuss that with you at that time.

LEG. KENNEDY:

Well, I can --

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

But let's go back to that. Somebody --

LEG. KENNEDY:

Wait, wait.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Can I -- this goes to appraisal.

LEG. KENNEDY:

Wait. Wait.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

This goes to appraisal.

LEG. KENNEDY:

Wait. I will be happy to have the conversation with you privately. I'm glad to here that there is an appraisal. If the appraisal was done in 2006, you agree already that that's quite a stale appraisal and that we would have to look at something now that's more contemporaneous.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Well, I could ask for an update to that appraisal. Being involved with real estate for two years for the County, I could make a guess that that appraisal might be lower today than it was in December of 2006.

LEG. KENNEDY:

Properties have gone down, but you also agree that this is somewhat unique as far as the gamut that we're looking at. I'll speak with you individually about it afterwards. Thank you.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

But in speaking to that, there was someone who brought up the cost per acre, that we were selling it at \$58,000 per acre? The true -- there's much more consideration than just the \$15 million purchase price. The total impact of the contract to the County is about 57 million which would equate to about two hundred and -- a little more than \$225,000 per acre.

LEG. KENNEDY:

Well, now you just told me you didn't want to talk about the appraisal here in public forum.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

That isn't appraisal, somebody spoke about that during the Public Hearing, they said that "58,000 per ache, I'll take two," I think was the quote.

LEG. KENNEDY:

I will talk to you about this off whatever. All right? You answered one question, that there is an appraisal that was done and it was procured in 2006.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Right.

LEG. KENNEDY:

Okay. Thank you.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

And then I talked about the price per acre pursuant to the contract.

P.O. LINDSAY:

Okay. Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. You know, I'm just going to -- as a young person, I know we've had a lot of discussion about, you know, who the face of this problem is, and it's not just graduate students and all that, it's people who have decent jobs. I mean, I don't have a home and one of the reasons I came to this body was to try to deal with that.

But that notwithstanding, I just had a couple of questions for you, Chris, first about the contract, and we discussed it a few minutes ago. But on page 15 of the contract -- actually 14, I'm sorry --

it's Section 4-1(G) and (H). Section G talks about the local preference, which is good, I appreciate that part, but Section H, the language says, "Seek a project labor agreement." My concern with that language, it says "seek", because "seek" and "obtain" are not the same thing. So my question would be if we have ten building trades and we get seven on board, do we determine that that's enough or -- and if it's not seven, is it four or is it five?

Because I think, you know, as a Legislature -- I'll speak of the body as a whole since this will probably happen after my name here is over -- I would be more comfortable if it said "obtain", because I'm not sure what "seek" means. It could be, "Well, we sent out the paper work, we got one," and I just think that particular language should be a little bit stronger, because if we do go forward with this in any way shape or form, I think that is much more in accordance with our prevailing wage and -- our prevailing wage and local preference. So is that something that you can have a discussion with, with a developer or whomever, to make an amendment to this?

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Yes. That's a draft contract that's sitting before you, we -- constructive criticism on things you'd like to see in the contract are good to hear and we'll be glad to attempt to negotiate that it say "obtain a project labor agreement".

LEG. BEEDENBENDER:

Okay. And my second question, when I was reading through the contract -- and this is just -- I think I asked it last time you were here, but I don't understand. There's a purchase price in the contract, I'm not concerned at this point where we got to that.

But my question is normally when we do affordable housing, we provide infrastructure money for a sewage treatment plant or we give the land to make it affordable. So what I don't understand here is if we're trying to make affordable housing, why are we asking for \$57 million? Because it seems like you go either one way or not; you give the land to make it affordable housing, but if it's about money -- and I'm not suggesting that we do this, for the people here in Yaphank -- than you'll just sell it and build big mansions because we'd make a lot more money. So --

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Well, it's not about money only. And if you read the resolution, we took some length in drafting some language that said that the Legislature has made determinations that construction of affordable housing and workforce housing is a public purpose, and we believe that this meets a tremendous public purpose by having affordable housing constructed as part of this project.

We have given away land for the construction of public -- of affordable housing. And in this case, we went through an RFP process where we had the developers make an offer to us and they offered money; this was their offer. And this contract is documenting or memorializing in a document the offer that was -- the offer and negotiations has been ongoing.

LEG. BEEDENBENDER:

Okay. Well, that explains a little more. I can't get into -- you know, I don't want to get into the situation with the appraisal and what the difference between that and what this number is. But you can understand my concern that, you know, if the goal is to build affordable housing, which is something that I would very much like to see because this is a problem that -- you know, not to take anything away from the other 17 of my colleagues around this horseshoe but, you know, this is -- you know, it's one thing to live it, it's one thing to see it and I live it. And the reason I rent an apartment is -- hey, I'll admit it, I'm not doing too bad in life, but I can't afford to buy a house because I don't happen to be married yet and it seems the only way you can do it is when you have two people. So --

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Well, let me just explain something. A lot of value in this purchase price is because of this piece down here, if you're looking at the map.

LEG. BEEDENBENDER:

Right.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

That is 98 acres of industrial land. And somebody was talking earlier about jobs created; we're not talking retail jobs here. This will be alternative energy development, emerging, high-tech industries, 98 acres of industrial development, it will create career-path jobs, and that we've valued at \$12 million. If you read the contract, that piece alone is supposed to be closed for \$12 million.

LEG. BEEDENBENDER:

And --

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

So we then value the rest for the balance.

LEG. BEEDENBENDER:

And I'm not disputing that there would be a price involved, I was just trying to understand why we would ask for so much money. But if that was an offer that they made and they still say they can build the affordable housing, that's great.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

I believe in the contract, if you read through it, it's valued at a per unit price.

LEG. BEEDENBENDER:

I saw that.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Yeah.

LEG. BEEDENBENDER:

The one thing I wanted to add with the Bretton Woods number, and I happened to call them a couple -- about a month ago to try to figure it out. It's -- 27 I believe is right for Longwood, but it's split between Longwood and Middle Country. So it's not a big difference, but for the whole thousand units, it's closer to about 36 or thirty -- 36 to 40, they couldn't give me an exact number, but I can confirm just because we called them.

Now, I don't know if that's at all representative of what this will be, because those are one, two and three-bedrooms with the preponderance of them being two-bedrooms and some three-bedrooms. So I think that skews the numbers in comparison to this.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

If we created 36 for the thousand units here, I think Dan Tomaszewski would take that today.

LEG. BEEDENBENDER:

I think he would, too. But what I'm saying is that the 36 notwithstanding, I'm not sure exactly where it is. I mean, I don't want to debate the bill, I just wanted to make the point and ask you, I know you said you would, but that Section 41-(H), I really think that if we're going to do this it should say "obtain" rather than "seek". Because the building trades guys, many of them spoke here and last time, they're here because they want these jobs and they want this to be built, but if we build it and we don't have certainty that it's going to go to them, then I think, you know, they're going to be upset and they'll be back here and then we'll have -- then everybody will be upset, there will be nobody happy anymore.

P.O. LINDSAY:

Okay. Legislator Browning.

LEG. BROWNING:

Chris, and I know you know, I certainly support affordable housing 100% for our young people. Brian talks about, you know, the fact that he can't afford one. I remember the day when my husband and I, with two children, couldn't afford to buy one, and that's why we moved to the wonderful town of Shirley. However, I do have some questions about the land as proposed.

You know, have you exhausted all avenues? There is no plans to purchase any properties for municipal purposes, for the County to own? And have you looked at this County land that we currently own to say, for example, you know, the Health Department? You know, some of it's at the old Infirmary.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Yeah

LEG. BROWNING:

And we have Rabro and -- you know, have we exhausted looking at the opportunity to maybe move Rabro next to the infirmary?

You know, I think the building trades, as far as they're concerned, you know, they want to build. And I don't think it's necessarily that important to them as to what they build, as long as they get jobs. I want to make sure that the County has exhausted everything, that you've looked at all of this land and you've said, "You know what, we really don't need it and ten years from now we're not going to need it, 20 years from now we're not going to need it." And I know there's a Newmark Report, which I just received it today so I haven't actually looked at it. A little piece of what I saw was talking about Yaphank and taking some of the property and moving it over to the northwest side of Yaphank Avenue. Also looking at BOMARC, selling the 95-acres at BOMARC and transferring that over to this County land here. I mean, what is the decision on that? I mean, is that not going to happen? I mean, have you looked at the financials to see if we're going to save money, how much money would we make if we sold that 95 acres in BOMARC? I just want to know that we definitely don't need this land and that we have no intention today, tomorrow, 10, 20 years from now to need land or the need to purchase anything.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Okay. Tom might be better to speak to that, but I will speak to it. Tom, if you could go to the map that has the percentages of the area? We are retaining land here. We are currently on approximately -- in the blue area here, if you look at the blue area. Tom, do you have the one with the percentages, is this it? Oh, yeah, there it is, down at the bottom. Sorry, Gail, I didn't mean to shoot you in the head.

*(*Laughter*)*

There is a blue area here which is 200 -- we currently -- I have it. We currently use 215 acres in that area and we are retaining 166 acres of undeveloped land in that area. And the report that was done back in 2005 stated that something less than that was necessary to go forward for our County uses at this site. So we feel that the retention of the 166 acres of undeveloped land is more than enough for future County purposes. And if you really want me to go into the building of construction of buildings here, it's really expensive for us to build on this property, County buildings.

LEG. BROWNING:

Yeah. And, you know, as far as the -- I think you'll agree that you talked about the residential homes around the Carmen's River. I mean, I'm dealing with that issue in the Shirley/Mastics area, poor planning, bad development and the lack of sewers. We clearly -- we know that by the Carmen's River it was a bad plan, poor development that occurred. You have this map?

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Yes, I have that.

LEG. BROWNING:

Okay. Because it does show the boundaries do flow out to this land; am I correct?

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

The underground flow is in a southeasterly direction. This area, the sewer plant -- by the way, somebody spoke about the contamination plume earlier? That plume has, for the most part, traveled already over this property and is somewhere in here. It was not generated by the County, it was generated by a use west of the County, over in this area, and it's traveled through the County property and is now in that neighborhood. I'm sorry about that, Johann, but the contamination plume is in your area now, not on the County land. I'm not sorry that it's not on the County land, I'm just sorry that it's in your area, really, it's a bad thing to have to live through. But this is the flow of -- underground water flows in a southeasterly direction. And this is -- the distance from the sewer plant to the Carmen's River way down south here is about a mile and a half, that distance.

LEG. BROWNING:

And one slight correction. I know -- I think Mr. Brickman spoke about Strathmore and the HOA, he did say that they went to court, they were challenged on the rentals and they lost in court.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Because they didn't have a provision in their bylaws that prevented rentals, so they were challenging rentals without a provision. My understanding is that their bylaws have now been amended to include a provision about rentals.

LEG. BROWNING:

I'm done.

LEG. STERN:

Bill?

P.O. LINDSAY:

Okay. Legislator D'Amaro and then Stern.

LEG. D'AMARO:

Mr. Kent, thank you for appearing again today. Eventually, when the Public Hearing gets closed, this is coming back to Ways and Means, and of course I invite you to attend that as well. I have a lot of questions, I'll save it for the committee process. But I just wanted to give you a head's up, I guess, when we get to the committee level we need to discuss the SEQRA process and how that's going to proceed and, you know, what our role in that whole process is and be prepared for that as well.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Do you want me to cover that at all today, or you just want to wait until the committee?

LEG. D'AMARO:

No, we can wait for the committee, but I just wanted to give you a head's up. And also, if I could get a copy of the EAF.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Okay. Yeah, we have that. I think it was circulated today to the CEQ members

LEG. D'AMARO:

Okay.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

So we'll get copies of that to you also.

LEG. D'AMARO:

I need that by close of business Friday, if possible.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Okay, we'll get that to you.

LEG. D'AMARO:

All right. Thank you.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

Also, there was a question earlier about other documents that we're going to provide to the Legislature for consideration of this resolution. The only exhibits referenced in the resolution are the contract and the legal descriptions, and I believe we've provided both of those exhibits to you already.

D.P.O. VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

You know, I'll hold my questions until committee as well.

D.P.O. VILORIA-FISHER:

Are there any other questions for Mr. Kent? Okay, then I'll ask all Legislators to return to the horseshoe, please.

CHIEF DEPUTY COUNTY EXECUTIVE KENT:

If I could, I would just ask, respectfully request that you consider the hearing closed so that we can move it back to committee and deal with some of the issues that I think are -- could be dealt with at committee level.

D.P.O. VILORIA-FISHER:

I apologize, I think there's one more question. Legislator Browning?

LEG. BROWNING:

No, no, no. No, I'd like to make the motion to recess.

D.P.O. VILORIA-FISHER:

Okay, let's wait until we have more Legislators here. There's a motion by Legislator Browning to recess. Is there a second?

LEG. LOSQUADRO:

Second.

D.P.O. VILORIA-FISHER:

Legislator Losquadro seconds that motion. Well, we're waiting for the Presiding Officer to return --

MR. PEARSALL:

He'll be here in a second.

D.P.O. VILORIA-FISHER:

-- since there's a motion on the floor. Just give him a second to come back.

LEG. ALDEN:

If this gets closed today, we might have to talk to the committee chairman about -- I'm not so sure I can make that next meeting.

*(*Laughter*)*

LEG. BARRAGA:

What's your point?

LEG. ALDEN:

I'm going to give him notice today that I don't think I'll make it.

LEG. D'AMARO:

Madam Chairwoman?

D.P.O. VILORIA-FISHER:

I think the committee chairperson wants to speak.

LEG. ALDEN:

Can I have an excused absence for the next meeting?

LEG. D'AMARO:

You better be there.

D.P.O. VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Madam Chairwoman, also, I'd like to offer a motion to close the public hearing.

D.P.O. VILORIA-FISHER:

Okay. Is there a second?

LEG. NOWICK:

Second

D.P.O. VILORIA-FISHER:

Seconded by Legislator Nowick. So there is a motion to recess by Legislator Browning, seconded by Legislator Losquadro, and a motion to close by Legislator D'Amaro, seconded by Legislator Nowick. Welcome back.

LEG. ROMAINE:

Which takes precedent?

P.O. LINDSAY:

Okay. The recess resolution goes first. And I'm going to call for a roll call. Roll call on recessing this Public Hearing.

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

LEG. BROWNING:

Yes to recess.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

This is to recess? No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

No.

LEG. SCHNEIDERMAN:

No to recess.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Okay. Motion to close. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Pass.

MR. LAUBE:

Pardon?

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

I abstain. I ask for an excused absence for the next --

MR. LAUBE:

Fourteen.

LEG. ALDEN:

-- general session.

(*Laughter*)

P.O. LINDSAY:

Okay, it stands closed.

(*The following was taken & transcribed by
Alison Mahoney - Court Reporter*)

Public Hearing on IR 1928-09 - Adopting Local Law No. -2009, A Local Law to improve the safety of youth sports programs in Suffolk County and increase awareness of the dangers of head injuries (Beedenbender). I have no cards on this subject. Is there anyone in the audience who would like to speak on 1928? Seeing none, Legislator Beedenbender?

LEG. BEEDENBENDER:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 1985-09 - Adopting Local Law No. -2009, A Local 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 (County Executive). Do I have anybody in the audience who would like to speak to us on this subject? Seeing none, I'll make a motion to close.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Someone wants to speak?

LEG. GREGORY:

Bill, I think there's someone who wants to speak.

MR. ROGERS:

I'm sorry.

P.O. LINDSAY:

On the Empire Zones?

MR. ROGERS:

Right, I wanted to speak in favor of that.

P.O. LINDSAY:

Okay. You're a little late in the trigger.

D.P.O. VILORIA-FISHER:

He was up, we just didn't see him.

MR. ROGERS:

I was a little late, you were a little quick.

P.O. LINDSAY:

Are you in favor of it?

MR. ROGERS:

Yes.

P.O. LINDSAY:

It closed. The hearing closed, it will go to a committee now.

You can get up and speak at the committee.

MR. ROGERS:

Thank you.

P.O. LINDSAY:

Public Hearing on 2001-09 – A Local Law to clarify and streamline process of selecting --

MR. LAUBE:

I didn't call the vote yet.

P.O. LINDSAY:

Oh, I'm sorry.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'm sorry.

MR. LAUBE:

I was waiting for to you announce it.

P.O. LINDSAY:

Public Hearing on IR 2001-09 – A Local Law to clarify and streamline process of selecting the Presiding Officer and Deputy Presiding Officer of the County Legislature (Presiding Officer Lindsay). Is there anyone in the audience that wants to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Hearing on IR 2033-09 – A Local Law to extend the right of first refusal to homeowners of planned retirement communities. (Romaine) Assigned to Veterans & Seniors. Anyone in the audience want to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I just should mention, Mary Finnin, you filled out a card but it's on -- -- it isn't for Public Hearing, that resolution is on the agenda. You would have had to speak under the Public Portion this morning. I can't take testimony except on things that are scheduled for a Public Hearing. That concludes our Public Hearings for today.

MR. NOLAN:

You haven't done the Consent Calendar.

P.O. LINDSAY:

Right.

D.P.O. VILORIA-FISHER:

Motion to pass the ***Consent Calendar:***

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay. Motion to approve the Consent Calendar by Legislator Viloría-Fisher, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. If we turn to page six, Resolutions Tabled Subject to --

MR. NOLAN:

No, skip that.

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

Page seven.

P.O. LINDSAY:

Page seven, excuse me. [Resolutions Tabled to December 1st, 2009:](#)

LEG. MONTANO:

Page six.

MR. NOLAN:

It is six.

P.O. LINDSAY:

It is six, okay. I thought it was six.

1107-09 - To enhance efficiency in the selection and leasing process for County buildings (Romaine). Do I have a motion?

LEG. ROMAINE:

I'll make a motion to table for one more cycle. At the next meeting, though, I will probably move this.

P.O. LINDSAY:

I'll second the motion to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1590-09 - Preventing registered sex offenders from maintaining accounts on social networking websites (Montano).

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

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

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Eddington.

LEG. EDDINGTON:

I just wanted to -- the sponsor has reached out to Laura Ahearn, I believe?

LEG. MONTANO:

Yes, I did. We spoke with her, we made an amendment and we're ready to go.

LEG. EDDINGTON:

Excellent. Thank you.

LEG. COOPER:

Well, just to confirm, she's now supportive of the resolution?

LEG. MONTANO:

Yes, she is.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

LEG. BROWNING:

Tim, am I cosponsor?

LEG. MONTANO:

Yes, you are.

LEG. COOPER:

Yes. Tim, cosponsor, please.

LEG. EDDINGTON:

Cosponsor.

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. ROMAINE:

Motion to table.

P.O. LINDSAY:

Motion to table. Do I have a second to the tabling?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Seconded by Legislator Beedenbender. Any discussion?

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

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).

LEG. LOSQUADRO:

Mr. Chairman, I'm going to make a motion to table again. With the shortened week last week, with Thanksgiving and everything else going on, I'd like to give them a little more time to continue to work on this.

P.O. LINDSAY:

I'm going to make a motion to approve.

LEG. D'AMARO:

I'll second the tabling motion.

P.O. LINDSAY:

Okay.

LEG. EDDINGTON:

I'll second the approval.

LEG. ALDEN:

I'll second the motion to approve.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Can I have an explanation?

P.O. LINDSAY:

Yeah. This is a recommendation that came out of the Charter Commission --

LEG. MONTANO:

Oh, yeah.

P.O. LINDSAY:

-- to expand the representation on the FRES commission by two people and those two people would come from the ambulance company. So the FRES Commission would stand at 21 people, three of

which would be from the ambulance companies.

LEG. D'AMARO:

Just on the motion?

LEG. MONTANO:

May I?

P.O. LINDSAY:

Go right ahead. Go ahead, Legislator Montano.

LEG. MONTANO:

Yeah, I just wanted to -- if I may.

LEG. LOSQUADRO:

Yes.

LEG. MONTANO:

I just wanted to know the reason for the tabling motion on this.

LEG. LOSQUADRO:

At the last meeting, I had received a request from members of the board that they -- despite the fact that it was part of the Charter Review Commission recommendations, there was not direct outreach to them and they felt that this had -- again, you know, in all fairness, was this published publicly? Yes, but, you know, many people are not privy to how we operate and they felt it came upon them very suddenly and wanted more time to review it.

LEG. MONTANO:

All right. Thank you.

P.O. LINDSAY:

Anybody else?

LEG. D'AMARO:

On the motion.

P.O. LINDSAY:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

On the tabling, we heard during the public portion this morning a request also for a tabling. I believe there's going to be a change in the President of the FRES Commission and they wanted an opportunity to review that. And in light of the fact that we have one more meeting before the end of the year, I thought it would be prudent to table as well.

P.O. LINDSAY:

Anybody else? No? Okay. Motion to table takes precedence over approval. All in favor of tabling?

D.P.O. VILORIA-FISHER:

Roll call.

P.O. LINDSAY:

Roll call

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

LEG. LOSQUADRO:

Yes

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes, for one cycle.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay, so it's tabled.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

1925-09 - Amending the 2009 Operating Budget and transferring funds --

MR. NOLAN:

That was withdrawn.

P.O. LINDSAY:

It's being withdrawn, I'm being told, or it was withdrawn.

MR. NOLAN:

It was.

P.O. LINDSAY:

Okay. Page seven, *Introductory Resolutions for December 1, 2009:*

Budget & Finance:

1874-09 - Adopting Local Law No. -2009, A Charter Law modifying the process for Legislative budget amendments (Gregory).

LEG. GREGORY:

Motion to approve.

P.O. LINDSAY:

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

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley. Maybe we could have an explanation from the sponsor.

LEG. GREGORY:

This bill just modifies the timeframes in which we can amend the budget. The last date, the last month is in December, it will move it back to September. Because currently as it stands, we modify the budget, amend the budget in December, the agencies that we have -- that we have contracts with don't have enough time, sufficient time to use the monies when we amend the budget. So this would give them I won't say adequate time, but it will give them more time to use --

LEG. NOWICK:

More reasonable.

LEG. GREGORY:

More reasonable time for the contracts.

MR. NOLAN:

It gives more timeframe.

LEG. LOSQUADRO:

That takes effect the 1st?

LEG. GREGORY:

It would take effect the beginning of the year, yes.

P.O. LINDSAY:

Okay. Anybody else on the subject? No? Okay, we have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2051-09 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2009 Adopted Mandated Budget from the 2009 Adopted Discretionary Budget (County Executive). Do I have a motion?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. Second by Legislator Beedenbender.

LEG. ALDEN:

Just a question.

P.O. LINDSAY:

On the subject, Legislator Alden.

LEG. ALDEN:

A quick explanation.

MS. VIZZINI:

This is the standard housekeeping resolutions at the end of the year. This one has to do with transferring surpluses in discretionary appropriations to cover shortfalls in certain mandated appropriations. The detail is attached. In this case, there were certain shortfalls in terms of serial bond indebtedness, a few of them have to do with the sewer districts. It just had to do with the projections in terms of what the debt was actually going to cost coming in slightly different in terms of the actual.

LEG. ALDEN:

So it came in higher?

MS. VIZZINI:

In certain areas, yes, in the Police District and in the -- given when we purchased the -- I think it had to do with the purchase of the Cohalan building from the JFA. But I would defer to Mr. Kovessdy in terms of the details, since these are prepared by the Budget Office.

LEG. ALDEN:

But the other question is can we transfer into the sewer district or out of the sewer district?

MS. VIZZINI:

These are within the sewer district.

LEG. ALDEN:

Oh, so it's just --

MS. VIZZINI:

Yeah. You know, it's within Fund 15, it's within the Selden Sewer District or the Hauppauge Sewer District.

LEG. ALDEN:

Okay, thanks.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2052-09 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2009 Adopted Mandated Budget (County Executive). Can we do same motion, same second?

LEG. NOWICK:

Yep.

P.O. LINDSAY:

Any questions?

LEG. ALDEN:

Everything is different, so -- I think, right? Just an explanation.

MS. VIZZINI:

Similar in concept, it's shortfalls and certain mandated appropriations and you can only use surpluses in mandated appropriations. So the detail is identified in the resolution.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2053-09 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2009 Adopted Discretionary Budget (County Executive).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

I'm right behind you.

MR. NOLAN:

The next one has to be tabled because we amended it yesterday.

P.O. LINDSAY:

Okay. *Consumer Protection:*

1918-09 - Adopting Local Law No. -2009, A Local Law exempting certain entities from regulations related to dealers in secondhand articles. (Stern). And I'm being told by Counsel it has to be tabled because it was just amended.

LEG. STERN:

Motion to table.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, now we're going to go through these quick.

1974-09 - Approving the reappointment of Michael Towers as a member of the Suffolk County Electrical Licensing Board (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy and I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1975-09 - Approving the reappointment of Michael Daly as a member of the Suffolk County Electrical Licensing Board (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote. Okay,

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1976-09 - Approving the reappointment of Richard Leo as a member of the Suffolk County Plumbing Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1977-09 - Approving the reappointment of Robert Ruggiero as a member of the Suffolk County Plumbing Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1978-09 - Approving the reappointment of Anthony Warrenski as a member of the Suffolk County Plumbing Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1979-09 - Approving the reappointment of Salvatore Escaldi as a member of the Suffolk County Plumbing Licensing Board (County Executive).

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2004-09 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for a Long Island Hospital Consortium 83% reimbursed by State funds at Suffolk County Community College (County Executive). Motion by Legislator Horsley.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2005-09 - Accepting and appropriating a grant award from the State University of New

York for a Community College Workforce Development Training Grant Program for Audiovox Corporation 90% reimbursed by State funds at Suffolk County Community College (County Executive). Motion by Legislator Horsley, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2006-09 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for GKN Aerospace Monitor, Inc. 90% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator Barraga.
All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2007-09 - Accepting and appropriating a grant award from the State University of New York for a Community College Workforce Development Training Grant Program for People's Alliance Federal Credit Union 90% reimbursed by State funds at Suffolk County Community College (County Executive). How about same motion, same second, same vote all right with everybody?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2008-09 - Accepting and appropriating an amendment to the College budget for a grant award from the State University of New York, for a Community College Workforce Development Training Grant Program for Developmental Disabilities Agencies 67% reimbursed by State funds at Suffolk County Community College (County Executive).
Same motion, same second, same vote.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
We did 2059.

2060-09 - Ratifying and restating prior appropriations in connection with the redevelopment to create a Homeland Security Technology Park (Hampton Business and Technology Park) at Gabreski Airport – (CP 5735). (County Executive).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator Schneiderman.

All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompany Bonding Resolution 2060A, same motion, same second; roll call.

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

LEG. HORSLEY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Environment, Planning & Agriculture:

1923-09 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Bay Village Park parcel – Town of Babylon) (Gregory).

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory, seconded by Legislator Horsley.

LEG. MONTANO:

On the question.

P.O. LINDSAY:

On the question; no one on the question? All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Abstain.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2003-09 - Amending the 2009 Budget and Program and appropriating funds for the planning and construction of the Underground Injection Control (UIC) Management Program (CP 8220)(County Executive). I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher.

LEG. ALDEN:

Just --

P.O. LINDSAY:

On the question, Legislator Alden.

LEG. ALDEN:

Just can somebody explain what an Underground Injection Control Management Program is?

P.O. LINDSAY:

I asked the same question.

D.P.O. VILORIA-FISHER:

You have to go underground for your flu shot.

LEG. SCHNEIDERMAN:

We asked this in committee, too. You know, the Storm Water Management Plan deals with, you know, looking at all of the places where road runoff goes into basins. This looks at all of the cesspools, all these places that drain into the aquifer but not, you know, directly into a water body.

LEG. ALDEN:

And how much does this cost?

LEG. SCHNEIDERMAN:

It's \$400,000.

LEG. ALDEN:

And we just have --

LEG. SCHNEIDERMAN:

I think it's mandated that we have to analyze all of that.

LEG. ALDEN:

So this is mandated? By who?

P.O. LINDSAY:

The Federal government.

LEG. SCHNEIDERMAN:

I think it's the State.

P.O. LINDSAY:

I thought it was Feds?

LEG. ALDEN:

So they didn't pay us to go and do this, right? So it's an unfunded mandate?

D.P.O. VILORIA-FISHER:

Yep.

LEG. SCHNEIDERMAN:

I suspect so, yeah.

LEG. ALDEN:

And you know what I think of their unfunded mandates. Can we afford to do this right now? That's what you have to ask yourself when you -- this is great, but \$400,000 on top of the debt that we've already approved, on top of the debt we're going to approve in a couple of more minutes? I don't

know if we can afford it. Oh, no, wait, we can sell a little bit more of our tobacco securitization money.

LEG. SCHNEIDERMAN:

There may be a State or a Federal reimbursement. Is there somebody from the County Executive's Office who can speak to this?

LEG. ROMAINE:

Dick Cavett wants to give the money back.

*(*Laughter*)*

P.O. LINDSAY:

That was very good.

LEG. SCHNEIDERMAN:

Mr. Zwirn, is this reimbursable? Was there a grant available?

MR. ZWIRN:

What I was trying to lip sync was that it was EPA mandated, not EPA reimbursed. But it is a mandate from the Federal government, it's a \$400,000 cost to build this database.

LEG. ALDEN:

And we have to do it right this minute, right?

MR. ZWIRN:

Yes. And it was -- and it was in the Capital Program, it was something that was brought to the Legislature's attention, you know, at an early stage.

LEG. ALDEN:

The thing I would go back to you with, though, Ben, is there were a whole bunch of things in the Capital Budget, and as we borrow more and more money, we actually have to take our operating expenses and we have to increase the amount in the operating expenses to pay down the capital or to pay off the capital debt that we run up. As a matter of fact, it got so big that we had to sell off a whole stream of revenue that we didn't replace to pay down the amount of debt that we had out there and to get rid of some of our debt service. So to me, you know what, if they mandated it, let them come and pay for it, otherwise let them come out here and do the work for us.

LEG. SCHNEIDERMAN:

Ben, are there penalties for non-compliance, do you know?

MR. ZWIRN:

The only problem -- and I think everybody is sympathetic with what you're stating, Legislator Alden. But the problem is that they -- the Federal government can come in and fine the County as well if we don't comply and the taxpayers are going to wind up paying that and not having the information as well?

LEG. ALDEN:

When --

LEG. MONTANO:

Can I ask a question? I'm sorry.

LEG. ALDEN:

When was this actually, this study due? Because this is December, right, or almost December. Is today still November?

LEG. LOSQUADRO:

No, it's December.

LEG. ALDEN:

This is December of the year 2009. When was this due, like five years ago, ten years ago? Is it due by the end of 2009?

MR. ZWIRN:

My understanding is this is --

MR. CHIUSANO:

The money will be completed by the end of 2010.

P.O. LINDSAY:

Gil Anderson is in the back, maybe he could -- if you don't mind, Ben.

MR. ZWIRN:

Not at all.

P.O. LINDSAY:

It looked like you were floundering a little bit, you know what I mean?

MR. ZWIRN:

No, no, I was thinking.

D.P.O. VILORIA-FISHER:

Looks the same.

*(*Laughter*)*

COMMISSIONER ANDERSON:

At this point, we've just been mandated by EPA to do the study. There's no immediate deadline. I believe next year is when we have to have everything in place, so it's not like it's --

LEG. ALDEN:

So maybe the economy improves next year, maybe we, you know, get a little bit of --

COMMISSIONER ANDERSON:

But the amount of time it's going to actually take to do this work is huge, because every leaching pool, every underground, I mean, it has to be located through GPS and actually identified, and that's throughout the County? So, you know --

LEG. ALDEN:

So we haven't done anything about this to date?

COMMISSIONER ANDERSON:

That's what this is for, to bring somebody in to be able to do this. We have --

LEG. MONTANO:

I have a question.

COMMISSIONER ANDERSON:

-- identified on our documents, you know, our plans where they are, but somebody has got to actually go out there, put a GPS unit on it, locate it, however they do that.

LEG. ALDEN:

Gil, do you remember when the Feds actually mandated this?

COMMISSIONER ANDERSON:

It's been coming for a couple of years, that's why we were able to put it into the Capital Program.

MS. VIZZINI:

It was added to the Capital Program in 2008.

LEG. ALDEN:

But we didn't do anything about it in 2008.

MS. VIZZINI:

We didn't appropriate any funding, the funding was scheduled in 2009.

LEG. SCHNEIDERMAN:

So the money is in 2009's budget, so if we don't appropriate it by the end of the year the funding disappears.

MS. VIZZINI:

Yes.

LEG. ROMAINE:

That's correct.

LEG. SCHNEIDERMAN:

So it is time sensitive.

LEG. ALDEN:

Or next year you actually decrease your Capital Program next year to do all these great mandated things that are unfunded. Or we could do like we did in the past, we can get rid of a revenue stream and not replace that to pay down our debt.

P.O. LINDSAY:

Cameron, it sounds like a good job.

LEG. ALDEN:

It does.

P.O. LINDSAY:

Legislator Kennedy, and then Montano

LEG. KENNEDY:

Gil, is this something that we're going to have your folks do out there in Yaphank, or do we put this out and have a private consultant do it?

COMMISSIONER ANDERSON:

This would be done through a consultant, yes.

LEG. KENNEDY:

It would, okay. All right, thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Hi, Gil. This is in the budget but we're amending and appropriating; could you just explain that to me? If it's in the budget, I thought we would be just appropriating it. What are we amending?

MS. VIZZINI:

The construction costs increased from 300 to 400,000, we had 100,000 in planning, we would move the planning money to construction.

LEG. MONTANO:

So the contract amount -- did you want to -- I'm sorry.

MR. CHUISANO:

Basically what Gail just said is correct.

LEG. LOSQUADRO:

You have to use the mike.

LEG. MONTANO:

I can't hear you.

MR. CHUISANO:

What Gail just said is correct. Basically what was in the budget was money under the construction account with only 100,000 in planning. Basically the resolution amends the Capital Budget and moves another 300,000 from the construction into the planning which is approximately what the study is believed to cost.

LEG. MONTANO:

So we're not spending more than was originally put in the budget is what you're saying, or are we adding to this?

MR. CHUISANO:

We're not adding more money at this point. Actually, we're spending less than what was in the Capital Budget because of the fact that we're not appropriating at this time any remediation costs.

LEG. MONTANO:

That will come later?

MR. CHUISANO:

That's possible, yes, depending on what comes out of the study and we won't know that probably until the end of 2010, early 2011.

LEG. MONTANO:

Do you have any idea of what we're looking at there, or it's too early to tell?

MR. CHUISANO:

I think it's too early to tell.

LEG. MONTANO:

But it's going to be expensive, right? You're smiling, that tells me --

COMMISSIONER ANDERSON:

It may very well be.

LEG. MONTANO:

Okay, thank you. Oh, boy.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed

LEG. BARRAGA:

Opposed.

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. On the accompanying Bond Resolution 2003A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yep.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay, *2034-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the North Fork Knolls I, LP - property - Hubbard Duck Farm - Town of Riverhead - (SCTM No. 0600-112.00-01.00-016.001) (County Executive).*

LEG. ROMAINE:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman.
On the question anybody, no? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstained.

LEG. BARRAGA:

Opposed

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Will do.

P.O. LINDSAY:

2035-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Naftal Associates, L.P. property - Peconic River County Park addition Town of Brookhaven

- (SCTM No. 0200-297.00-01.00-013.000) (County Executive).

LEG. ROMAINE:

Motion to approve.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

Sixteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Will do.

P.O. LINDSAY:

2036-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the estate of Veasey property - Forge River addition - Town of Brookhaven - (SCTM No. 0200-750.00-03.00-034.000) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

I'm sorry, was that Legislator Alden?

LEG. ALDEN:

What?

MR. NOLAN:

He abstained.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2037-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Koppelman property - Marion Lake - Town of Southold - (SCTM No. 1000-031.00-07.00-007.000) (County Executive).

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

2038-09 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Dawson and Holland property - Wickam Creek - Town of Southold - (SCTM No. 1000-110.00-01.00-007.001) (County Executive).

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

2041-09 - Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2009 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Oakleigh Ave., Baiting Hollow (CP 8240.323) (County Executive).

LEG. ROMAINE:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine to approve. Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

P.O. LINDSAY:

2062, authorizing the acquisition of farmland development rights.

MR. NOLAN:

We did that.

P.O. LINDSAY:

Oh, we did that already. I'm sorry.

LEG. SCHNEIDERMAN:

Would the Clerk please list me as a cosponsor on 2062, the one that was done earlier?

MR. LAUBE:

Will do.

P.O. LINDSAY:

Okay. *Health & Human Services:*

1757-09 - Authorizing that Resolution No. 348-2009 be rescinded which appropriated 100% State Aid from the New York State Office of Mental Health to Brookhaven Memorial Hospital Center (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. BROWNING:

Second

P.O. LINDSAY:

Second by Legislator Browning.

LEG. KENNEDY:

On the motion, Mr. Chair?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

As I wasn't at the committee, I do recall we had conversation previously with this resolution. There was explanation, I guess, from Brookhaven Hospital that this was compatible with their plan or --

LEG. BROWNING:

Yeah. They were getting the money, different funding from somewhere else.

LEG. KENNEDY:

Okay, fine. Thank you.

P.O. LINDSAY:

We have a motion and a second. Oh, Legislator Alden.

LEG. ALDEN:

Who was the Chair of that committee?

P.O. LINDSAY:

Health would be Legislator Browning.

LEG. ALDEN:

What happened to the money? If they rescinded from Brookhaven, does it go to another mental health clinic?

MS. VIZZINI:

Brookhaven can claim it through Medicaid, so there was no reason to have the line item going directly to Brookhaven.

LEG. ALDEN:

So it wasn't --

LEG. MONTANO:

Take a walk to Bay Shore.

LEG. ALDEN:

Yeah, you could go to Bay Shore --

*(*Laughter*)*

If, but there's a big if there. So it's not a reduction per se, it's a reallocation to a different line.

MS. VIZZINI:

The authorization is rescinded because if you see in the third WHEREAS, the COPS funding will now require that Brookhaven bill Medicaid directly as opposed to contracting with the County.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1966-09 - Appoint member to Teen Pregnancy Task Force (Marcia K. Spector) (Viloria-Fisher).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1971-09 - Accepting and appropriating 100% grant funding in the amount of \$600,000 from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services for the Green Jobs Corps Program and authorizing the County Executive and the Commissioner of Social Services to execute a contract (County Executive). I'll make a motion, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

19 -- 1972-09 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County Executive).

D.P.O. VILORIA-FISHER:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1984-09 - Directing the Department of Social Services to expend remaining 2009 Funds for the Middle Income Home Energy Assistance Program (MI-HEAP) (Horsley).

LEG. HORSLEY:

Working with the County Executive, I'm withdrawing.

P.O. LINDSAY:

You trusting soul.

LEG. KENNEDY:

I've got a bridge for you, Wayne.

*(*Laughter*)*

P.O. LINDSAY:

2021-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with a South Shore Regional Health Center (CP 4015) (County Executive).

LEG. ALDEN:

Ain't happening.

P.O. LINDSAY:

Well, this resolution says it is.

LEG. ALDEN:

But the testimony that we heard said it isn't happening. It was -- whatever.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Hold on. I don't remember what this one is.

P.O. LINDSAY:

I'm going to make a motion to approve.

LEG. NOWICK:

You can't go wrong.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. BROWNING:

What was the question?

P.O. LINDSAY:

On the question.

LEG. ALDEN:

How -- am I talking?

P.O. LINDSAY:

Go ahead, Legislator Alden.

LEG. ALDEN:

How much money would -- this is to actually bond money, right?

LEG. ROMAINE:

Yes.

LEG. ALDEN:

So we're appropriating --

LEG. BROWNING:

Oh, it's the HEEL Grant.

MR. NOLAN:

Why don't we get an explanation from --

LEG. MONTANO:

Why don't we get an explanation?

D.P.O. VILORIA-FISHER:

This is the HEEL money.

LEG. BROWNING:

This is the HEEL Grant.

MR. NOLAN:

They move it into the Capital Budget and Program.

LEG. ALDEN:

But is this the Bay Shore Health Center? Because I'll cosponsor that one.

*(*Laughter*)*

MR. CHUISANO:

When the resolution was submitted, the Space Steering Committee had not made the final determination, so it was a generic-type title. It does allow for the issuance of a BAN because it is \$5 million. So if the work starts and they start doing the work, it allows us to go out --

P.O. LINDSAY:

Carmine, Carmine, Carmine, just stop. This is to take the \$5 million State grant, the HEEL money, to renovate the Brentwood center to expand it so CI can go there.

MR. CHUISANO:

That is correct.

P.O. LINDSAY:

That's all we want to know. Thank you.

LEG. ALDEN:

So there is no regional -- just to be clear on it, there's no more plan to build a Regional Health Center in the Bay Shore/Brentwood/Islip area. There's no more plan to rebuild the Bay Shore Health Center in the Bay Shore area. This money, this was our hope to build a regional center. This is just going to go into Brentwood and then we hope that everything fits in Brentwood.

D.P.O. VILORIA-FISHER:

Basically yes.

LEG. ALDEN:

And then we hope that we can attract again all those people that used to go to the Bay Shore Center that now go to Southside Hospital's emergency room. So that's what our hope is here, right?

LEG. MONTANO:

And CI.

LEG. ALDEN:

And the CI people that will take the ambulance to Southside Hospital's emergency room. Because we haven't rebuilt our transportation system, which a lot of people at that public hearing said that it's real inconvenient for them to get to the Brentwood Health Center from either Bay Shore or from CI. So we haven't done any of that yet, but we're going to allocate this money.

MR. ZWIRN:

This is to renovate and expand the Brentwood Health Center.

LEG. ALDEN:

And what about -- I want it on the record, though. Have we abandoned that whole concept of a Regional Health Center? This is the abandonment of that concept.

MR. ZWIRN:

The Space and Steering Committee recommended that this -- that the Brentwood Health Center be expanded and renovated. And I'm not sure of the answer to your question, but I know with this money -- I'm not sure that what you're saying is true because I don't know, but I do know what this money will be used for.

LEG. ALDEN:

Well, this money was originally targeted to go to the Regional Health Center that was going to be built somewhere over there on -- just off of Fifth Avenue, a little west of Fifth Avenue.

MR. ZWIRN:

I know there was an extensive search in the Bay Shore area to build a Regional Health Center, and after I think years of trying, this is the final result. To expand -- because the Brentwood Health Center has got the room to handle everything, it's in better shape and this money is going to go there.

LEG. MONTANO:

May I?

LEG. KENNEDY:
Mr. Chair?

LEG. BEEDENBENDER:
Bill?

P.O. LINDSAY:
Legislator Montano and then Beedenbender.

LEG. MONTANO:
Ben, what essentially happened is that you have canceled -- this is a question -- you've essentially canceled the RFPs that came in, or the responses to the RFP's for the Regional Health Center, whether it was going to be in Brentwood, Bay Shore or anywhere else, and you simply decided not to build it and to renovate Brentwood; am I correct?

I mean, after all the dancing around and all the press releases and RFPs, the bottom line is that you're not doing the Regional Health Center, you're simply taking the \$5 million, diverting it to do renovation in Brentwood; is that accurate?

MS. FINNIN:
Yes.

LEG. MONTANO:
And you're closing the CI Health Center.

MR. ZWIRN:
Yes, we have letters from the State that say this is the best way to proceed. The facility --

LEG. MONTANO:
I don't think that's what the letter said. What the letter -- unless you saw a different letter, what the letter said is that, "We approve your plan." It didn't say, "This is the best way to proceed."

MR. ZWIRN:
Well, they approved our plan as the way to proceed --

LEG. MONTANO:
Right, but that's much different than saying, "This is the best way." What they said was, "We simply agree that you can close the center"; am I accurate? Unless we saw different letters.

MR. ZWIRN:
No, that's fine. That's a fair representation.

LEG. MONTANO:
Okay. And the bottom line is that you've decided to abandon the plans and the RFPs that went out for the building of the Regional Health Center.

LEG. D'AMARO:
That was for renting.

LEG. MONTANO:
Am I accurate?

MR. ZWIRN:
I don't know the answer to that question.

LEG. D'AMARO:

I do.

LEG. MONTANO:

It's a rhetorical question. Legislator D'Amaro, would you like to --

LEG. BEEDENBENDER:

Well, I --

LEG. D'AMARO:

Yeah, just through the chair, very quickly. The answer to the question is the Space Management Steering Committee rejected the RFPs for renting for the Bay Shore facility, the proposed facility. We are currently discussing the possible construction of a facility, that discussion is ongoing. And then I had a question on this bill as well, but I'll defer to the list.

LEG. MONTANO:

Could somebody tell me who sits on that committee?

P.O. LINDSAY:

Space management?

LEG. MONTANO:

Yeah, I'd like to know who the members of that committee are.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Well, the Chairman of Public Works, the Chairman of Ways & Means, the Presiding Officer, the County Executive's Office, BRO, and I don't think I'm missing anybody.

LEG. D'AMARO:

Planning I think.

LEG. BEEDENBENDER:

Planning and Real Estate. And what I was going to add --

LEG. MONTANO:

Go ahead.

LEG. BEEDENBENDER:

Just for some clarification, Legislator Montano. In this particular instance, the Space Management Steering Committee served as the RFP review committee for all the RFPs. So the Space Management Steering Committee voted to not accept any of the proposals, because even with the \$5 million HEEL Grant built in to -- you know, that we were going to give to the developer for all of these, the cost of the new centers were exorbitant. They were, you know, at least 40 to sometimes I think 60 or 70% higher than what we were paying right now. So for that and many other reasons, you know, I voted to not accept any of the RFPs in my position on the Space Management Steering Committee.

However, the second part that I would say, this HEEL Grant, there's two different parts of this, at least to my understanding. The first part is that CI is closing -- and we've discussed that, I think, at length here -- and the Department of Public Works is doing some renovations in the current Brentwood Center to prepare for that coming for January. But in addition to that, this \$5 million HEEL Grant will be applied to Brentwood to restructure it. We have a health center consultant that helps make it as efficient as possible and that will be the regional center. So I think it would be

more apt to say instead of building a new one, we're going to apply the \$5 million HEEL Grant to try to create the Regional Center in Brentwood as opposed to abandoning the Regional Center. At least that's how it was explained to me and why I chose, you know, in my vote on the Space Management Steering Committee to go ahead with this plan, because we were going to have the Regional Center at Brentwood using that money at a much lower cost as opposed to either building or renovating a new facility at double the cost in a new space. Because I would have left Brentwood, we would have had a new space, it could have been in Bay Shore, it could have been in several places.

So I guess the long and short of it is the reason I voted to reject the offers is because they were -- several of them cost way too much, several of them the Health Department said weren't designed in a way that was easy for the patients. One of them had a parking lot across the street, across a busy street which clearly doesn't work, so none of the proposals worked out. So that's why we voted against that.

And I think it is appropriate, at least, to take this \$5 million HEEL Grant and apply it towards the Brentwood Center, because when that happens in a year or two or whatever the time period it takes, that center will be better and more able to serve the patients, it will deal with the waiting room that's there now as well.

LEG. MONTANO:

That's debatable, but I'm not in the mood to debate.

P.O. LINDSAY:

Legislator Alden.

LEG. MONTANO:

No further questions.

LEG. ALDEN:

Renovating the Brentwood Health Center, because I have to be clear on this, is probably overdue. But what I see and the point I'm making is that there's no more Bay Shore Health Center, soon to be no more Central Islip Health Center, no improvement in the transportation in that core area that's going to be served now by Brentwood where we did have a center in Central Islip, a center in Bay Shore to make it so that these people can actually get to the Brentwood Health Center. So we haven't taken care of the problem. So this is a shrinkage of the health care that we are going to be providing to people.

We are abandoning our position as far as what we established years ago, the County established it years ago, that we would provide health centers to service the people in Suffolk County. This is a --

*(*Applause from Mary Finnin*)*

This is a withdrawal and an abandonment of that promise that we made to the people. So we have to be clear on what we're voting on here, it is a retrenchment, it's a pull-back from another center, it's providing less service than we did yesterday and the day before that. And it looks to me if you just take this out on a progression, we're not going to be in the position where we're going to provide any health care to people in Suffolk County. That's what I take this as. I won't be here as a Legislator, but I will be in the community, and unfortunately that's what I'm looking at right now, this type of action. The next step and the next step will be the elimination.

LEG. MONTANO:

May I add to that? And I might add to Legislator Alden's comments, which I agree, it's also an abandonment of the health care needs of probably -- or not probably, but the neediest community and communities in Suffolk County, and I find that to be offensive.

P.O. LINDSAY:

Legislator Barraga?

LEG. BARRAGA:

Just one quick question. I just want to make sure you feel very comfortable about getting the five million in HEEL Grant monies. I understand that comes through the State of New York, and the last time I looked they've got some problems up there. And only 24-hours ago, Governor Patterson indicated that where he -- he said where he could, he would hold back on aid to localities. I mean, do we have something firmly in writing that the five million is coming in?

MR. ZWIRN:

Yes, I believe we do. We got it from the Dormitory Authority that money has been --

LEG. BARRAGA:

Okay. You just might want to recheck with them in the next couple of days to make sure that that money is still fluid, because things are happening up there very quickly.

MR. ZWIRN:

Absolutely. And the other thing I would just add to Legislator Alden's comments, you know, transportation, we make adjustments in our bus routes all the time. And if there's an additional need for additional bus service to get to the Brentwood Health Center, you know, Bob Shinnick and Public Works will make those accommodations. We do that on a regular basis. We did it for the S-92, we needed an extra bus because people couldn't use it. I mean, they've done it all across the County and I'm sure they would be able to do it here as well.

LEG. ALDEN:

Can I have --

P.O. LINDSAY:

Go ahead.

LEG. ALDEN:

There was a public hearing that Legislator Montano held up in Central Islip.

LEG. MONTANO:

Along with Assemblyman Ramos.

LEG. ALDEN:

Along with Assemblyman Ramos, and that was one of the key points that was brought out, that if you're going to withdraw from our neighborhood, at least make it so that we can get to the health center that you're going to renovate, refurbish, whatever, which never happened in Bay Shore, by the way. So they take an ambulance and they go to Southside Hospital, so when somebody really needs Southside Hospital's emergency room, it's all clogged up with people that should have been serviced in our health center.

The same thing is going to happen over in CI. They're not going to take an ambulance to the Brentwood Health Center, they're going to go to the hospital. And in the back door, that's when we get billed for that, so every time they show up there through Medicaid, we get a bill in Suffolk County. If they show up at a health center, we can service them and if we operate it as a business, we can actually bill them and maybe even break even at some point if we ran it as a business with intelligent type of procedures in place. So that's a key point.

But again, that's not my job to hold a hearing to see where the changes have to be. It's your job -- not you, Ben, but the Executive's job to respond to the community when they said that there's a need. And it's documented because the County Executive had representatives there that heard about the need, and I'll make you a bet there's nothing going on right now to address that need, even though it's known.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
My question goes to -- just as a follow-up with Legislator Barraga. Carmine, you mentioned that it's a BAN, it's a Budget Anticipation Note. So by definition that's, what, something that's a five, six, seven month note?

MR. CHUISANO:
Well, because of the size of the grant, \$5 million, it gives the County Comptroller the option to issue a BAN so that -- because you do have to first instance fund the construction and then you would get reimbursed for the construction as the costs are expended. It gives them the option to issue a BAN short-term borrowing for cash flow purposes, basically.

LEG. KENNEDY:
So it should be something we issue and should be retired within, what, 90 days or something like that?

MR. CHUISANO:
Within six months.

LEG. KENNEDY:
Within six months?

MR. CHUISANO:
Probably.

LEG. KENNEDY:
All right. I would just, you know, echo what Legislator Barraga said. I would be very, very leery about, you know, floating this money in the first instance without something more dispositive from the State. Thank you.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. Some of the earlier comments, I do not agree with the statement that this is -- a vote on this bill is abandoning health care. The Space Management Steering Committee voted not to accept proposals. And this Legislature, I don't remember the exact number, voted to put funding in for CI unless and until the funding was put -- the plan was approved by the State and we overrode a veto. So I just -- I understand the concerns about the health care system, but the vote on this bill is not an abandonment of the health care system. The vote on this bill is \$5 million from New York State which, like Legislator Barraga said, is a concern because I wouldn't -- you know, I don't trust them to say the check is in the mail, but it's \$5 million that goes towards this health center.

There may have been other things at another point that you could view that way, I would disagree, but this is not an abandonment. This is taking a health center who we all agree probably needs some work and putting some work into it. So I think we have to be really careful about what we say. Hyperbole is, you know, a great sin of politicians and we just have to be careful about what we're saying. This is not abandoning a health care system, this is putting \$5 million into a health center, and I think we all have to just remember that.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

And thank you very much, because I was very careful in choosing my words. And Brian, you weren't here, but we had a health center in Bay Shore. It was closed, probably for the right reasons, we never reopened it because we were always going to look for a piece of property and then reopen it down there. We abandoned that, or Space Management abandoned that, and now the concept was going to be, "Oh, we'll take care of those people through a Regional Health Center," and that's what this \$5 million was going to go for. Now we have abandoned the Regional Health Center and we're going to put money into a center that really needs to be renovated. Yeah, well, it needed to be renovated whether you abandoned or whether you didn't abandon the whole concept of a Regional Health Center.

So this is a retrenchment from what we had in the past. It's less health care that we're providing to people, it's less health centers, people are not serviced as they were in the past. So it absolutely is a withdrawal from the service level that we've provided in the past to what we're going to provide now.

LEG. MONTANO:

Bill, may I?

LEG. BEEDENBENDER:

Well, I agree that it's less health centers, but I don't agree that it's less health cares.

LEG. MONTANO:

If I may.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

This has been a sham from the beginning. The original resolution called for the closing of the CI Health Center because we were going to do a Regional Health Center. That bill got defeated -- not defeated, that particular clause in the original bill got taken out. The RFPs went out, the responses came in and then you turned around and you rejected all of them. Then you turned around and you took -- not you by the County Executive turned around and took the money out of the budget, we put it back in because we didn't have the State Health Department approval. But in the meantime you canceled the lease on the building so you can't run a health center without a lease. So this has been a scam since day one, in my opinion. And you can justify it and explain it any way you want, but it comes down to the fact that you originally, as Legislator Alden said, cut out the Brentwood Center, predesigned, you predesigned to close out the Central Islip Health Center, you're not building the Regional Health Center and you're putting the \$5 million that you said you were going to use to build the Regional Health Center into a Brentwood facility that, quite frankly, the community doesn't want and really isn't the kind of health center that we need in the community.

So as far as -- I know it's going to pass, but as far as I'm concerned, this has been a scam from day one and we've been dancing around this issue. And you're right, we've got to be careful in what we say, but let's be honest, this was predesigned and, you know, you're at the point now, the State -- the Health Department very clearly said, "This is not the best way to go but we're going to go along with it." And my understanding is they're going along with it because they really have no option and you have no lease and there's nothing else we can do at this point on it. But don't try and justify it, let's just accept it for what it is, all right, and let's move on.

And I think Legislator is absolute -- Legislator Alden is absolutely correct. He's been talking about this in the six years that I've been here and we're still in the same position, actually we're not in the same position, we're going backwards when it comes to health care for certain communities.

MS. FINNIN:

We certainly are.

LEG. MONTANO:

Call a vote.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain

LEG. MONTANO:

Abstain.

LEG. BARRAGA:

In the negative.

LEG. KENNEDY:

Yeah, I'm going to abstain.

LEG. ROMAINE:

Abstain.

MS. ORTIZ:

Fourteen.

LEG. KENNEDY:

Opposed.

MR. LAUBE:

Fourteen, yeah.

P.O. LINDSAY:

Do you have it?

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

No, it couldn't be fourteen. There were five --

LEG. ALDEN:

That was in Nassau County.

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

He abstains.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Abstain.

MR. LAUBE:

Oh, I'm sorry, we missed Legislator Montano.

LEG. MONTANO:

We had four abstentions and one no.

MR. LAUBE:

Thirteen (Opposed: Legislators Barraga & Kennedy - Abstentions: Legislators Alden, Romaine & Montano).

LEG. KENNEDY:

No, two no's.

P.O. LINDSAY:

Two no's. Two no's, three abstentions.

Okay. On the accompanying Bond, 2021A, same motion same second; roll call.

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

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yeah.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

2022-09 - Creating a Suffolk County Health Center Financial Review Committee (County Executive).

D.P.O. VILORIA-FISHER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Viloría-Fisher.

LEG. ALDEN:

You didn't want to debate for a couple of hours?

D.P.O. VILORIA-FISHER:

No.

LEG. ALDEN:

This would be fun.

D.P.O. VILORIA-FISHER:

Can you second it for me --

LEG. ALDEN:

Second, sure.

LEG. MONTANO:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Alden.

D.P.O. VILORIA-FISHER:

On the motion.

P.O. LINDSAY:

On the motion. Do you want to make another motion, Legislator Cooper?

LEG. COOPER:

Yes, motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Go ahead.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Actually, Mrs. Finnin was here to speak this morning but she didn't realize that we finished our public portion so quickly and she missed it. But she did have an opportunity to speak with me and, you know, based on the conversation that we just had regarding our financial review and, you know, of how we expend our dollars in health, it's very important for us to look at the membership of this committee that's being proposed here.

If you look at that the seven members, you have three people from the County Executive's Office, you know, the Chief Deputy County Executive, the Budget Director and the Commissioner of Health; and then you have three people from the Legislature, the Presiding Officer, Minority Leader and Budget Review; and the seventh person is the Director of Minority Affairs. And when Mrs. Finnin spoke with me she said, "Well, what does the Director of Minority Affairs really know about health care delivery?" You know, there is -- in the Health Department, there is a Director of Minority Health which would be more appropriate, but more to the point, what Mrs. Finnin recommended to me was that the County Executive consider keeping the three people from the Executive side and the three from the Legislative, but to have three members of the public. And the members of the public she had anticipated, one of them being -- representing the CI clinic and one representing Brentwood and one Coram, of course CI is not there anymore, but I'd like to suggest, and I will be calling the County Executive to see if he can make this change, to have a representative from two of the health centers and the Director of Minority Health.

So that's why I hadn't looked as carefully as I should have at this, although I was concerned about the membership. But I thought Mrs. Finnin made a very good point and she waited all day thinking that she would have an opportunity to speak and so I'm speaking on her behalf and making the motion to table. I hope you'll support that. It's a short cycle and I will call the County Executive's Office.

P.O. LINDSAY:

Legislator Alden

LEG. ALDEN:

We do have representatives from the County Executive's Office, and maybe you could give me an explanation of what you're looking to do here.

MR. ZWIRN:

Well, what we've seen in the last couple of years is that there's been a reduction in the amount of money coming down from the State. And one of the things that we've looked at possibly with these health centers is using these Federal programs because they get a larger reimbursement rate. They're being used around the State. It's just something to look at in light of the fact that we have declining revenue coming in from the State to help with our health centers.

In addition, the reimbursement rates for these programs are higher than we're able to get now from the State because they've encouraged it. It is something that they just would like to take a look at because it's been done elsewhere. All it is is just to take a look and make recommendations and to examine the issue.

LEG. ALDEN:

That's the limited charge, though, or the limited review would be whether we seek Federal reimbursement or we continue with the State reimbursement? There's no scoping, there's no provision of health services, nothing like that?

MR. ZWIRN:

Well, we'd see if we could get -- if services could -- if we could get additional services, we'd get a better bang for the buck through this program than what we're getting now and it would be fully vetted and the Legislature would have the final say and the State, I think, would have to approve it before we get anything anyway. But it's something that the Health Department has seen work elsewhere and they want to take a look at it and they want the Legislature to be involved so this can come back before the Legislature and see if it makes more sense for our taxpayers.

LEG. ALDEN:

Well, if it's a point of reimbursement, I just question why the Health Department hasn't called up the Federal Government and gotten a report on it and disbursed it among us Legislators so that we can look at what their reimbursement rate would be as opposed to what we're getting now from the State. So if that's the question --

MR. ZWIRN:

No, that's just --

P.O. LINDSAY:

Could I just interrupt? It isn't that simple.

MR. ZWIRN:

Right.

LEG. ALDEN:

No, he just made it real simple, didn't he?

MR. ZWIRN:

No.

P.O. LINDSAY:

No. Let me just -- you know, because I had a lengthy talk with the Health Department about what they're trying to do here. To have a Federally-qualified health center is a lot different than the local health centers. For one thing, you don't totally own it, you own it with community groups and there's a community board that oversees the center. There's a lot of different provisions, it just isn't about funding. And the model that they've adopted here of creating a committee is very similar to the oversight committee we established for J.J. Foley. You know, I'm willing to go along with a tabling if the makeup of the committee, you know, could be tweaked, but I think it's a good idea to have a group take a specific look at it because it's very involved. It isn't a simple thing and it isn't just about funding.

LEG. ALDEN:

Well, good. Then I'm glad that you're giving me that assurance that it's not going to be, "Here's a report, let's fold up our tent and go away and we'll allow the Federal Government who's getting into this health center business, we'll allow them to come out here and maybe provide services and maybe not." Because you know what the model is, the vet center up there in Northport, that's the model of health care that's given to our veterans and it's atrocious. It's actually criminal. So if

that's going to be the model, the Federal model, I don't want any part of it. But if somebody wants to come and give a report, I'm willing to listen to the report, but --

P.O. LINDSAY:

The idea is to set up a committee to look at this to see if it works for Suffolk County.

LEG. ALDEN:

And it's limited, though, as far as I don't want to see a recommendation to close all our health centers or turn them over to the Federal model. Is that a possibility?

MR. ZWIRN:

Whatever comes out of the committee report will be fully vetted before the entire Legislature. And whether you're on the Legislature at that time, Mr. Alden, you probably wouldn't be, you certainly, like the rest of us civilians out here, are welcome to come back and weigh in.

LEG. ALDEN:

Well, actually I was going to ask you, Ben. You know, I asked you one other time what your title and your name was for the record, but you don't have to do that right now. You know, I didn't know whether you're addressing us as a civilian, a former employee.

MR. ZWIRN:

I'm not in the military, so I'm definitely a civilian. I am a County employee and represent the County Executive, whatever my title may or may not be.

LEG. ALDEN:

Okay. Because, again, I would be curious to find out what capacity you're representing the County Executive.

P.O. LINDSAY:

Legislator Browning, did you want to add something to this?

LEG. BROWNING:

Well, I think you pretty much said everything. You know, I know that LION came to our Health & Human Services and did a presentation on the Federally-Qualified Health Centers and how we were losing so much money because we weren't one, so that's why I think this is a good idea. Like Bill said, you know, John J. Foley, a perfect example of putting that review committee, showed how we could run it better and not lose as much money. So I think that's what the intent of this is.

You know, I know that that number seven person, I could not for the life of me think who else would I want to put in place, because I did have some questions about that, so I would support the tabling to change that. And like I said, LION came, we did have Matt Miner who came, did a presentation at the Health and Human Services Committee on what kind of money that we're losing on a regular basis because we're not a Federally-Qualified Health Center.

LEG. ALDEN:

Through the Chair?

P.O. LINDSAY:

Go ahead, Legislator Alden.

LEG. ALDEN:

Legislator Browning, thank you, but I like the example that you gave. Because the report came out about Foley, how it could be run better and more profitable for us, and from the County Executive's Office a resolution came forward to unload the Foley Center. So that was the result of that last study.

LEG. BROWNING:

We didn't support that. And we didn't support that.

LEG. ALDEN:

No, we didn't, but I have a -- maybe just a suspicion that a similar type action might happen here. We get the report and then boom, the same day you actually get another resolution to just close down our health centers. Because there's another option out there and it will just mystifiably (sic) -- it will materialize in front of our face and we'll end up with a whole bunch of Northport type of operations all over the County instead of the ones that we're running now.

LEG. BROWNING:

That's not necessarily the case.

LEG. ROMAINE:

Don't forget the public option.

LEG. ALDEN:

Good

LEG. BROWNING:

We do have the ability, it will come back to us.

MR. ZWIRN:

If I just might add, Mr. Presiding Officer? We're looking for ways that we could provide services to our residents and taxpayers and save money and get as much reimbursement as we possibly can. And if we don't do anything then nothing will change, but at least we'll have the opportunity to have the information so that we can make a judgement with some intelligence, whether it's to reject the County Executive recommendation or not, but at least the facts will be in front of the entire Legislature.

P.O. LINDSAY:

I think the intent of the tabling resolution is to tweak the makeup of the board. Okay?

MR. ZWIRN:

I understand that.

P.O. LINDSAY:

Okay. Legislator Gregory

LEG. GREGORY:

Yes. I had a discussion with Matt Miner about similar concerns that Legislator Alden had brought up, and I specifically asked him with the FOHC status, will we have to eliminate our network of health centers and he said no, that there are two ways to do it. You can have a single model which is similar to what Nassau has, or you can make an application through a network, which they were seeking to do, but this review committee would evaluate that process and how to go about it.

P.O. LINDSAY:

Okay. Okay, we have a motion to table and a motion to approve. The tabling motion goes first. Roll call.

LEG. ALDEN:

With the tabling, what's the purpose of the tabling motion?

P.O. LINDSAY:

The tabling is -- Legislator Viloría-Fisher made a motion to table because she didn't like the makeup

of the committee.

LEG. ALDEN:

Okay.

D.P.O. VILORIA-FISHER:

And there would be represent -- there would be members of the public representing the health centers --

LEG. ALDEN:

Good.

D.P.O. VILORIA-FISHER:

-- who would be on the committee.

P.O. LINDSAY:

Go ahead, Madam Clerk.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

You know what? I'm going to withdraw my motion to approve and I would support tabling for one cycle.

D.P.O. VILORIA-FISHER:

Thank you.

MS. ORTIZ:

So yes?

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Sure, yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

To table, yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Okay. *Labor, Workforce & Affordable Housing:*

1983-09 - Amending the hourly rate for temporary positions in the Suffolk County Classification and Salary Plan (County Executive).

Do I have a motion?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

D.P.O. VILORIA-FISHER:

I'm right behind you, Renee.

P.O. LINDSAY:

Any discussion? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2056-09 - Approving the appointment of John Meehan to Deputy Chief in the Suffolk County Police Department (County Executive).

LEG. LOSQUADRO:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Okay. I was just going to say, this is a nepotism-type of resolution because his brother is also. Okay, motion by Legislator Losquadro, second by Legislator Browning. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2061-09 - Establishing Binding Arbitration Policy for Suffolk County Policemen's Benevolent Association (PBA) contract (County Executive). I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. And what this is is it extends the latitude of the arbitrator to issue a three-year arbitration as opposed to a two-year arbitration, and this was part of the overall agreement with the PBA. Any questions?

LEG. BARRAGA:

Just a question to the County Attorney. State law, doesn't it limit it to two years from the previous termination date of the contract?

P.O. LINDSAY:

Unless the Legislative body extends the --

LEG. BARRAGA:

Unless we do it locally here?

P.O. LINDSAY:

Yes, unless we consent to it. And that doesn't mean the arbitrator has to issue a three-year award, but it gives him the latitude of issuing a three-year award.

LEG. BARRAGA:

I never recall any conversation, at least public conversation, which centered around this question of binding arbitration as part of the element that one group or the other wanted in order to agree to some sort of a deferment of wages and --

P.O. LINDSAY:

Part of the PBA agreement was the deferral of \$12 million --

LEG. BARRAGA:

Correct.

P.O. LINDSAY:

-- the restoration of some of the patrols that were changed over the summer and that there be a resolution passed to extend the binding arbitration or to give the arbitrator the ability to award a three-year rather than a two-year arbitration.

LEG. BARRAGA:

Yeah, I never remember that element being discussed in a public forum.

P.O. LINDSAY:

I don't know what --

LEG. BARRAGA:

The other elements I do.

P.O. LINDSAY:

I don't know whether -- about a public forum, but it was definitely in the agreement because I read it in the agreement.

LEG. BARRAGA:

I got the impression the agreement was always tinged upon the fact that, look, you know, we're willing to go along with some sort of deferment, some sort of lag, as long as any elements that we're doing now were not taken over by other law enforcement entities in the County. That's what I heard repeatedly. I never heard anything about an extra year for binding arbitration.

P.O. LINDSAY:

I'll give you the whole agreement, it's definitely in the agreement.

LEG. BARRAGA:

Oh, I know it's in the agreement and I know why the legislation is here. I just never heard that publicly said in any forum that I participated in.

P.O. LINDSAY:

I don't --

LEG. BARRAGA:

All right, thank you.

P.O. LINDSAY:

All right. Mr. Brown, did you want to --

MR. BROWN:

No, I was just going to answer the Legislator's question. With respect to voluntary arbitration, three years, it's the two year limitations on the mandatory arbitration.

LEG. BARRAGA:

But this is for three years.

MR. BROWN:

That's correct, because the stage that they're in now is currently voluntary as opposed to mandatory.

P.O. LINDSAY:

And just an observation; if we didn't extend this, their construct is up in less than 30 days. When the arbitration comes down, it gives the latitude to the arbitrator to award a three-year arbitration award rather than a two-year arbitration award.

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

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

Parks & Recreation:

1800-09 - Adopting Local Law No. -2009, A Local Law to regulate privatization of County owned marinas (Alden).

LEG. ALDEN:

Motion to approve.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Alden, seconded by Legislator Viloría-Fisher.

LEG. HORSLEY:

Let's debate it.

D.P.O. VILORIA-FISHER:

Let's not. Okay? Nobody wants to debate it, we're just going to vote.

P.O. LINDSAY:

It's your going away present, buddy.

LEG. LOSQUADRO:

Cosponsor.

LEG. ROMAINE:

Call the vote.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Gregory).

P.O. LINDSAY:

1866-09 - Appropriating funds in connection with establishment of a dog park at Southaven County Park (CP 7065) (Browning).

LEG. BROWNING:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. Any questions? No questions.

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

"Ruff Ruff"; that's dog for no.

MS. ORTIZ:

Seventeen.

*(*Laughter*)*

LEG. KENNEDY:

Cosponsor.

LEG. COOPER:

Cosponsor, please.

P.O. LINDSAY:

Could you call the vote?

MS. ORTIZ:

I did, seventeen.

P.O. LINDSAY:

Seventeen.

D.P.O. VILORIA-FISHER:

On the bond?

P.O. LINDSAY:

There is no bond, that's a mistake.

D.P.O. VILORIA-FISHER:

Oh, okay.

LEG. STERN:

Renee, cosponsor.

P.O. LINDSAY:

We're not bonding the pooper bags.

1993-09 - Authorizing the granting of a reciprocal permanent easement with the Suffolk County Water Authority on drinking water protection lands of the County of Suffolk - County parkland along Speonk Riverhead Road in the Town of Southampton (SCTM No. 0900-213.00-01.00-057.002 p/o) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen (Not Present: Legislator Gregory).

P.O. LINDSAY:

1994-09 - Reappointing Ronald A. Beattie as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5) (Presiding Officer). I'd like to make that motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator --

D.P.O. VILORIA-FISHER:

Cooper.

P.O. LINDSAY:

Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

2026-09 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with restoration of West Neck Farm (aka Coindre Hall) Huntington (CP 7096)(County Executive).

D.P.O. VILORIA-FISHER:

Lou?

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

On the accompanying roll call, same motion, same second; roll call.

Accompanying Bonding Resolution, forgive me.

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

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

2007-09 (sic) **(2027-09) - Appropriating funds in connection with restoration of Smith Point County Park (CP 7162) (County Executive).**

LEG. BARRAGA:

2027.

P.O. LINDSAY:

2027, forgive me. Motion by Legislator Eddington, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

On the accompanying Bond Resolution 2027A, same motion, same second; roll call.

MS. ORTIZ:

I'm sorry, I missed the second on that.

P.O. LINDSAY:

Motion was by Legislator Eddington, second by Legislator Browning.

LEG. EDDINGTON:

Yes.

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

LEG. EDDINGTON:

Yes.

P.O. LINDSAY:

You can't vote twice.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MS. ORTIZ:

Sixteen.

P.O. LINDSAY:

2029-09 - Appropriating funds in connection with fencing and surveying for County Parks (CP 7007) (County Executive). I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. D'AMARO:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. On the accompanying Bond, 2029A, same motion, same second; roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *2030-09 - Appropriating funds in connection with improvements to water supply systems in County Parks (CP 7184)(County Executive).*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution 2030A; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay, *2031-09 - Appropriating funds in connection with improvements and lighting at County Parks (CP 7079) (County Executive).*

D.P.O. VILORIA-FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Cooper.

All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying Bond Resolution 2031A, same motion, same second; roll call.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2032-09 - Appropriating funds in connection with improvements to newly acquired parkland (CP 7145) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

Just real quick. This is something we can't accomplish while I'm here, after I leave you'd probably want to look at this. If we're spending money for parkland and then immediately we have to go and bond to spend more money to either clean it up or even to put a parking space in there, you might want to consider amending the Quarter Cent so that you can spend that money to at least clean up the property, put it in a safe manner and also maybe establish a parking lot if that's what we're going to do with it. Because this just doesn't make sense at all, because now you're going above and beyond the scope of the purchase process just to make the property or put it in a condition where somebody can even walk on to it.

P.O. LINDSAY:
That's a brilliant idea.

D.P.O. VILORIA-FISHER:
That is a good idea, actually.

LEG. ALDEN:
Everything that comes out of this.

D.P.O. VILORIA-FISHER:
This is in general for pieces that we have acquired.

P.O. LINDSAY:
All right, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. D'AMARO:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
On the accompanying Bond Resolution 2032A, same motion, same second; roll call.

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

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
No.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

1895-09 - Adopting Local Law No. -2009, A Local Law prohibiting sex offenders from living near their victims (D'Amaro).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

D.P.O. VILORIA-FISHER:

I have a question about this.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. KENNEDY:

Explanation, please.

LEG. EDDINGTON:

On the motion?

LEG. ALDEN:

How do you accomplish this?

P.O. LINDSAY:

Well, first of all, let me just recognize Legislator Viloría-Fisher and then Kennedy.

LEG. EDDINGTON:

Eddington.

P.O. LINDSAY:

Eddington.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. To the sponsor, I'm just curious. We heard testimony on this, but I just don't really see how it would work, I don't understand how it would work without the sex offender knowing where the victim lives.

LEG. D'AMARO:

The sex offender doesn't have to know where the victim lives because the enforcement of the provisions of the bill are at the option of the victim. So if the victim becomes aware of the fact, through school district notification or what have you, when a predator moves back into the neighborhood, that they're living within a quarter mile, the victim would have the ability to request, I assume through the County Police Department, that the offender be notified that they're in violation of this law and would have to then move.

P.O. LINDSAY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. To the sponsor, I guess I -- certainly this makes all types of sense and I think that there are Orders of Protection and things like that that can be done to the victims when there's sentencing. Post sentencing -- and I pose this just to ask if the mechanics have been worked through. There is a sexual -- well, an individual committed of a sex crime who served their time and subsequently moved in to an area in district, relatively close to a school, and came very close to what the prohibition was, but the lease was executed and a landlord really cared very little about whether the individual was whatever. The lease was signed and the individual is in. If this set of circumstances occurs and the individual is in violation of this, how does the lease -- how do you deal with the civil side of the equation?

LEG. D'AMARO:

I don't need to deal with that, because what I'm doing is coming down on the side of the victim. In other words, this bill is not retroactive. Okay? So now if this bill gets passed here today and gets signed by the County Executive, it becomes law and people are put on notice, ignorance of the law is no defense.

LEG. KENNEDY:

Agreed.

LEG. D'AMARO:

And if you move within a quarter of mile of someone you were convicted of previously molesting and you're a registered sex offender and you go ahead and sign that lease, well, that's the predator's problem, not the victim's problem.

LEG. KENNEDY:

I follow that, yes, of course; as matter of fact, if you're in an established neighborhood. I guess I'm

just trying to reconcile what the mechanics would be. And I'm not trying to advocate for a landlord or for anybody else, I'm just trying to figure what the actual implications are and actually if it is enforceable.

LEG. D'AMARO:

Yeah. Well, it's definitely enforceable because the victim -- look, Laura Ahearn unfortunately could not be here today, but she did testify at the public hearing.

LEG. KENNEDY:

Okay.

LEG. D'AMARO:

And she has issued a statement, I can make a copy available if you need it. But basically what she says is that victims of sexual abuse suffer from Post Traumatic Stress Disorder --

LEG. KENNEDY:

Of course, absolutely.

LEG. D'AMARO:

-- and, of course, all other kinds of psychological damage, long-term damage.

LEG. KENNEDY:

Sure, absolutely.

LEG. D'AMARO:

She points out in her statement that they have even issues, and of course, naturally, trouble dealing with the anniversary date of when an incident had occurred.

LEG. KENNEDY:

Yes. No doubt.

LEG. D'AMARO:

So this puts a tool in the tool box of those who have been victimized, where they are suffering from that type of emotional duress, to have a comfort zone around where they either work or reside.

LEG. KENNEDY:

And I agree with that a --

LEG. D'AMARO:

And going to enforcement, just to address enforcement issue, I agree with you. It's problematic to make it a blanket prohibition because of the resources that we might have available to enforce something like this, it would require a lot more resources, manpower, etcetera. So what we did was we made it again at the option of the victim, where the victim can say, "Look, I am aware that the predator that molested me is within this zone" --

LEG. KENNEDY:

Okay.

LEG. D'AMARO:

-- and therefore request that the law then be implemented to have the predator removed from that quarter mile distance, just like a predator can't go within a quarter mile of a school, a playground --

LEG. KENNEDY:

I agree.

LEG. D'AMARO:

-- and all the other areas.

LEG. KENNEDY:

Okay.

LEG. D'AMARO:

So the enforcement mechanism lies in the hands of the victim.

LEG. KENNEDY:

Okay. So then let me go just one more step further so that I understand.

LEG. D'AMARO:

Sure.

LEG. KENNEDY:

So if we have that set of circumstances and a victim does say, "Yes, I want that protection," then how is that tenant predator actually then physically going to be removed from that dwelling?

LEG. D'AMARO:

Then it would go the same way that they would be removed if they were within a quarter mile of a school or a playground; this amends the very same law that we previously enacted.

LEG. KENNEDY:

Does our County Attorney become involved with that or is that just a function of the Police Department; does anybody know?

LEG. D'AMARO:

I would defer to Counsel on that.

MR. NOLAN:

My understanding is the Police Department is the one that enforces the sex offender law. And when there's somebody who's living too close to a school or a day-care center, they're the ones who make the contact and effectuate.

LEG. KENNEDY:

They step in and they just terminate and tenancy and that's it, the individual is out of the --

MR. NOLAN:

I don't know how they do it, but they are the ones that implement the law. They're the ones that go out and track this.

LEG. D'AMARO:

I had an incident like that within my district and the Police were notified --

LEG. KENNEDY:

Okay

LEG. D'AMARO:

-- and went directly directly to the registered sex offender and enforced the law and the person moved.

LEG. KENNEDY:

Okay. All right.

P.O. LINDSAY:

Legislator Eddington, then Cooper and then Montano.

LEG. EDDINGTON:

Yes. Thank you, Legislator D'Amaro. I was going to ask you to comment on Laura Ahearn and what she had said so that everybody would have the benefit of that.

But as Legislator Kennedy was talking, something came into my head, that if someone moves in unintentionally and the victim then says, you, know, they're too close and there removed, what happens? I mean, they're now homeless. Do they go to the trailers? Is there any responsibility on our part? I mean, we've got to provide housing then, right?

LEG. D'AMARO:

No, abs -- no. No, no, no.

P.O. LINDSAY:

I'll carry it one step further; what if they're victims in the jail, do they go to the trailers?

*(*Laughter*)*

LEG. D'AMARO:

No, the same means that they have to reside where they're residing within the quarter mile can be implemented to reside outside the quarter mile. I don't make the --

LEG. EDDINGTON:

Well, if we throw them out of the house, wherever they are, then they have to now go look for housing, right? That's all I'm --

LEG. D'AMARO:

Yes.

LEG. EDDINGTON:

We don't have a --

LEG. D'AMARO:

To answer your question, yes, and that could be a harsh remedy in some circumstances. But, you know, after all, it's the predator that committed the crime and why should we ask the victim to move for their own psychological well-being when it should really be the predator who should be moving?

LEG. EDDINGTON:

Oh, and I'm not suggesting that at all.

LEG. D'AMARO:

Okay.

LEG. EDDINGTON:

What I'm just thinking is that one of the things as I've talked to Laura Ahearn, her concern with some of the laws that we are passing is that they go underground, that we don't know where they go then. You know what I mean? They could go three blocks over and then we have to go through the same process. So I was just doing a little proactive thinking.

LEG. D'AMARO:

Yeah, I don't think -- that may be -- that may happen in an instance, I don't know whether that would happen or not. But my goal with this legislation is to draw that zone of protection around a victim, a person who's been victimized, not having to live and work in close proximity to the person who committed the crime.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:

Now that I've given this a little bit more thought, it raises a couple of questions. The residency restriction law for schools or playgrounds is readily enforceable because it's easy for someone to determine whether there's a school within a quarter mile of a residence that they're thinking about moving into, an apartment or a home. But they conceivably could have no idea that a former victim, and I don't think there's statute of limitations on this so it could be a victim from ten years earlier, 15, 20 years earlier, have no idea where they're living, and it's not only living, it's working. So, you know, let's say a 20-year old had a consensual sex with a 17-year old, there's statutory rape so they're a Level I offender now, and ten years later he has a new family, they buy their first home and then find out that his former girlfriend works a quarter of a mile away; what, he's got to -- he has to sell his home?

LEG. D'AMARO:

Well, I would say that if the victim felt traumatized, even 10 or 20 years later which could very well be the case, then the answer would be yes. And it requires that the offender still be as a registered sex offender.

P.O. LINDSAY:

Okay. Legislator Montano.

**(*THE FOLLOWING WAS TAKEN & TRANSCRIBED BY
DIANA FLESHER, COURT REPORTER*)**

LEG. MONTANO:

Actually, Legislator D'Amaro, my computer doesn't bring up the bill. My computer doesn't bring up the bill.

LEG. D'AMARO:

I had that problem this morning.

LEG. MONTANO:

Oh, you did. Okay. And -- I didn't get a chance to --

LEG. D'AMARO:

I just don't want you to read. I just want you to vote for it.

LEG. MONTANO:

I understand. I missed the beginning of the conversation or the discussion. The sanctions here are what?

LEG. D'AMARO:

The enforcement of the law would --

LEG. MONTANO:

Somebody gave me the bill.

LEG. D'AMARO:

Okay. Would require that the convicted sex offender not be permitted to live within a quarter mile of the victim's residence -- primary residence or work place.

LEG. MONTANO:

All right. So if they move in, then the penalty is that somebody moves them out. That's essentially

--

LEG. D'AMARO:

Outside the quarter mile zone of the protection as I call it.

LEG. MONTANO:

Right, okay. All right. I got you. And I got the bill. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I would make the point that I'm sure Legislator D'Amaro, if this bill passes, would be in touch with not only the Suffolk County Police but the five town police departments and the nine village police departments that make up Suffolk County since you will be expecting them to enforce this law. And the thing that I hear from the East End Chiefs and the West End Village Chief is that often times laws are passed that they're expected to enforce and no one takes the time to kind of notify them of the existing laws. So I would just make that as a note that either the Clerk of the Legislature or yourself or someone responsible should be laws that would have to be enforced by local police departments. It's not only Suffolk County that they would be notified. Thank you.

LEG. D'AMARO:

Legislator Romaine, if I can just comment. That's an excellent suggestion. I appreciate that and we'll make sure it gets done. Thank you.

P.O. LINDSAY:

Legislator Browning. I'm sorry.

LEG. BROWNING:

Okay. I know the Quarter Mile Law. Very often I call the Special Victims Unit. And they have a Sex Crimes Unit. Under the Quarter Mile Law it's either 30 or 45 day time frame. If a sex offender is in violation of that residency restriction, they to move. They have a 30 -- it's either 30 or 45 days. Is there a restriction, a time frame in this bill? And also as far as, again, the Suffolk County Police Department's concerned, there was five officers in the Sex Crimes Unit. I believe they've been reduced to about three. And maybe somebody from the County Executive's Office would like to respond to that because now you're asking them to do more?

LEG. D'AMARO:

Well, Legislator Browning, through the Chair, the bill that I've proposed simply amends the law that we already have on the books with the quarter mile restriction for the other areas; the difference being the earlier quarter mile restrictions go to prevention. And this goes more to protecting a victim. So the enforcement mechanism and the timing and all of that would be identical.

LEG. BROWNING:

Okay. And as far as the, you know, the Sex Crimes Unit, I have heard that they did have five officers -- I'm talking about the issue with the East End. I had an issue with the East End Police when I put in a bill to do random checking of sex offenders. And I can say that one of the issues that's going on right now is they're saying that they don't have enough officers to do the random checking. So are we checking to make sure that they have the staffing capabilities?

LEG. D'AMARO:

I was concerned also with the ability to enforce. That's a primary reason why I went to having this at the option and giving it as a tool to the victim. But beyond that, I just want to read from Laura Ahearn's statement. It say *while parents for Megan's Law extremely opposes broad expansions to existing residency restriction laws, we make one exception. An enhancement to protect a limited number of victims who currently have no mechanism in place to seek a remedy in an intolerable*

situation.

And the point -- one of the points made in her statement is that this is not expected to generate a large number of cause or drain resources. I think in her experience, not mine, because she's the expert, and again I apologize she couldn't be here today. She was away. That this is not something that's going to happen on a daily basis. But she -- and she testified at the public hearing that there are instances where it becomes a severe problem for a victim. And what they found is that they have nothing on the books like this in order to protect that victim from further psychological harm especially over a long period of time. So to answer your question directly, I don't expect it to be a drain on our resources because I don't know expect it to be implemented all that often to have that kind of impact. Okay?

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

As I think of the way this is going to work, I'm still not comfortable because I think in terms of the sex offender being told that he has to move because he's within the zone of the victim, so now he knows where his victim lives or the area where his victim lives. You know what I'm saying?

LEG. D'AMARO:

Well, that again is -- that's a good point, but it's at the option of the victim to come forward and decide -- you know, I guess there's a personal analysis that'll be made by a victim, you know, whether or not they want to come forward and make this request. And it doesn't necessarily mean there has to be a disclosure of where the victim lives.

And I'll also add to that that we'll find in most cases of this type of tragic abuse the predator knows who the victim is. It's very often the case. Now they might not necessarily know where they live later on down the road and that's a valid point. But, again, I think the key to this bill is that it provides the victim with the option. It is not about disclosing anyone's identity or where they live or having a blanket drain on our resources or anything like that. It really just gives the victim a way to acquire some comfort for their own well being especially over a long term.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Another question for the sponsor. Lou, you mentioned a couple of times that the bill provides the victim with the option of determining whether or not the abuser could be exempted. But I'm reading the resolution. I don't see that unless there's a later version of the bill. But what's on line, I don't see --

MR. LITTELL:

Legislative intent.

LEG. COOPER:

Is that sufficient that it's apparently in the legislative intent section?

MR. NOLAN:

The law has a flat prohibition but the language was added to the intent section by Legislator D'Amato because, I believe, he envisioned that the way the law would be enforced would be upon a complaint from a victim. That's when it would be enforced. But, no, the law is a flat prohibition; but that's why language was added to the intent section because it was a recognition that the only way

it's going to be enforced effectively is when a victim makes a complaint and takes the initiative.

LEG. COOPER:

So there's no need to modify the residence limitation section if it's -- legislative intent, that's sufficient.

LEG. D'AMARO:

Well, I would just answer that for all intents and purposes even the balance of the provision that you're looking at is the enforcement mechanism really is when it's drawn out or smoked out by a complaint. And that's what the legislative intent says in this bill as well.

LEG. COOPER:

Good.

P.O. LINDSAY:

Okay. Is that everybody? We have a motion, Madam Clerk, and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:

18.

P.O. LINDSAY:

1939, Approving the reappointment of Richard Sorrentino as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) Motion by Legislator Stern. Is there a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR MONTANO).

P.O. LINDSAY:

1940, Approving the reappointment of Frank Thornhill as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) Same motion, same second, same vote, all right.

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR MONTANO).

P.O. LINDSAY:

1941, Approving the reappointment of Richard Vella as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR MONTANO).

P.O. LINDAY:

1942, Approving the reappointment of Jay Egan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR MONTANO).

P.O. LINDSAY:

1973, Amending the 2009 Capital Budget and Program and appropriating funds in connection with replacement and upgrading Mobile Data Terminals (MDT) in police vehicles (CP 3510) (Co. Exec.)

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

16 (CORRECTED VOTE 17 0 - OPPOSED: LEGISLATOR BARRAGA).

P.O. LINDSAY:

On accompanied bond resolution **1973A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,200,000 bonds to finance the cost of replacement and upgrading of Mobile Data Terminals) (MDT) in police vehicles) (CP 3510.510)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. LOSQUADRO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. **IR 2002, Amending the 2009 Capital Budget and Program and appropriating funds in connection with improvements to fire training center (CP 3405) (Co. Exec.)** Do I have a motion?

D.P.O. VILORIA-FISHER:

I'll make the motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

The accompanying bond resolution 2002A, **(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 Bonds to finance the cost of improvements to the Suffolk County Fire Training Center on the Yaphank County Complex in Yaphank) (CP 3405.119 and .320)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

D.P.O. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

2011, accepting and appropriating a grant in the amount of \$488,601 from the United States Department of Justice, Office of Community Oriented Policing Services (COPS), to support the efforts of the Suffolk County Police Department in the areas of monitoring, apprehending, investigating, and prosecuting child sexual predators with 91.98% support (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2012, accepting and appropriating a grant in the amount of \$130,632 from the United States Department of Homeland Security, Federal Emergency Management Agency, for a Port Security Program with 100% support (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, seconded by --

D.P.O. VILORIA-FISHER:

Barraga.

P.O. LINDSAY:

-- Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2013, accepting and appropriating a grant in the amount of \$87,330 from the State of New York Governor's Traffic Safety Committee, to enforce motor vehicle passenger restraint regulations with 85.14% support. (Co. Exec.) Same motion, same second, same vote all right?

MR. LAUBE:

18.

P.O. LINDSAY:

2014, accepting and appropriating a grant award in the amount of \$100,000 in State funding from the State of New York Division of Criminal Justice Services for the Suffolk County Police Department's First Precinct Gang Task Force 2009 with 100% support. (Co. Exec.)

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. EDDINGTON:

Yeah. I just wanted to hear again the explanation. It says First Precinct Gang Unit. I think we had gotten an explanation; it's just not clear. Do you remember, anybody?

LEG. GREGORY:

Mr. Chair?

LEG. EDDINGTON:

It says we have a one whole gang task force. Obviously it can't be going to the First Precinct, so.

MR. ZWIRN:

Presiding Officer, if I may, there were two resolutions that the Committee was concerned about. One was IR 2012 which was recently passed. That was for stimulus money for the Police Department for the Marine Bureau. And that was for security cameras and for survival suits for officers in limited conditions. Legislator Losquadro had asked me. I told him I'd have that information for him by today. So that was that. Okay.

And the other one was, with the money for the Gang Task Force, this is a program that is part of a long standing earmark for the First Precinct dating back to the 1990's. It has always been intended to address quality of life issues. Originally prostitution, drug crime, graffiti, etcetera. And over the years the program title has changed a number of times. With the increase in the gang activity we added an anti-gang -- an anti-gang element was added to the program.

The gang officers of the First Precinct at that time were part of the program but not the majority. And the funding is not contingent on having gang officers assigned to the precinct so the grant is acceptable.

LEG. EDDINGTON:

Well, to you. I'm asking a question, though, because I think that I would be really happy to accept it if there was an initiative in the First Precinct where I think there is a severe gang issue going on. So you're saying you think it's a good idea to accept a grant, but you're not telling me how it's going to be used. And I'm saying it's specific here for First Precinct. And I think that'd be a great idea, but you're not telling me that's how it's going to be used.

MR. ZWIRN:

The money goes for overtime salaries. And it goes to quality of life issues within the First Precinct. It has been used for a number of different crimes over the years. Now they have a county-wide gang task force as opposed to one by individual precinct. If you choose not to accept the grant for the overtime money for the police department, that's your prerogative.

LEG. EDDINGTON:

I'm just saying that it seems -- in other words shouldn't it be changed then saying for the overall

gang task force in the County? I mean it's like -- it's specific here, First Precinct.

MR. ZWIRN:

When the police applied for the grant, they've used these terms. Apparently they have some latitude. It's been used for other purposes in the past, the overtime money. You know, I'll talk to the police department when they make, you know, an application for the grant, I'll recommend that the language that the -- the Chairman of the Public Safety Committee was not happy with the way this was applied for. I mean, I don't know what else to tell you except that I think it's a good idea to take the money when we can get overtime funding for the police department from other sources than just County taxpayers. I'd say it's a win for the County.

LEG. EDDINGTON:

And I don't think I'm saying anything different. I'm saying, yes, and I like what it says here for the First Precinct Gang Unit. And I'd be -- I'm really happy and I agree with it. You're just telling me that, well, we're going to use it in a different way.

MR. ZWIRN:

I said it would be used for additional -- it would be used -- it could be used for a variety of purposes for overtime for police officers.

LEG. EDDINGTON:

In the First Precinct.

MR. ZWIRN:

No, the Gang Unit is now county-wide. This money is earmarked for the First Precinct.

LEG. EDDINGTON:

And that's where it's going to be used in the First -- because the Legislator from the First Precinct, they're present, I mean, DuWayne, certainly chime in, has been -- being very clear about the crime and, you know, what's been happening in the area. And I think this is a great idea. I think it's -- it's a wonderful grant, but I want to make sure that it's going to be used where it say it's going to be used. That's all I'm questioning.

MR. ZWIRN:

It says in the information that this is going to the First Precinct and has been going to the First Precinct -- they've been applying for this grant since the early 1990's and that's where been it's been earmarked.

LEG. EDDINGTON:

Thank you very much.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

I didn't have a question.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

Mr. Chair?

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I just wanted to let Jack know that the genesis of this was originally with Legislator Sweeney. And it was his bill. And that's why we did it for the First Precinct which was his district and so that's -- that where it came so many years ago. And it's been just re-upped every year.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. The questions around this in the Committee stemmed in part from making sure that this -- the grant application was not fraud in some way because we did change this unit. I didn't run into a situation like we did with highway patrol where we were told that we didn't think the HOV grant would be problematic. And then it turned out that it was. The State would not allow a change in the units covering the HOV lane.

So I just wanted to make sure that we're not putting ourselves in a position because this doesn't exist anymore, you know, this is the first year that the -- since the change has taken place. This is something that has been in place for quite sometime; but being that that unit does not exist anymore, we just want to make sure that we're not shooting ourselves in the foot here and wind up ineligible for funds.

MR. ZWIRN:

When we checked with the grants unit of the police department, we were assured that this is not a problem.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Yes, to address some of the questions that Legislator Eddington asked, I had a meeting myself, Senator Sweeney met with Commissioner Dormer, Commander Officer {Ganti}, I think his name is, the person who's in charge of the Gang Unit, Ponzo and -- I forget, there was some other person, voice the same -- very same concerns about this particular grant and that the money, you know, given a restructuring of the Gang Task Force and this grant being designated for the First Precinct, and we were assured that the money, would be able to be used for the purpose. And that is, as Ben had mentioned, that it would go to overtime costs. And there is some flexibility, but the Senator assured me that he would be monitoring to make sure that it is used for the intended purpose. But as we understand it, it's appropriate.

P.O. LINDSAY:

Could I just make an observation? I'm sure we use more than a hundred thousand dollars worth of overtime in the First Precinct. So take the money.

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

MR. LAUBE:

17 (VOTE AMENDED TO 18).

P.O. LINDSAY:

2015, Accepting and appropriating \$20,427 in sub-granted funds from the Economic Opportunity Council of Suffolk, Inc., for the Wyandanch Weed and Seed Program sponsored by the U. S. Department of Justice with 85.14% support (Co. Exec.) This is a farmland preservation program?

LEG. HORSLEY:

Absolutely.

LEG. GREGORY:
Motion.

P.O. LINDSAY:
Motion by Legislator Gregory, second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

PUBLIC WORKS & TRANSPORTATION

P.O. LINDSAY:
1943 (Amending the 2009 Capital Budget and Program and appropriating funds in connection with preparing a sewerage feasibility study for the Business District of Center Moriches) (CP 8191) (Romaine) I am going to just table because I'm being told that we do not have the bond yet.

MR. NOLAN:
No bond was issued for IR 1943. I advised Legislator Romaine of that earlier today.

P.O. LINDSAY:
Is there a reason?

MR. NOLAN:
The reason that was given to me by bond counsel is that they are saying based on what Ben Wright said at committee, that this study for Center Moriches is going to be folded into the larger study. And that's being done. And I asked bond counsel, *well, is there a problem, you know, issuing a bond for this resolution?* He said *yes, there is.* I think we're going to have some further conversations between now and the 15th to clarify that but --

LEG. ROMAINE:
I would suggest that you do that because most of us know here that there were 13 areas in the county-wide study and Center Moriches certainly wasn't one of those areas that was listed. And I think it would be good if you would pursue that with bond counsel.

MR. NOLAN:
I will tell you, Legislator Romaine, I did speak --

LEG. ROMAINE:
So let me make a motion then to table and we'll wait for the bond.

MR. NOLAN:
I just wanted to add that Gail Vizzini and myself spoke to Ben Wright this afternoon. And he represented to us that it would be included in this study and in the new RFP they're issuing. Center Moriches would be included.

LEG. BEEDENBENDER:
Mr. Chairman?

LEG. ROMAINE:
Well, I'll make a motion to table on that.

P.O. LINDSAY:
Motion to table by Legislator Romaine.

LEG. BEEDENBENDER:

I'll second it. And just quickly on the motion, if I could just ask, Gil, we talked about this at Public Works. There was an assertion that this is true. You don't have to do it right now because we're going to table it. But for the next Public Works meeting, if there's documentation that says that this is going to be in the study, could you just bring it to Public Works next week so we could share that with Legislator Romaine?

COMMISSIONER ANDERSON:

Yes.

LEG. ROMAINE:

And if you could between today and the Committee next Tuesday share with me in written form something that confirms that, and I'm still going to ask Legislative Counsel to pursue that because that wasn't in one of the 13 areas. And all of a sudden now it is.

COMMISSIONER ANDERSON:

Actually it was one of the 13 areas and it was part of the original RFP.

LEG. ROMAINE:

I don't remember that.

COMMISSIONER ANDERSON:

I can provide that as well.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1968, amending the 2009 Capital Budget and Program and appropriating funds in connection with the planning and design of reconstruction of CR 48, Middle Road, Phase I from Chapel Lane to NYS Route 25 (CP 5526) (Romaine)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

17 (OPPOSED: LEG. BARRAGA).

P.O. LINDSAY:

On the accompanying **bond resolution 1968A (County of Suffolk, New York, authorizing the issuance of \$70,000 bonds to finance the cost of planning and design of reconstruction of CR 48, Middle Road, Phase I from Chapel Lane to NYS Route 25) (CP 5526.111)** same motion, same second, roll Call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. ROMAINE:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

16.

P.O. LINDSAY:

Okay, **1980, Permitting the Great River Fire District to purchase fuel from the County (Co. Exec.)**

LEG. ALDEN:

Motion.

P.O. LINDSAY:

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

LEG. ALDEN:

Cosponsor.

MR. LAUBE:

18.

P.O. LINDSAY:

1981, authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the owner of Samantha Drive Subdivision (BR-1568) (Co. Exec.)

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro, second by Legislator Beedenbender. All in favor?

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

This was \$15 or 30.

LEG. LOSQUADRO:

I'll let Mr. Anderson -- but it predates the --

LEG. ALDEN:

No, that's it. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1986, appropriating funds in connection with modifications for compliance with Americans with Disabilities Act (ADA) (CP 1738) (Co. Exec.)

D.P.O. VILORIA-FISHER:

Motion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

17 (OPPOSED: LEGISLATOR BARRAGA).

P.O. LINDSAY:

On the accompanying **bond 1968A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$125,000 bonds to finance a part of the cost of construction of modifications to County facilities for compliance with the Americans with Disabilities Act) (CP 1738.313)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

D.P.O. VILORIA-FISHER:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

1988, Appropriating funds in connection with weatherproofing County buildings (CP 1762) (Co. Exec.) Motion by Legislator Beedenbender.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

On the accompanying bond resolution **1988A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance a part of the cost of the weatherproofing of County buildings) (CP 1762.311)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

That was a yes before?

LEG. MONTANO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

1989, Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737) (Co. Exec.) Motion by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16. **(OPPOSED: LEGISLATORS BARRAGA AND ALDEN)**

P.O. LINDSAY:

On the accompanying **Bond Resolution 1989A (of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance a part of the cost of replacement of major building operations equipment) (CP 1737.325)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

1990, Appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 1732)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16. **(OPPOSED: LEGISLATORS BARRAGA AND ALDEN)**

P.O. LINDSAY:

On the accompanying **bond resolution 1990A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$115,000 bonds to finance a part of the cost of the removal of toxic and hazardous building materials and components at various County facilities) (CP 1732.121 and .327)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:
1991, appropriating funds in connection with alterations of Criminal Courts building – Southampton (CP 1124) (Co. Exec.)

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Schneiderman.

LEG. KENNEDY:
On the motion, Mr. Chair?

P.O. LINDSAY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
Just a quick question for the Commissioner, do we have a county building in Southampton that we maintain courts in? I thought that's a town court out there.

COMMISSIONER ANDERSON:
No. This is -- the criminal courts is out -- technically you're thinking of it in Riverhead but it's actually in Southampton.

P.O. LINDSAY:
It's Riverhead but it's the Town of Southampton.

D.P.O. VILORIA-FISHER:
That's the building, criminal courts.

LEG. KENNEDY:
Oh, all right, all right. Okay, fine. All right. Yep, yep, got you.

P.O. LINDSAY:
Thank you. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
17 (VOTE AMENDED TO 16).

P.O. LINDSAY:
No, it couldn't be 17. You have two opposed, right?

MR. LAUBE:
16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:
On the accompanying bond resolution **1991A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$440,000 Bonds to finance a part of the cost of alterations of criminal courts building-Southampton) (CP 1124.106 and .317)** same motion,

same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

IR 1992, Appropriating funds in connection with improvements to water supply systems (CP 1724) (Co. Exec.) Motion by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

On the accompanying **bond resolution 1992A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 Bonds to finance the cost of construction of improvements to water supply systems at County facilities) (CP 1724.316)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

IR 1995, authorizing transfer of surplus County computer systems and hardware to the Native American Museum.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1996, authorizing transfer of surplus County computer systems and hardware to the Lynvet Football & Cheerleading Association (Browning) Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2016, authorizing the purchase of up to 2 paratransit vans for the Disabled American Veterans Organization (DAV) and accepting and appropriating Federal Aid and State Aid (CP 5658) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Browning. All in favor? Opposed?
Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2017, a Resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2018, a resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (Sludge) (CP 8180) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Horsley. All in favor? Opposed?
Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2019, a resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (CP 8170) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2020, amending the 2009 Capital Budget and Program and appropriating funds in connection with intersection improvements on CR 100, Suffolk Avenue, at Brentwood Road and Washington Avenue (CP 5065). (Co. Exec.) Motion by Legislator Montano.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Who was the second? Alden. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Cosponsor.

LEG. ALDEN:

Me, too, cosponsor.

MR. LAUBE:

17 (OPPOSED: LEG. BARRAGA).

P.O. LINDSAY:

All right. Same motion, same second, roll call on the accompanying bond 2020A. **(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$701,860 bonds to finance a part of the cost of intersection improvements on CR 100, Suffolk Avenue at Brentwood Road/Washington Avenue, Town of Islip) (CP 5065.311)**

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BROWNING:

Yes.

P.O. LINDSAY:

No. Motion was made by Legislator Montano and second by Legislator Alden.

MR. LAUBE:

Gotcha.

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes.

P.O. LINDSAY:
You voted for a bond?

(LAUGHTER)

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
17.

P.O. LINDSAY:
2023, appropriating funds in connection with Public Works fleet maintenance equipment replacement (CP 1769)

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
16 *(OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:
On the accompanying bond resolution 2023A (bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 Bonds to finance the cost of replacement of Public Works fleet maintenance equipment (CP 1769.514) same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

2024, appropriating funds in connection with painting of County bridges (CP 5815) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

On the accompanying **bond resolution 2024A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$550,000 Bonds to finance a part of the cost of painting of County bridges) (CP 5815.416)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:
16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:
2025, appropriating funds in connection with bulkheading at various locations (CP 5375)
(Co. Exec.)

LEG. BEEDENBENDER:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Eddington. All in favor? Opposed?
Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:
On the accompanying **bond resolution 2025A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 Bonds to finance the cost of engineering in connection with proposed bulkhead improvements at various locations) (CP 5375.111)**
same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

IR 2028, appropriating funds in connection with the replacement of dredge support equipment (CP 5201) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Browning. We're trying to have you set a record.

LEG. BEEDENBENDER:

We have puddles that need to be dredged in the Fourth Legislative District.

P.O. LINDSAY:

That's understandable, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

On the accompanying bond resolution **2028A, (bond Resolution of Suffolk, New York, authorizing the issuance of \$150,000 Bonds to finance the cost of replacement of dredge support equipment) (CP 5201.517)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

P.O. LINDSAY:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

2039, approving an amended treatment agreement between Suffolk County Sewer District No. 8 – Dorade and Dorade, LLC for a rate increase (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Browning. On the motion? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Opposed.

MR. LAUBE:

17 (OPPOSED: LEGISLATOR ALDEN).

P.O. LINDSAY:

2040, appropriating funds in connection with the rehabilitation of parking lots, drives and curbs at County facilities (CP 1678) (Co. Exec.)

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

LEG. D'AMARO:

Opposed.

MR. LAUBE:

15 (OPPOSED: LEGISLATORS BARRAGA, ALDEN and D'AMARO).

P.O. LINDSAY:

On the accompanying **bond resolution 2048A (bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$175,000 Bonds to finance the cost of rehabilitation of parking lots, drives and curbs at County facilities) (CP 1678.319)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

15.

P.O. LINDSAY:

2042, appropriating funds in connection with improvements to the County Correctional Facility C – 141, Riverhead (CP 3014)

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

Same motion, same second on the accompanying bonding resolution **2042A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,340,000 Bonds to finance the cost of improvements to the County Correctional Facility C-141, Riverhead) (CP 3014.114, .319 and .514)** roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

P.O. LINDSAY:

2043, amending the 2009 Capital Budget and Program and appropriating funds in connection with reconstruction of culverts (CP 5371) Motion by Legislator Beedenbender, seconded by Legislator Losquadro.

LEG. STERN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. STERN:

Thank you, Mr. Presiding Officer. This is taking funds from project 5560 and transferring it to the project in the title. Commissioner, just wanted to put on the record this is -- this transfer is okay as reconstruction of Commack Road is being funded entirely by federal funds. So this is no longer

necessary.

COMMISSIONER ANDERSON:

Correct.

LEG. STERN:

Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. D'AMARO;

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

15 (OPPOSED: LEGISLATORS BARRAGA, ALDEN and D'AMARO).

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying bond **2043A**

(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$260,000 Bonds to finance the cost of reconstruction of culverts) (CP 5371.111), roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

I think the taxpayers maxed out his credit card tonight. No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

15.

P.O. LINDSAY:

2045, amending the 2009 Capital Program and Budget and appropriating funds for the acquisition of land for intersection improvements on CR 35, Park Avenue, Town of Huntington (CP 5519).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. Okay.
All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

P.O. LINDSAY:

I'm opposed.

MR. LAUBE:

15 (OPPOSED: LEGISLATORS BARRAGA, ALDEN and LINDSAY).

P.O. LINDSAY:

On the accompanying bond resolution 2045A (bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$185,000 Bonds to finance a part of the cost of the

acquisition of land for the reconstruction of CR 35, Park Avenue, in the vicinity of Old Country Road to CR 86, Broadway-Greenlawn Road, Town of Huntington) (CP 5519.211)
same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

15.

P.O. LINDSAY:

2046, authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 13 – Windwatch with the owner of Towne House Village Condominiums (IS-1278)

LEG. KENNEDY:

I'll make a motion, Mr. Chair, but I've got a question for the Commissioner.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Beedenbender. On the question Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Gil, I got an e-mail from the folks in Spring Meadow. I see we have both Spring Meadow and Town House Village here. We're providing authority to execute the agreements with the two complexes. Are the actual terms and conditions of all the agreements set or are they still being negotiated?

COMMISSIONER ANDERSON:

I believe it would be set.

LEG. KENNEDY:

All right. One of the things that was raised was a concern about, I think, some of the cost additions that were put in there, cost escalators. Just, you know, the hour's late and we still have a ways to go, is this something that is at least open for some discussion that we can have here as to how it was arrived at? My recollection is that there was an e-mail that raised concern about an eight or ten percent escalator on the cost per gallon that was going in out at Spring Meadow.

COMMISSIONER ANDERSON:

I would imagine that could be discussed based on the, you know, whatever --

LEG. KENNEDY:

Good, fine. Okay. Then I'll yield and I will pick up the phone and you and I will see what we can do to hash it out.

COMMISSIONER ANDERSON:

Okay.

LEG. KENNEDY:

All right, thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Okay. We ever a motion and a second on 2046. All in favor? Opposed? Abstentions?

MR. LAUBE:

17. 18. 18.

P.O. LINDSAY:

Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 13 –Windwatch with the owner of Towne House Village North (IS-1123) (Co. Exec.)

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2048, appropriating funds in connection with safety improvements at various locations (CP 3301) Motion by Legislator Beedenbender, second by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

On the **accompanying bond resolution 2048A (bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$180,000 Bonds to finance a part of the cost of the acquisition of properties and related expenses in connection with intersection improvemets on CR 67, Long Island Motor Parkway, in the vicinity of Adams Avenue, Town of Smithtown) (CP 3301.225)** same motion, same second, roll call.

ROLL CALLED BY THE CLERK OF THE LEGISLATURE TIM LAUBE

LEG. BEEDENBENDER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

16.

VETERANS & SENIORS

P.O. LINDSAY:

1987, approving the appointment of Kevin O'Hare as a member of the Senior Citizens Advisory Board. (Co. Exec.) Motion by Legislator Stern, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. KENNEDY:

Cosponsor, Mr. Clerk.

LEG. NOWICK:

Cosponsor.

LEG. ALDEN:

Cosponsor.

D.P.O. VILORIA-FISHER:

Cosponsor.

MR. LAUBE:

You got it.

WAYS & MEANS

P.O. LINDSAY:

IR 1574, directing Town Tax Receivers to include a statement on interest and penalty calculations on tax bills. (Alden)

MR. ZWIRN:

Mr. Presiding Officer, if I just may say a word on this one?

P.O. LINDSAY:

All right. Let me just get a motion and then I'll recognize you. Do you have a motion, Legislator Alden?

LEG. ALDEN:

Motion.

P.O. LINDSAY:

Motion to approve. Do I have a second? Do I have a second for the purpose --

LEG. D'AMARO:

I would second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Yes, Mr. Zwirn.

MR. ZWIRN:

Mr. Presiding Officer, the County Executive just wanted me to convey to you that the testimony that was done by Esther Bivone and other receivers of taxes that were here, that this is unnecessary and that there's very little, if any, space list on the tax bills. The County Executive would say, *look, this year we added a line with the MTA tax. There may be other things coming down the pike that we're not aware of now.* He'd like to save as much space on this tax bill especially in light of the fact that this information is already on the tax receiver's bill that goes out.

P.O. LINDSAY:

Okay, Legislator Nowick, you wanted to comment?

LEG. NOWICK:

Yeah, just so you know, Ben, this information, it's true, this information -- the bill is probably not necessary. The information is already on the back of the tax bill; has nothing to do with the front of the tax bill where they're running out of space. So it's already there. The issue of space doesn't come into play. All the tax bills have it. We've been over this and over this and over this. I personally waved the white flag and said I'm voting for it.

P.O. LINDSAY:

Okay, but if it's already there, why are we voting on it?

LEG. NOWICK:

So I don't have to hear from Cameron anymore.

LAUGHTER

P.O. LINDSAY:

I see. That's a good reason.

MR. ZWIRN:

I have nothing else to say.

LEG. ALDEN:

In light of Ben's request and all this, really the pain that it's going to put everybody through, I'll withdraw the bill.

LEG. NOWICK:

Are you kidding me?

P.O. LINDSAY:

I'll tell you what -- I could feel the love. The sponsor is withdrawing the bill.

LEG. D'AMARO:

Cameron, after all of that in Committee?

P.O. LINDSAY:

1927, directing the County Attorney to determine the feasibility of Suffolk County intervening in an action brought by the Towns of Southampton, East Hampton and Shelter Island against the New York State Department of Environmental Conservation (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Is there a second? Second by Legislator Schneiderman. Is this with the fishing --

LEG. ROMAINE:

This is the fishing tax that was imposed on us by the State of New York.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Yes. These towns along with the Towns of Southold and Brookhaven and Smithtown have sued. And as a result of the lawsuit the state is not enforcing this \$10 fishing license fee in those towns at this time because of the lawsuit. And I believe the Attorney General has declined to represent the State on this matter.

P.O. LINDSAY:

So this is a case we're jumping on the ban wagon after they've won?

LEG. ROMAINE:

I introduced it sometime ago, but it's finally up now.

P.O. LINDSAY:

Okay. Mr. Brown, did you want to comment on this?

MR. BROWN:

The only thing I wanted to add is we have made a motion that -- before the judge where the matter is now pending to file an amicus brief.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1945, sale of county-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-276.00-05.00-038.003 et al) (Co. Exec.)

Motion by Legislator Losquadro, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1946, sale of county-owned real estate pursuant to Local Law No. 13-1976 Gary Satornino and Ronald Kwasniak (SCTM No. 0200-978.00-03.00-003.000) (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1951, sale of county-owned real estate pursuant to Local Law No. 13-1976 Richard C. Hummel and Lisa Hummel, as joint tenants with rights of survivorship (SCTM No. 0200-982.80-07.00-002.000). (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1953, sale of county-owned real estate pursuant to Local Law No. 13-1976 Michael and Jill Florence (SCTM NO. 0500-087.00-02.00-138.000) (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by who? By Legislator D'Amaro, second by Legislator Stern. All right?

LEG. STERN:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1954, sale of county-owned real estate pursuant to Local Law No. 13-1976 Robert and Patricia Guidorizzi (SCTM No. 0200-853.00-08.00-027.000) (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1955, sale of county-owned real estate pursuant to Local Law No. 13-1976 John D. And Christine M. Lennon (SCTM No. 0800-071.00-01.00-077.000). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1961, sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph and Anne Tascarella (SCTM No. 0200-054.00-04.00-034.002) (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1962, sale of county-owned real estate pursuant to Local Law No. 13-1976 Thomas P. And Renee M. Boullianne (SCTM No. 0200-562.00-01.00-013.001) (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1963, sale of county-owned real estate pursuant to Local Law No. 13-1976 Suffolk County Cooperative Library System (SCTM No. 0200-928.00-02.00-003.000) (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

1964, sale of county-owned real estate pursuant to Local Law No. 13-1976 Nico Realty Group LLC (SCTM No. 0208-007.00-01.00-038.000) (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

2049, authorizing the sales of surplus property sold at the October 21, 2009 Auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution) (Co. Exec.)

Do we have same motion over there?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion. Same second?

LEG. STERN:

Second.

P.O. LINDSAY:

Any questions? All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

MR. LAUBE:

17 (ABSTAINED: LEGISLATOR ALDEN).

P.O. LINDSAY:

2050, authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law. (Co. Exec.)

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay, don't everybody run away. In the manila folder, we have the tax warrants. Okay. The first one is **Introductory Resolution 2064 of 2009**. 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:

18.

P.O. LINDSAY:

Resolution 2065, implementing budget staff and taxes for fiscal year 2010 discretionary.
I'll make a motion.

CHAIRPERSON VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

17.

LEG. ALDEN:

Me, too.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

2066, implementing budget staff and taxes for fiscal year 2010 mandated. I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

16 (OPPOSED: LEGISLATORS BARRAGA AND ALDEN).

P.O. LINDSAY:

2067, authorizing that the tax warrants be signed by the Presiding Officer and Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes. 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:

17 (NOT PRESENT: LEGISLATOR ALDEN).

P.O. LINDSAY:

Yellow folder, **Late Starters**. I'll make a motion to waive the rules and lay the following bills on the table: 2124 to Public Works, 2125 to Ways and Means, 2126 to EPA, 2127 to Ways and Means, 2128 to EPA, 2129 to Budget and Finance, 2131 to Public Works, 2130 to Public Works, 2132 to EPA, 2133 to EPA, 2134 to EPA, 2135 to Health and Human Services, 2136 to Public Works, 2137 appropriating funds in connection with renovation and construction of facilities at Gabresky Airport to Economic Development, 2138 to Economic Development, 2139 to Parks, 2140 to Public Works, 2141 to Public Works, 2142 to Public Works, 2143 to Public Works, 2144 to Ways and Means, 2145 to Vets and Seniors, 2147 to Labor, 2148 to Parks, 2149 -- there's no markings on this -- to Parks, 2150 to Parks, 2151 to Economic Development, 2152 to Labor.

Okay. I'll make a motion to waive the rules and set them on the table. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR ALDEN).

P.O. LINDSAY:

I'll accept a motion to adjourn. Motion by Legislator Beedenbender. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 (NOT PRESENT: LEGISLATOR ALDEN).

THE MEETING CONCLUDED AT 8:01 PM

{ } DENOTES SPELLED PHONETICALLY