

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINETEENTH DAY

December 15, 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:

Alison Mahoney & Lucia Braaten - Court Reporters

Verbatim Transcript Prepared By:

**Alison Mahoney & Lucia Braaten - Court Reporters
Denise Weaver - Legislative Aide**

*(*The meeting was called to order at 9:39 A.M. *)*

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

P.O. LINDSAY:
Call the roll, please.

MR. LAUBE:
I surely will.

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
Present.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

LEG. ALDEN:
(Not present).

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Here.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

LEG. LINDSAY:

Here.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Would everybody rise for a salute to the flag by Legislator D'Amaro.

Salutation

You could be seated. We're going to be -- it's one of these days where you're going to be up and down, all right? I'd like Legislator Lynne Nowick to come to the front of the horseshoe and introduce our visiting choral group.

LEG. NOWICK:

Good morning, everybody. I'm very, very happy to welcome back today the Kings Park High School Chamber Choir that is directed by Ryan Flatt. The choir in Kings Park comes here -- we try to get them every year, it's become tradition, and in a way we do that in honor of my former aide, Ed Hogan, who was the President of the school board.

So I am very, very pleased and honored to have you enjoy this talent. Come on up.

Applause

MR. FLATT:

Thanks for having us. We're going to sing a couple of songs for you, the first is the National Anthem, and the second is -- please rise for the National Anthem.

***The National Anthem Performed by
Kings Park High School Chamber Choir***

Applause

You can sit. The next song is "Bring a Torch, Jeanette Isabella.

***"Bring a Torch, Jeanette Isabella" Performed by
Kings Park High School Chamber Choir***

Applause

P.O. LINDSAY:

As they exit out the chamber, let's have a real nice round of applause for the Kings Park High School Chamber sings led by Music Director Ryan Flatt.

Applause

That was excellent, guys. Just excellent.

Applause

Next I'd like Legislator Lou D'Amaro to join me to introduce our visiting clergy.

LEG. D'AMARO:

Good morning. The Reverend Frank Nelson is with us this morning. Reverend Nelson is the Pastor of St. Peter's Evangelical Lutheran Church, that's located in Huntington Station. That's a congregation that's been rooted in our local community in Huntington Station for the last 100 years.

Reverend Nelson has been the Pastor of St. Peter's for the past three years, and he previously served several congregations in Hicksville as well as all the way out in Staten Island. Reverend Nelson is very active in our local community. One of his main focuses is something called "The Worship Team" which is an organization that encourages young people to join the ministry. He's also the Chairperson of that team. He works in another program called "The HiHi Program" which provides overnight housing to the homeless, and he's also an Associate Chaplain of the Huntington Manor Fire Department. By his good work, Reverend Nelson is an inspiration not just to his congregation but to all of us, and it's my honor and pleasure to introduce to you this morning Pastor Frank Nelson.

Applause

PASTOR NELSON:

The Lord be with you.

"And also with you" Said in Unison

Let us pray. All mighty God, since the beginning of time you have provided the world of your creation with the potential of order and harmony. When we take time to reflect, as often we do during this season, we cannot but stand in awe of the intricacy of the framework for life which you have provided, yet we know that your will is not always reflected in our use of your good gifts. Forgive the disorder and lack of harmony that we allow to mark our relationships and to fester in our communities. Raise up from among us leaders who will champion justice and a passion for the common good among all people. Use us as your holy instruments of restoration.

Now we pray that you might bless the Legislators of this assembly and the people that they are called to serve, that they might enjoy and extend the gifts of peace and prosperity. In Jesus' name I pray and in all the holy names by which we know and call upon you do we all pray. Amen.

"Amen" Said in Unison

P.O. LINDSAY:

Thank you. If everyone could remain standing for a moment of silence for Estelle Schneider, the mother of Alan Schneider, our Personnel Director of the Suffolk County Department of Civil Service. And also let us remember all those men and women who put themselves in harm's way every day to protect our country and as we speak today are in harm's way.

Moment of Silence Observed

Okay, we have a few proclamations. And first I'd like John Cooper, our Majority Leader, and Dan Losquadro, our Minority Leader, to go to the podium to give a proclamation to a fixture around here. Debbie Alloncius, who has been the Legislative Director for our largest union, the AME, is retiring and moving on and we're going to sorely miss her friendly, smiling face sitting in the front row of the

audience, as we've seen for a long, long time. And I'm going to join you now because the Deputy is here.

Deb, this proclamation is really from all of us. We deeply appreciated working with you all these years, it was absolutely a pleasure. And we wish you a long, happy and healthy retirement, to you and your family.

MS. ALLONCIUS:

Thank you.

LEG. LOSQUADRO:

Thank you. It's one of those moments, say it ain't so.

*(*Laughter*)*

My entire time in the Legislature here, I've known working with Deb. And I think Legislator Lindsay really said it best, we will miss you but we know you leave things in very capable hands. And we wish you all the best on your retirement and a blessed and happy Christmas and a healthy and happy new year.

MS. ALLONCIUS:

Thank you.

LEG. COOPER:

And Debbie, I just want to echo those sentiments. It has been a tremendous pleasure working with you over the years.

MS. ALLONCIUS:

Thank you.

LEG. COOPER:

You're going to be missed by not just me but all my colleagues and I wish you all the very best, and a big hug and kiss.

MS. ALLONCIUS:

Thank you.

Applause

LEG. COOPER:

And -- wait, wait.

D.P.O. VILORIA-FISHER:

Well, Debbie is my constituent and so, you know, I want to use the Spanish word for retirement which is "jubilason", jubilation, and this is the great season for that. Good luck to you, and it's been wonderful.

Applause

MS. ALLONCIUS:

I get my say. Thank you so much. It has been my pleasure to end a 33-year career spending a joyous three with you. You have been the best, you guys do a great job. Keep it up. It's a tough fight. Have a wonderful holiday. Love you all and I will miss you terribly.

Applause

P.O. LINDSAY:

Next up is Legislator DuWayne Gregory will present a proclamation to the Amityville and the North Babylon High School Football Teams.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. I would like to call my colleagues up with me to join me, Legislator Horsley, Legislator Stern and Legislator D'Amaro.

LEG. HORSLEY:

North Babylon guys; boy, they really split them up.

LEG. GREGORY:

I'm going to ask that Terry Manning, the head coach, and Jim Mango and Joe Chetti join me.

Today it is a great honor to present to you, the North Babylon Varsity Football Team, the Bull Dogs. Can you guys stand up?

Applause

These are your 2009 Division II Suffolk County Champions, your 2009 Big IV Champions and the 2009 runner-up in the Long Island Class II Championships. They have a record of 11-1. There's six All-County Players, nine All-Division Players, three Second Team All-Division Players, and they were ranked eighth in the entire New York State.

LEG. HORSLEY:

All right.

Applause

So I wanted to make sure that we recognize them for their efforts today. I'm going to ask my colleagues, if they have any words, to please come up.

LEG. D'AMARO:

Good morning again. I want to just say very briefly that we're all in North Babylon very, very proud of what these young students have achieved. And on behalf of all the constituents in my district, I wish them the best of luck in all their endeavors going forward now and in the future. So congratulations, guys. Job well done.

Applause

LEG. HORSLEY:

May I add my congratulations to Terry Manning and the entire team. Let me just sum it up by saying, "Go Bull dogs!"

Applause

LEG. GREGORY:

All right, thank you. Congratulations, guys. Good work. Good luck next year, I'm sure you'll do just as well and maybe even better. We're going to go outside now and take a picture. Okay?

Applause

P.O. LINDSAY:

Legislator Gregory, how do they do better? They're the champions, right?

LEG. GREGORY:

Well, you know, there's always number one in the nation.

*(*Laughter*)*

P.O. LINDSAY:

Next up is Legislator Cameron Alden for the purpose of a proclamation.

LEG. GREGORY:

Mr. Presiding Officer, I have one more presentation.

P.O. LINDSAY:

Oh, I'm sorry.

LEG. GREGORY:

We have with us the Amityville Varsity Football Team. I'm going to ask that Ron Foreman, the Director, Athletic Director, come forward.

All right. Ron Foreman, Chris Taylor, George Carafanis and Adam Lavorka. I present to you now this year, with a record of 9-3, Division IV Suffolk County Champions. This is their second championship in three years. They have seven All-Division -- First Team All-Division Players, three Second Team All-Division Players. They have an All-Academic, All-Division Player, a National Foundation Award Winner, a Suffolk County Player-of-the-Week. This is the second team in my division, from my hometown in Amityville. Please stand up, guys.

Applause

I want to thank you, guys, and congratulate you for your hard work and your efforts for being a tremendous -- I went to a couple of your games, it's tremendous entertainment and you guys are true athletes and you represent the sports and you represent yourselves and you represent Amityville very well. Congratulations and good luck in the future to you.

Applause

Thank you, Mr. Chair.

D.P.O. VILORIA-FISHER:

Thank you, Legislator Gregory. Legislator Cameron Alden will present proclamations to Kathy Malloy, a retired Suffolk County employee; Steven Hyland for his dedication on the youth in the 10th District; and representatives from the Suffolk County Parks and the Department of Public Works. Okay, so Legislator Alden?

LEG. ALDEN:

I'd actually like to ask Legislator-Elect Tom Cilmi to join me up here, this is -- pretty much after today, this is his Legislative District.

I'm going to start with Kathy Malloy. And Kathy actually knows the Legislature very, very well. She started here under Anthony Noto, he was a Presiding Officer many, many years ago.

MS. MALLOY:

1979.

LEG. ALDEN:

1979. The other thing is that in the Islip Community -- so when I say Islip community, East Islip, Islip Terrace, Great River, Bay Shore, Brentwood, CI -- if there is anybody that has fought harder for human rights and for the people of that Legislative District and that area, I can't think of one person.

Kathy Malloy has been there for anyone and any organization that's actually needed help. And she did the same thing for the employees of Suffolk County, she fought hard for their workers's rights and has done them a tremendous job.

I go back a little ways with her husband, too, who -- talking about sports, Dennis and I played a little bit of sports back in the day. But getting back to why we're honoring Kathy, a fantastic job for all the communities, community organizations. Anybody that needed help, anybody that really was down and needed to be picked backed up, Kathy Malloy was there for them. So for that, it's my honor to actually give you this proclamation. I wish there was more we could do for you. And I know that you've retired now, too, right?

MS. MALLOY:

Yes. Yes, I have.

LEG. ALDEN:

And after how many years of service?

MS. MALLOY:

Thirty-four point five.

*(*Laughter*)*

LEG. ALDEN:

But Kathy started when she was 14.

Applause

So Kathy, God bless you.

MS. MALLOY:

Thank you.

LEG. ALDEN:

And we're going to go out after for a picture.

MS. MALLOY:

Okay, thank you.

LEG. ALDEN:

I know that there's representatives from Parks and DPW here. Great. Now, a lot of times we do projects in our district and, you know, we never really get a chance to say thank you. And over in Islip we have the Scully Estate which is the Suffolk County Interpretive Center, and while the property is beautiful and it has a little bit of everything in there, the building really was a little bit on the rundown side. And to make matters worse, it's also a target because the kids in the area -- and this is the Islip area, so some people from Islip would actually know this -- it's been a gathering spot for probably about 50 years for kids to go in there and drink beer and do other types of mischief. They got into the building a couple of times and actually set it on fire, they stole the copper off of the copper gutters and leaders and things of that nature.

The people that are standing in front of me represent a whole bunch of other people that have gone way above and beyond what they have to do to make that Scully Estate a beautiful asset to the community. And for years to come, young kids, old folks, everybody in-between is going to be able to use that as a resource. There's going to be a lot of enjoyment and a lot of good times that actually can come from going in there and observing nature and its beautiful -- actually existence.

I can't thank you guys enough for what you've done, for the above and beyond. Because obviously we all get paid to do a job, but there's a lot of times I found you there after hours and the Commissioner comes down and did things. And from DPW, those guys went above and beyond what they had to do. So I really -- I can't thank you enough, and God bless you for what you did.

Applause

D.P.O. VILORIA-FISHER:

Legislator Alden, as Chair of Parks, I know the kind of dedication that these employees have shown. And there was a Trustees meeting that was held at the Scully Estate and you could certainly see the fruits of the labor of our department. Congratulations to all of you. And thank you, Legislator Alden, for honoring them.

LEG. ALDEN:

Oh, thank you.

D.P.O. VILORIA-FISHER:

That's great.

Applause

LEG. ALDEN:

Is Steve Hyland here? There he is. How can I miss him? And I guess I'm getting a little long-winded because this is my last shot at this, so.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Take your time.

LEG. ALDEN:

And thanks for bearing with me. But Steve Hyland is a guy that actually when he was in high school, and he went to Brentwood High School -- the big green machine, right -- he was a champion. And he didn't just take that and go on and live his life, he actually gave back. So ever since he's been out of high school, he's given back as a coach, and a mentor, in his community, which is Islip, he's given back to church groups, a whole bunch of different sports and youth groups. He's my representative in Suffolk County on a number of different panels that help people, help the kids, try to provide alternatives to the drugs and the gangs and the other types of things where kids can get in trouble.

So Steve Highland his whole life has actually given back to the community and that's why it's my honor today to give him this proclamation honoring him and the service that he's given to this community, and I hope he continues on for many, many years. Thank you, Steve.

Applause

P.O. LINDSAY:

Okay. Next up is Legislator Brian Beedenbender for the purpose of a proclamation.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I'm here before the Legislature today to recognize somebody from my community who has done work to help all of our communities. He doesn't really know it, but Sid, could you come and join me? We tricked you, you didn't know. You've got to come up here now. Sid Lynn is from VFW Post 400, and for the past year and a half, I guess, 18 months, Sid has been the gentleman that has dealt -- that has handled the Veterans Assistance Program which is the program that we put together. And what most people don't know is that, you know, yes, Sid is

handling the program which is a mountain of paperwork, because we're a government and of course we provide a mountain of paperwork, but Sid has taken I think it's at least 25 families at this point, whether it be a widow, a family or somebody in need, and he takes them out to lunch and he talks to them, he meets with them, he gets to know them, he finds out what's going on in their lives and how we can help. Many times the money for that lunch or the money for the extra food comes directly out of Sid's pocket. He has not just taken this as a job to help the veterans and the families that are in need, but he's made it his mission. And I really can't think of somebody who has done more for his community and will continue to do more for his community. Like I frequently say about veterans, they served enough once but have decided to take another opportunity to serve us yet again.

So Sid, this program would not be successful if it wasn't for your efforts, it wouldn't be successful if it wasn't for all the work you do. And it certainly is more than I envisioned it because you took the bull by the horns and did a lot more. So, you know, you should -- especially at this time of the year, you should remember all those families that have been helped because you took the time and you spent the time of your own effort and money as well to help us make this program successful. So the proclamation is for you to congratulate you and thank you for all your hard work that you've done and will do. So thank you very much, Sid.

Applause

MR. LYNN:

Thank you very much, Brian. I would like to thank the Suffolk County Legislature, in particular Legislator Beedenbender. Because of you and your efforts, this program can stand on its own and help the veterans of our community to meet with these men and women, their families. It's an honor for me and it's an honor for the Suffolk County Council, the Veterans of Foreign Wars, to be able to administer this program. So continue to support us and we will continue to support the veterans of your communities, our communities. Thank you.

Applause

LEG. BEEDENBENDER:

We have -- Dennis is taking a minute, apparently.

MR. SULLIVAN:

There you go. My name is Dennis Sullivan, I'm a Suffolk County Commander for the Council. I have a plaque here that we'd like to give to Brian for the recognition and outstanding support to all the veterans and all the work that he did. If it wasn't for him, this program wouldn't have got started, and he has always been there for us. Brian?

Applause

P.O. LINDSAY:

And the last proclamation of the day is Legislator Stern.

LEG. STERN:

I'm going to ask Coach Madden, Coach Igzazi, Superintendent Dr. Karnilow, Principal {Intoria} and the entire Half Hollow Hills West High School Football Colts team to join me this morning. And Mr. Presiding Officer, it really is a great privilege and pleasure for me to introduce --

P.O. LINDSAY:

Come on up here.

LEG. STERN:

-- the Colts to everybody this morning.

P.O. LINDSAY:

Come on up here, fellows. Come on up in front of the horseshoe, let everybody see you.

LEG. STERN:

To all of my colleagues this morning and everybody here with us, it is a pleasure to introduce the undefeated 12-0 Suffolk County Champion, Long Island Champion and Rutgers Championship High School Colts.

Applause

Before I say just a few words about the team, it is also a great pleasure to specifically introduce Coach Madden who not only led his team to an outstanding season, but what was also himself named at the Suffolk County All-County Grid Iron Dinner the Suffolk County Coach of the Year. So a special congratulations to him as well.

Applause

And let me say, I was at the Suffolk County Championship game, I was at the Long Island Championship game, and I'm sure that the team and coaches and staff would agree that the team brought great pride not just to themselves as a team, not just to their school, not just to their district, not just to their families, but to the entire Half Hollow Hills community as well. And you can really see that up because in the stands it was pretty packed, and it wasn't just family and friends but literally an entire community. So congratulations to all of you and we wish all of you every success in the future. Thank you.

Applause

COACH MADDEN:

Thank you very much. I would like to thank -- I would like to thank Legislator Stern and his office for the invite today. I also would like to thank Dr. Karnilow and Ms. {Intoria} and Frank Pugliese for coming with us today. The guys are very honored to ride on the bus with you, Dr. Karnilow, so they'll never forget that I'm sure.

*(*Laughter*)*

We set a goal last January to have a special season and the guys in front of you, the 40 guys plus, really put a lot of time and effort into fulfilling that goal. And I can't be more honored to stand in front of these young men and our managers to -- I am honored to be part of this great year. Thank you very much.

Applause

LEG. STERN:

With an undefeated 12-0 season, with a Suffolk County Championship, with a Long Island Championship, with a Rutgers Cup Championship, we thought that was pretty special. And so on behalf of the Suffolk County Legislature and my colleagues, it is not only a privilege for me to congratulate all of you and to award everybody with proclamations and to recognize your coaches and staff, but also today, December 15th, 2009, to declare today Colts Day in Suffolk County. Congratulations.

Applause

*(*Laughter*)*

P.O. LINDSAY:

I'm going to start the Public Portion, but I'm going to use the prerogative of the Chair, when a

couple of our Legislators rejoin us I wanted to say one other thing as far as presentations are concerned.

But under the Public Portion, first we have a Town Councilwoman, Nancy Graboski here. So, Nancy, if you're here, we'll take you out of order out of due respect to your office. Thank you very much for being with us today.

CONGRESSWOMAN GRABOSKI:

Thank you very much. It's my honor and privilege to be before you today representing the Town of Southampton, Supervisor Kabot and my colleagues on the Town Board.

I'm here before you today in support of the resolution that's on the docket later on, amending the 2009 Capital Budget and Program and appropriating funds in connection with construction of sidewalks in various -- on various County roads. In particular, the sidewalk that is in the Town of Southampton that is part of this resolution is located on County Road 79, that's in Bridgehampton, it's also known as the Bridgehampton-Sag Harbor Turnpike. And the sidewalk project is slated for construction between Scuttle Hull Road and the Montauk Highway.

This project is truly a cooperative effort between Suffolk County and the Town of Southampton. When residents from the Sag Harbor Turnpike submitted a petition with over 500 signatures to the town board back in 2006 calling for the sidewalk, I, of course, reached out to our Legislator, Jay Schneiderman, who certainly picked up the ball at that point and went through all of the hoops and hurdles that you have to go through to get us to the point where we are today where the money is actually going to be appropriated. According to what's being proposed, the County intends to appropriate \$408,000 and the Town of Southampton is also contributing \$100,000 to this project. So I want to thank you for this. We're in support of it. I have joining me here at the podium today two residents from the Bridgehampton Turnpike, Julie Hopson and Michele Wright who's also here. With your permission, I'll invite them to say a few words before we depart. Thank you.

MS. HOPSON:

Hi. My name is Julie Hopson. I just want to add that this project is much needed. We have two churches along this highway, a child care center and a children's museum. This project has been put off for a few years because we've been told that it's a very expensive project, but I ask you, can you put a price tag on children's safety?

P.O. LINDSAY:

Thank you, Councilwoman. Next speaker is Kevin McDonald.

MR. McDONALD:

Good morning, Members of the Legislature. Thank you for allowing me to speak to you. I'm here in support of Resolution 2153 which is -- which would appropriate \$15 million for open space farmland and parks that would require a match from any local government in Suffolk County and as part of the Capital Budget. Authorizing this money would preserve your option, at some point over the next five years, to spend that money or not spend that money subject to a worthy project that would come before you again. You're not obligated to spend it, it just preserves the option that I would hope you would want to consider also. In the interest of brevity, just please pass 2153 later on when it comes to you by way of Certificate of Necessity. Thank you.

P.O. LINDSAY:

JoAnne Sanders.

MS. SANDERS:

Can I ask that the other domestic violence agencies come up at the same time with me; is that okay with you?

P.O. LINDSAY:

Sure.

MS. SANDERS:

I also have written statement that I can pass out.

MR. LAUBE:

Thank you.

MS. SANDERS:

We're here today basically to tell you our -- give you some information on how we feel about the domestic violence registry. And it's our understanding that the County Executive may very well veto the legislation to provide this registry. So we're here to encourage you to please not override his veto.

As the Executive Director and spokesperson for the Suffolk County Coalition Against Domestic Violence, I express our appreciation to the Suffolk County Legislature and the County Executive for their ongoing efforts to make our community a safer place for families in Suffolk County. Domestic violence is a problem that crosses all socio economic lines, race, religion, age, gender and sexual orientation.

I speak today to voice my concern for the establishment of the on-line domestic violence registry for offenders. The registry may deter victims from calling the Police because of the fear their abusive partner may be placed on the registry. Victims tell us abusers may become more violent and take it out on them for this disclosure. Employers could discriminate against victims and abusers could also lose their jobs causing loss of family income. Children living in the home may become known to the public which could cause devastating psychological effects on the children, including feelings of embarrassment and shame. The registry compromises the confidentiality of everyone in the family. If victims don't report, lives are at risk. Domestic violence Police reports are confidential, unlike other Police reports, for a reason.

The Commissioner of Social Services is against the registry. People from within the Police Department and the Sheriff's Department are not in favor of the registry. Domestic violence offenders are known to the victims, there are -- they also return to the home. It is very different than a stranger or a sexual predator. There are times when abusers make false allegations against victims resulting in arrest. If harassment charges result, the victim may plea bargain to dispose of the charges and then the victim's name would be on the registry. The cost resulting in the registry could put -- could be put to better use, especially since there are currently -- there is currently a way the public can obtain a public background check through the Suffolk County Police Department. Forms are available on-line on the Suffolk County Police Department's website.

Presently, domestic violence service providers are suffering from a loss of funds which result in layoffs and staff that provide crucial victim services. Funding should be used to best serve the victims. Thank you.

MR. FRIEDMAN:

Hello. My name is Jeffrey Friedman, I'm the Executive Director of The Retreat. For over two decades, The Retreat has been the only community-based, not-for-profit agency that provides direct domestic violence services and support for victims of domestic crimes on eastern Long Island. I would like to thank you for the opportunity today to address the domestic violence registry legislation.

In the event that the County Executive does veto this bill, I'm hopeful that you will reconsider and not enact this legislation. I applaud Legislator Gregory and our elected officials for bringing domestic violence to the forefront and having the courage to take on such a serious issue in our -- such a serious epidemic in our community.

With that being said, however, as a leader in the field of domestic violence services in our community, I strongly oppose this legislation and believe it will not achieve its desired outcomes. By passing this legislation, the hope is to ultimately reduce the number of domestic violence incidents in our community. If enacted, this would have the opposite effect on family violence.

After speaking with many of the women we serve, it is their belief that if a registry had existed when they were engaged in an abusive relationship, that their abusers would have inflicted more pain and suffering as a form of retaliation for being public humiliated. One of our survivor's stated that she strongly believed her husband would have returned and killed her if a consequence of his conviction would have resulted in being included in this registry. This registry can also have adverse effects on preventing victims from coming forward out of fear out of retaliation. When we asked our survivors the question, "Do you feel that this registry would prevent men from abusing their intimate partners out of fear of information becoming public," the response was a resounding no.

Another fear that was brought to our attention by the women of The Retreat Services that -- is issues around confidentiality. Once an abuser is made public, so is his intimate partner and children. Now the survivor not only has to deal with this trauma that has been inflicted on her, but she also has to deal with it in the eye of the public. When asked, "How do you feel about the proposed domestic violence registry and how it effects you personally or other survivors of abuse," the response was these: "I would be concerned about how this public information may impact my children, especially at school"; "I would fear that others wouldn't understand and would point fingers at me and blame me for what happened or judge me and my children. I would also be concerned for my children and their anonymity"; "I would not want my children to be teased at school if others had access to this information"; "I would be afraid, if this information went public about my husband, that the visitations would be a nightmare with my children".

A victim's confidentiality is protected in the Family Violence Against Women Act. Just as the Federal Government has done, Suffolk County needs to continue to protect rights of women and children in our community. With people losing their jobs and being foreclosed from their homes, family violence has been on the rise and domestic service requests at the Retreat have increased nearly 40% over the last 12 months. Organizationally we've seen dramatic funding cuts from State, Federal and local governments, in addition to substantial drops in private donations. Instead of using these funds to set up a registry --

P.O. LINDSAY:

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

MR. FRIEDMAN:

I'm almost finished. Why not put these resources back into the agencies like The Retreat that have a proven history of protecting our women and children? I urge all community leaders to reexamine this piece of Legislature (sic). Thank you for your time.

MS. PICKFORD:

Good morning. My name is Kaitlyn Pickford, I'm the Director of Non-Residential Services of Brighter Tomorrows and the Long Island Regional Representative and Board Member of the New York State Coalition Against Domestic Violence. Thank you for the opportunity to testify today.

First and foremost, we would like to commend Legislator Gregory and the entire Suffolk County Legislature for their efforts in bringing a heightened awareness of domestic violence to Suffolk County. It is evident that Legislator Gregory's goal is to shed light on these heinous crimes.

However, there are unintended consequences of a widely public domestic violence registry in that it would adversely effect the victims of domestic violence crimes and the process in which offenders are brought to justice through the criminal court system.

Domestic violence has historically been under reported. With the creation of an Internet-based public registry, reporting may be further diminished as victims' confidentiality and safety may be compromised. In addition, there are many cross complaints between the offender and the victim which may create the unfortunate situation in which victims are placed on the registry. The intent of

the bill reads, "Suffolk County residents should have similar access to information on individuals convicted of domestic violence crimes so that they can protect themselves and their loved ones from violence in the homes." However, one may argue the service is already in place through the Suffolk County Police Department and has been under utilized.

Therefore, this bill does not serve to fill a gap in services to the public. Furthermore, the labor and funding needed to implement the registry may be better utilized in other more practical areas of combating domestic violence such as prevention-based programs and direct services for victims. Thank you.

MS. REYNOLDS:

Good morning, and thank you for this opportunity. My name is Ruth Reynolds, I'm the Director of Advocacy with VIBS, Family Violence and Rape Crisis Center. And I'm also past President and current Board Member of the New York State Coalition Against Domestic Violence.

Rather than repeating what my colleagues have said, I do want to indicate that we very much appreciate the Legislature's and Legislator Gregory's concern for domestic violence victims and -- but the concerns we have for the registry are some of the concerns we've expressed here to you today.

One of the other issues regarding victims confidentiality is that it is protected in the Federal Violence Against Women Act. Most recently, the County has received of our stimulus funding grant to be distributed to the District Attorney's Office, the Police Department and the four of our domestic violence service provider programs, and any type of domestic violence registry compromises victims' confidentiality and risks putting these funds in jeopardy. Our other concern is that a victim could fear retaliation if by calling Police she's seen by the abuser as responsible for him being listed on the registry.

And once again, these crimes happen behind closed doors, they're greatly under reported and unfortunately, they rarely result in a conviction. There's no evidence that a registry of this nature would reduce intimate partner violence. At a time when the County has reduced funding for services for victims of domestic violence, is a registry of this kind the best way to use our limited resources? Thank you again for your time this morning.

MS. SANDERS:

Any questions?

P.O. LINDSAY:

No, we can't ask questions. Our process doesn't allow us to ask questions at the public portion, but I'd be remiss if I don't -- didn't comment. This legislation has been before us since May. It's been debated a number of times, it had a Public Hearing and we didn't hear from any of you folks. And now that it was passed, you want us to overturn a veto that we haven't seen yet; it's bizarre. Mary Finnin.

MS. FINNIN:

Thank you and good morning. I'm here this morning to speak to the resolution to create a Health Center Financial Review Committee. My concern on that piece of legislation is it does not -- as far as I know, it does not have any public members on the committee.

Federally Qualified Health Centers are usually -- once they're established, they have boards of directors that require 51% of those members to be public members. I think any look at a financial review towards creating these kinds of centers in Suffolk in lieu of the centers that we currently provide for our citizens should have public members and I'm recommending three members to be placed on that committee. Thank you.

P.O. LINDSAY:

Thank you, Mary. I'm going to exercise the prerogative of the Chair and interrupt the public portion for a minute. When we were doing proclamations before, it was in my notes to make notice that this is the last meeting for two of our colleagues. And it's a bitter sweet day and I just wanted to publicly say that it's been my absolute pleasure to serve with both of you and something that I will certainly hold dear in my memories of spending time with both of you.

Applause & Standing Ovation

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Peter Quinn. And right to the bitter end. I have it in my notes right after all the proclamations and neither one of you were here.

(*Laughter*)

LEG. ALDEN:

We were out celebrating.

P.O. LINDSAY:

No, you were out taking pictures with constituents.

MR. QUINN:

Good morning, Members of the Legislature.

MS. ORTIZ:

You have to hold the button.

MR. QUINN:

Yeah, I did have it down --

MS. LOMORIELLO:

Keep holding it.

MR. QUINN:

-- but I didn't see the light. Now I've seen the light.

(*Laughter*)

My name is Peter Quinn, citizen activist. Happy holidays to all of you. I'm here to talk about the Legacy Project and the -- did the Certificate of Necessity come forward from the County Executive or not? In any case, I oppose a Certificate of Necessity at this time. You know, things that are put on the shelf to rest a while certainly can lose their sense of urgency and I would say that's the same for this project.

First of all, the Health Department is supposed to be issuing a report on water quality and it may be related to this huge project in Yaphank. So it seems to me prudent that there ought to be a delay.

Second, the environmental Planning Commissioner, Tom Isles, appeared and gave a lengthy presentation to the Environmental Quality Review Commission and he spoke at length about land use, but he only mentioned in passing that the water table at that site was 16-feet below the surface. And he never mentioned that there is a plume under that site, a toxic plume, and so we don't know how that's going to be remediated.

In addition, the members of the commission never asked the prudent questions about water quality, instead they asked only one question about sewers, and of course the Yaphank sewer would have -- plant would have to be expanded if this plant -- if this development occurred. But it was disturbing to see that there were no representatives from Brookhaven Town who showed up, nobody from the Suffolk County Water Authority showed up. And the Suffolk County Water Authority has decided, after a number of us have come before you and spoken out over the last three years, now they've decided to build 60 new wells; 30 of them are going to be in the Central Pine Barrens, six in the western Pine Barrens and the rest dotting the landscape across Suffolk County. The problem is that all of these, while they're allegedly fresh and new, create blending so that they're mixed with the toxic wells, with the new wells, and that seems inappropriate. All of these are tied together by a network of 5,000 miles of underground pipes so that they're ultimately going -- the new ones are going to be ultimately impacted.

P.O. LINDSAY:

Peter, you're out of time.

MR. QUINN:

And so I just want to urge this Legislative body, before they vote in haste on maybe a money issue, to think twice about the quality of life and delay until you've investigated and determined further. Thank you very much.

Applause

P.O. LINDSAY:

Anthony LaFerrera.

MR. LAFARRERA:

Good morning. I've been here on several occasions. I'm the newly elected Chairman of the Suffolk County FRES Commission and I'm here to talk on 1777.

Mr. Lindsay, I know that Charter Review worked very hard on what they did for several months and I know they recommended to add two seats to the FRES commission on the Ambulance Chiefs Association, but I don't think that would be healthy. In one respect that if you add two more seats, that would give that group three and all the other associations would have two within the commission, and I can see down the road that the other associations are going to want to bring their number up to the same equal amount of people that are represented on the FRES commission.

In fairness, adding one more seat I think would be very fair to that association. And really that's all I have to say because I know I spoke several times this year about it and I do appreciate your time this year for when I've been able to speak in front of everybody and happy holidays.

P.O. LINDSAY:

Thank you. Dan Tomaszewski.

MR. TOMASZEWSKI:

Good morning. Oh, I was pressing the wrong button. You would think I would learn that by now. I'm so sorry. Dan Tomaszewski, Vice-President of Longwood School Board. I would like to take this opportunity briefly to thank you all for your attention to our comments on the Legacy Village project. I just would like to provide some summary comments.

In recent weeks you've heard from only a handful of Longwood residents, but I assure you our school board has heard from vast numbers of them. Daily we have conversations with our constituents, not just at school concerts and athletic games, but in the grocery stores, the fire houses, the houses of worship, civic meetings and our front lawns. The school board is the closest link that constituents have to their elected officials.

There is an expectation that we are looking out for the greater good of our communities, not only our schools, because what happens in a community directly impacts the quality education available to our kids. Their message to us about Legacy Village is one of very grave concern, as well as an appeal to have a voice in the way their community is to be forever transformed.

Last Wednesday, while we were testifying before the Ways & Means Committee, Suffolk's Council on Environment Quality determined that the county should do a full environmental impact statement on the County's 255-acre property in Yaphank. We urge you accept that recommendation. Yes, the undertaking of such a detailed study will slow down the project considerably, but it also offers an opportunity, as we've been saying all along, to get it right. The Council on Environmental Quality suggests that the Town of Brookhaven be involved in the Study and that the County and town should share the lead status; we agree.

We also believe that the lag creates a window of time for the County to explore other issues that have come along as a concern to the residents. Examine the impact on the school district by conducting a study that is specific to the community. Head Dr. Pearl Kamer's conclusion that the financial characteristics of an individual school district containing multi-family housing may have a bearing on the tax positive/tax negative status of these complexes. Further research is needed in this year.

Time also creates the opportunity to uncover many unanswered questions. What steps must be undertaken to enable the sharing of tax positives and negatives with South Country School District, as Legislator Barraga has suggested? What happens to the land once it is declared surplus and sold should the County's concept be rejected by the town? Is it possible to revert ownership to the County for another use? If the County Executive's proposal is indeed a concept, then I implore you to take the time to reinvent the concept. In working together, we can all make our community a better place. And I'd like to wish you all a very happy holiday season. Thank you for your attention.

Applause

P.O. LINDSAY:

Thank you, Dan. Johan McConnell.

MS. McCONNELL:

Good morning. Johan McConnell, President of the South Yaphank Civic Association. I come before you today to thank the Council on Environmental Quality for issuing the Positive Declaration on Legacy Village. It is time for us to take a serious look and a hard look at this property to see if this is the best use for it and to see if it is an environmentally sensitive property. So I do thank CEQ for making that Positive Declaration.

And I would also like to thank Legislator Browning for all the work that she has done for the dog owners of Suffolk County. Some of you may be aware of the fact that there was just a dog park opened at Robertson Duck Farm and Councilwoman -- sorry, I'm speaking in front of the town too much. Legislator Browning has been very, very supportive. We also thank her for the resolution to set aside money for the dog park in Southaven, and I know that there's a resolution for a dog park in Sayville. So for all the dog owners in Suffolk County, we do appreciate the time and effort that's being put into this. We do need someplace for our dogs to run.

And again, I do thank CEQ and I do hope that you will take a serious, hard look at Resolution 1922 on the surplus. One of the things that's confusing for me is the numbers change. First it's 249 acres, then it's 255 acres, when I sat on the committee it was 250 acres. So either we've lost an acre or somehow we've gained five acres, so it really should be straight exactly how many acres are going to be surplussed. Thank you.

Applause

P.O. LINDSAY:

Robert Kessler,

MR. KESSLER:

Good morning. My name is Robert Kessler from the Coalition to Save the Yaphank Lakes. Mr. Levy says there are 50 buildings in the area of Legacy Village, the proposed Legacy Village, so this is the perfect place to put this project. So the logic that you have is that there are 50 buildings there already, so why not just add another -- just increase the buildings by 50-fold and this will be a plus for the Carman's River, Longwood School and the community of Yaphank. This does not make sense and it doesn't sound like a win.

We are the Coalition to Save the Yaphank Lakes and we are opposed to this and all irresponsible projects in the Carman's River Watershed, a New York State designated, wild and scenic recreation river. We ask you to support the CEQ on IR 1922. Thank you. Happy holidays, everybody.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Carol Ghiorso-Hart?

MS. GHIORSI-HART:

Good morning. The Vanderbilt Museum has made it through a really rough year with a little help from our friends and from you, Suffolk County. Today I'm asking you to approve three resolutions in the Capital Budget that are important investments in the future of the museum.

Resolution 2148, Capital Project 7430, continues important restoration of the museum's facades. The falling sheets of stucco and masonry are a safety as well as preservation issue. The netting that surrounds our signature bell tower is unsightly, although colorfully referred to by our curator as the mansion's negligence to prospective photo shoot scouts.

Resolution 2149, Capital Project 7441, provides funds for repairs to the slate roof and flat roofs and rotting exterior, wood trim of Normandy Manor. Stopping water leaks is a wise investment in this building.

Resolution 2150, Capital Project 7433, is planning money for repairs that are needed for the estate bridge, the only vehicular and handicapped access to the mansion. Almost two years ago the bridge was closed for several months due to safety concerns. Following an emergency engineer's report, it was reopened with some restrictions and recommendations for further study. This planning money will further analyze and plan the scope of work for this important restoration. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Carol. Eric von Kuersteiner.

MR. VON KUERSTEINER:

Good morning. I'm Eric von Kuersteiner, I'm here representing Roncalli Freight. I will be staying through. I know you can't ask me any questions now, but if there are any questions when the resolutions come up later today, I'll be here to answer any of those questions. Thank you.

P.O. LINDSAY:

Thank you very much, Eric. Linda Freilich.

MS. FREILICH:

Good afternoon.

MR. PERILLIE:

You have to hold the button.

MS. FREILICH:

Push the button?

MR. PERILLIE:

Hold it.

MS. FREILICH:

Oh, hold it? Okay. How am I going to hold it and read my notes? Oh, gosh. Do I have permission to pass out my report to you on the water sentinel? We take water testing data and I've prepared a report for each of you.

MS. ORTIZ:

Thank you.

MS. FREILICH:

Okay. On the report is the parts per million of ammonia, nitrite, nitrate, oxygen and phosphate. Oh, thank you very much.

Okay. First of all, I'm a water sentinel with the Sierra Club. I spend all my free time communicating with people all over the country who test waters. I test waters with families and students and fellow testers, I train and do training. I'm a teacher and an experimenter, I experiment with nitrogen and phosphorous. The bad news is where there is development, where there is sensitive ground water there is no good news. Mitigation just does not work in the end and some places just need to stay pristine. There is a problem in this country that is hugely ignored and it is growing fast and the problem is phosphorous and nitrogen pollution. You will see in the papers that I have passed out to you that our phosphorous pollution that I have tested so far is 15 in the -- 15 parts per million and it should be around -- a healthy running stream is around point one parts per million. Point zero five is what you should see for nitrogen and nitrite interferes with O2 uptake. You'll see you've got about zero there, but it should be about point zero five.

I've given you a whole explanation of nitrogen and phosphorous in the papers before you. Long Island is bleeding nitrogen and phosphorous, as one can see from the photograph that I've given to you. The groundwater bleeds directly from the Carman headwaters into the Carman's and we need to ask ourselves, should we build such large and overwhelming structures with landscaping and asphalt surfaces at the headwaters at such sensitive areas when it endangers our water ways? No matter how enticing -- I've got it.

No matter how enticing the project may seem -- thank you -- nitrogen is put into our water via septic tanks, runoff, soils, sewage treatment plants. And I know that you guys are talking about a sewage system, but when sewers -- where there are sewers there are problems. There's overflows, they seep into ground supplies, there's fragile creeks -- these are fragile creeks and bays. And the CEQ projected that the proposed 1,200 housing units alone of the Levy town would generate 270,000 gallons of waste water per day and that doesn't count the arena, the industrial park and all the other facilities proposed for the site. Currently the waste water facility on the site handles 180,000 of its 250,000 gallon capacity per day and that means you would have to -- we would have to be at least triple to accommodate the entire footprint for the Levy town.

The other thing I'd like to stress is that this is a shallow sediment laid in stream and there is a cumulative effect of nitrogen and phosphorous. These -- the sediments are a sink for nitrogen and phosphorous and according to --

P.O. LINDSAY:

Ms. Freilich, you're out of time.

MS. FREILICH:

Okay. According to your hydrodynamic effects, there is going to be a cumulative effect and these things are going to rise up out of the sediments and also pollute. Thank you very much.

Applause

P.O. LINDSAY:

John McConnell.

MR. McCONNELL:

Good morning. John McConnell, Yaphank, member of South Yaphank Civic. First, I want to wish everyone a happy holiday and an enjoyable holiday and I want to thank you for allowing us to speak here.

The CEQ strongly -- I strongly recommend or we strongly recommend that you follow this and, you know, do this hard environmental review. As the lady said and as Peter Quinn said, water is a very serious problem and it hasn't been addressed. Now, blending is allowed, okay, but that's not the solution. The solution is to remediate or mitigate any problems and prevent it in the first place. And Peter Quinn was exactly right, there's a plume, and that plume is right near my house. I didn't know about it and it's been there a long time. And the Suffolk County Health Department should do a better job and the Suffolk County water department should do a better job of, you know, doing an investigation about this on here.

I'm an active member of NYSIT, I'm an active member of the Americans -- I'm sorry, the Alliance for Retired Americans, active in that also. Also, we should consider, people who are members of the Legislature here who are unfamiliar, to take a tour of this area and see all the woods that would be destroyed. There's plenty of wildlife there, the river is close by, I've kayaked it many times. And to put this mega city here, it not only would, you know, impact the school district and impact the environment, it would just destroy the quality of, you know, life that we're trying to hold on to in Yaphank. That's about it, I guess. So thank you, have a good holiday. Bye.

Applause

P.O. LINDSAY:

Jane Fasullo.

MS. FASSULLO:

Hi. You probably know that I'm not in favor of IR 1922, but I'm imploring you for the last time to approach this logically. There are some considerations that one has to look at as a broad picture. When you ask yourself where is affordable housing in the United States, the answer is not in large cities, it is not in heavily populated suburban areas, it's in all communities. We are, in Suffolk County, a rural community and that is what brings in our tourism dollars. People don't come here to look at our affordable housing, they come here to look at our open spaces and to go to our farmlands; that's what keeps us vital and thriving.

I also want you to consider the logic behind the sewer concept. Sewers flood over. You can see any time along any river in the United States, along any water way, when there is a major flood or a hurricane, such as down in Louisiana, it is inevitable that it will flood worse if it is hard-scaped. Those water ways are there protecting the land and the people on them because they have open space. And it's been said time and time again that the deltas at the bottom of the Louisiana Rivers would have protected the area much better had they not been built out and channelled. When you build upon waters of that type, whether they be along a river or along a shore front, you are inevitably asking for trouble.

The housing that is proposed is not 40% affordable, it's 60% unaffordable. There is no guarantee in

any of the papers I read that that 60% will not increase in time; sixty percent and greater for those families making over \$121,400 a year.

The last thing is on hard-scaping and sewerage. When you do hard-scape, whether it be buildings, whether it be parking lots, whether it be roadways, you are putting in cars which have fluids running out of them, which do pollute the ground. You are preventing recharge from occurring in those areas where there is a hard-scape. And much of the pollution from the lawns, from the agricultural maintenance of the grounds and from those vehicles will now be able to get into the waterways whereas currently those pollutants are not there.

So please consider this project on a logical basis. You know full well that in declaring this land as surplus, it will be built out. And you must realize that building out so close to a waterway will cause contamination. Thank you.

P.O. LINDSAY:

Jennifer Hartnagel.

MS. HARTNAGEL:

Good morning. My name is Jen Hartnagel. I'm here on behalf of Bob DeLuca who is President of Group for the East End. We're here to show our strong support today and urge the Legislator to -- the Legislature to support the appropriation of \$15 million to the Legacy Fund, and that's detailed in IR 2153.

These funds are a crucial addition to the County's goals in acquiring and preserving open space. It will allow the County to maximize it's ability to foster additional partnerships on purchases and the appropriation of these funds will continue to allow the County to be a leader in environmental protection. So please support this today. Thank you for your time.

Applause

P.O. LINDSAY:

Jennifer, it looks like Gary? Garvey?

MS. GARVEY:

It's Garvey. Good morning my name is Jennifer Garvey and I'm here today on behalf of the Long Island Pine Barrens Society. And I join Jennifer who is here from Group for the East End and Kevin McDonald who both are here to voice their support of IR 2153.

The much needed appropriation of \$15 million to the Legacy Fund comes at a critical time. The recent economic decline has created an unexpected opportunity for land preservation, a measure that enjoys overwhelming support Island-wide. As a result of the recession, there are now more willing sellers and land is available at the lowest prices in years, making this an ideal time, from both an economic and environmental perspective, to invest in Long Island's land.

As voters have shown through countless referenda, they overwhelmingly support and value the practice of protecting land through acquisition. In a 2009 poll, eight out of ten Long Islanders support continuing or even expanding government spending on land preservation, despite the economic downturn. And members of this Legislature, along with non-profit, environmental and civic stakeholders, have committed to working together to reach the target of preserving another 35,000 acres before build out, currently projected for 2020.

In order to meet that goal, State, County and town government combined must acquire an average of 2,700 acres per year with the County's share at roughly 1,500 acres per year. The appropriation of the Legacy Fund monies will enable the County to match the preservation efforts of local municipalities and continue to uphold the reputation of this nationally recognized land preservation program. The passing of IR 2153 will be one legacy we can all appreciate for generations to come.

Thank you.

Applause

P.O. LINDSAY:

Okay. I have a few more cards but before, but I do that I have to make a motion to extend the public portion.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen (Not Present: Legislators Schneiderman and Losquadro).

P.O. LINDSAY:

Liz Szpilka.

MS. SZPILKA:

I thank you for the opportunity to be here today. My name is Liz Szpilka, I'm representing Liz Giordano from the Head Injury Association. We are here in support of the piece of legislation that will allow for the Local Law to pass to improve the safety of youth sports programs in Suffolk County.

Every 22 seconds in the United States, an individual suffers from a traumatic brain injury. There are over five million people in the United States who are currently living with traumatic brain injuries. Anything that we can do to help support and educate the students, the educators in the schools, the coaches that are working with individuals we are in full support of. Folks don't realize that a concussion -- excuse me, would lead to subsequent concussions; that if you're not properly medically clear before going back into play, you will cause more injury to yourself that will be permanent, life damage for that individual.

So the Head Injury Association fully sports the passing of the legislation and we would encourage any opportunity to continue the education of folks out there. Thank you.

Applause

P.O. LINDSAY:

David Rosenberg.

MR. ROSENBERG:

Members of the Legislature, thank you. I'm here again in support of 1918-09. I just want to bring to the Legislature's attention that when we appeared before the Consumer Protection Committee, at the suggestion of Chairman Kennedy in fact, it was discharged without recommendation so that I could ask Legislator Stern to amend the proposal to accommodate a concern raised by Commissioner McElligott. That amendment was made and that ensures that the only inventory that will be sold by my client will be that that was received solely by donation, either directly or through a charity. So there is no question that there will not be any opportunity for any secondhand merchandise to be sold that was either bought or obtained from anybody else.

So I just want to bring to your attention the amendment was made to accommodate the Commissioner and I appreciate the support today. Thank you, and have a very happy holiday, a happy and healthy prosperous new year.

P.O. LINDSAY:

Thank you. Aaron Minas.

MR. MINAS:

Good morning, Members of the Legislature. I'm here to speak about housing and emergency housing and affordable housing. This is my first time here, so if I stumble or put my foot in my mouth, please forgive me, I don't mean any disrespect.

I have a situation with two adult daughters. My one daughter has a minimum income and she's not eligible for any assistance and they're going to put her out and she's going to wind up back in emergency housing shelter system, which they pay ludicrous amounts of money in these so-called non-profit shelters. They pay -- just in her example, a party of two, they're paying \$5,500 a month to house her in a room in residential housing, a normal house that any one of us would live in that may have four or five bedrooms in and each room is getting a ridiculous amount of money to house them but yet they will not pay fair market value or even give them adequate housing to live in. She was just living in a one-bedroom apartment with her and her two-year old daughter and she's living in the living room and the child is in the bedroom. There's still not suitable housing, even though it's been approved because it was the dollar wise that allowed her to have that place. Now she's going to be losing the place, she's going to be put back in the system.

They talk about affordable housing in the news, but they talk about -- you still need a \$45,000 minimum income to get these affordable houses or build these affordable houses. What about the people from twelve grand to 30 grand; even working people, not just people who are in the system or in sheltered supportive housing programs? It's just overall, it's ludicrous. If you look behind these people that own these shelters, I'm sure -- these non-profit shelters, I'm sure you're going to find a lot of powerful businessmen that makes me wonder who's counting the money under the bar. And I think Social Services, they're using a formula that's decades old, nowhere near to the cost of living increases that many other companies and employment give to people. It's ridiculous the formula they use and I just think they need to do something. I appreciate you giving me a few minutes to speak.

Thank you.

Applause

P.O. LINDSAY:

Thank you very much. Fred Sales. Fred Sales?

MR. SALES:

Fred Sales, Suffolk County Police Benevolent Association. My office forwarded a letter via e-mail yesterday to all the members of the body, I'd like to quickly read it.

"Dear Mr. Lindsay, the following information is being provided to the Suffolk County Legislature so that they can make an informed decision on grant IR 2054. All the following data was obtained from the respective agency's website, as well from personal conversations the undersigned has had with agency representatives."

"The United States Bureau of Prisons' inmate population as of 11/28/09, 208,426; number of correctional facilities, 104. New York State Department of Corrections' inmate population, 63,000; number of correctional facilities, 67. New York City Department of Corrections' inmate population, 13,362; number of correctional facilities, 16. Suffolk County Jail inmate population, 1,700; number of correctional facilities, three. With the aforementioned information in mind, the total number of inmates for the U.S. Bureau of Prisons, the State of New York and the New York City Department of Corrections is 284,788; the total number of correctional facilities is 187. Fact, none of these agencies have bomb-trained dogs or handlers in any of their facilities."

Now, I will go on to say that the agreement that this County reached with the Police Benevolent

Association in the past month and a half, if this grant is accepted and the Sheriff gets this bomb dog when there are already trained bomb dogs available 24-hours a day, seven days week, 365 days a year, and the dog and the handler do something outside their purview of the jail, it may very well violate this agreement that you've entered into and the PBA will seek restitution of the \$12 million that our members have deferred to the taxpayers of Suffolk County.

I was a Corrections Officer for six years in a maximum security facility Upstate and I worked on Riker's Island, I am completely well versed in the operation of a correctional facility and the needs. Okay? We have eight trained bomb dogs in this County operated by the Suffolk County K-9 Unit and trained handlers. All right? So we would like you to take into consideration these numbers that I just gave you and make a fair comparison before this one-time \$50,000 grant is accepted and no sustaining funds, and that's between you and, you know, the other good part of the government. I thank you for your time.

P.O. LINDSAY:

Thank you, Mr. Sales. Julie Hopson. Julie Hopson? Spoke already, okay. Regina Seltzer.

MS. SELTZER:

Good morning. Thank you -- pardon me? Oh. Good morning. I just came today to thank you for having the courage to hold up and not do anything until you are really informed about it. I thank all of you for that.

I also just want to comment on the CEO. I have never been as impressed at a meeting as I was at that meeting. I learned a tremendous amount and I'd like to let all of you know that you have a really good group of people who are concerned and knowledgeable and I hope you take their advice. Thank you and have a good holiday.

Applause

P.O. LINDSAY:

Don Seubert.

MR. SEUBERT:

Good morning. Don Seubert --

P.O. LINDSAY:

Don, you have to hold your hand on the button. Hold your hand on the button. There you go.

MR. SEUBERT:

Oh, that's right, you're right about that. Good morning. Don Seubert from the Medford Taxpayers and Civic Association and The Overton Preserve Coalition.

We just heard that you're going to take time out until at least next year. If you were at the CEO meeting a couple of weeks ago, you would have found out that there wasn't one application that triggers, reaches the threshold of so many obvious concerns that is necessary. I think -- and also, the idea of transparency to the public where parts of these parcels are taken over by eminent domain, we pay a quarter percent sales tax for open space and we have a fiscal responsibility to realize that space for County use in the future will cost a lot more money than it does now, and if we have it now we should keep it.

Also, I just want to point out that educationally, a lot of the school districts in the area always use that area for educational purposes for our young children to show us the agrarian way of life that we've had in the past, and I think that would be lost. We also have a Bethpage Restored Village. We don't necessarily have to restore a village if we have one, if we have an historical area. And the impacts to the Carman's River, there's a committee right now working on that, so all of that needs to be completely discussed.

So I would just hope that you continue and realize the importance of that and the credibility, when you ask people for the quarter percent sales tax, when you float a \$100,000 bond for purchasing space, I think that's the key of the whole issue. And I thank you very much and merry Christmas.

P.O. LINDSAY:

Liz Giordano. Liz Giordano?

LEG. BEEDENBENDER:

I don't think she's here.

P.O. LINDSAY:

Not here, okay. That concludes the cards I have for this morning.

Is there anyone else in the audience that would like to speak before us this morning? Please come forward and identify yourself.

MR. BRICKMAN:

Yes, hello. My name is Ira Brickman, I live in Middle Island. I'm also going to speak on 1922, but I think I'll take a different tact.

For lack of a better public term, it seems to me that the County Executive, who I believe can hear me, has been acting pretty goofy regarding all of this. Now, I understand that some of you served with him in the Legislature, and I'm sure all of you have had some dealings with him on a one-to-one basis. Last night at a holiday fund-raiser for ABCO, a lot of people were talking and there was a lot of speculation about why he was pushing so hard to make this happen when he has, and I thank him for this galvanized, nearly four dozen organizations together by being so insistent. Now, I'm sure that you've all experienced that kind of persistence and insistence, but you may also recall a poster that had a picture of the cartoon character Goofy which also said, "My mind's made up, don't confuse me with the facts," and essentially that's what's been going on here.

I really mean to say to you that the choices that Mr. Levy has made and the political capital that he has used up will not be forgotten by the members who are in this now coalition of organizations. If you join him in what is a whacky idea, either because it may benefit something in your own district or you've been convinced by some incredible means that he's sincere in what he's doing and he's more knowledgeable than all the people who are trying to tell you otherwise, that decision by you will also be laid on your doorstep. This is a group of people who are not your usual people coming up and talking here, these are people who don't forget after the six months that the public forgets and these are people who will reach out beyond their Legislative Districts, okay, if they know that you are not listening. All right?

The whole reason that so many people have showed up here is just because they believe that somehow some way you will listen. And that this is not a matter of sound bites, this is not a matter of name recognition, this is a matter of common sense and a matter of some decisions that have to be made, independent of political machinations, back room dealings and political alliances, and I wish you all to keep that in mind this afternoon when you're making your decisions. Thank you.

Applause

P.O. LINDSAY:

Okay. You're going to get a card filled out from him. Okay.

Is there anyone else in the audience who would like to address us? Seeing none, I'll accept a motion to close the public portion by Legislator Beedenbender. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Losquadro).

P.O. LINDSAY:

Okay, if you turn to page three, I'll will accept a motion on the [Consent Calendar](#).

LEG. EDDINGTON:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

With that, I want to make a motion to take 1985 out of order, it's on page seven under Economic Development. It has to do with the Empire Zones, and with us is a number of people from Canon Camera which is -- will benefit from this and is moving into Melville. So they're here in case there's any questions. I'll make a motion to take 1985 out of order.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The motion is before us. ***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)***. Legislator Horsley, you want to make a motion?

LEG. HORSLEY:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Seconded by Legislator Stern. Is there anything on the question here? Legislator Romaine.

LEG. ROMAINE:

Yes, I have a brief question. I understand that the Empire Zone that was created for the Town of Riverhead and later split amongst Epcal in downtown Riverhead and yet later split again amongst Epcal in downtown Riverhead for Gabreski, and now is being split again; correct me if that's wrong. And I'll ask that question of Carolyn Fahey.

MS. FAHEY:

You're correct.

LEG. ROMAINE:

Right.

MS. FAHEY:

There's also acreage in Wyandanch.

LEG. ROMAINE:

Right, and that was spread also off of Riverhead. Have you had discussions with the Town of Riverhead about giving up or ceding their section and what impact does this have on the Town of Riverhead again?

MS. FAHEY:

The Town Board actually passed a concurring resolution approving the transfer of the 20 acres from the Calverton property to Huntington. It was actually a bridge that was designated with preservation, so they couldn't build on it anyhow.

LEG. ROMAINE:

I understand that, I just wanted that said for the record, that the town has agreed to this. Because this is, I guess, the third, fourth or fifth time that the Riverhead Empire Zone has been split off for other areas. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Carolyn, I just wanted to reiterate something that we discussed at the EE meeting, and that is the number of employees that Canon will have and the level of the positions; could you just reiterate that for the record here?

MS. FAHEY:

Seymore Leadman, who is the Executive Vice-President, and Amy Newman, the Senior Advisor for the Administrative Group, are here to answer any of your specific questions.

D.P.O. VILORIA-FISHER:

You both heard my question, yes?

MS. NEWMAN:

Yes.

MR. LEADMAN:

Yeah, we currently have about 1,300 people, we intend to increase about 700. However, in this economy, our priority right now is retention of jobs. For exempt positions, we expect that the average salary would be about \$75,000.

D.P.O. VILORIA-FISHER:

Thank you.

LEG. HORSLEY:

Nice.

P.O. LINDSAY:

Anyone else? Okay. With that, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1985 stands approved.

LEG. HORSLEY:

Congratulations.

P.O. LINDSAY:

I want to make a motion to take 1869 and 71 out of order. I have to do them one at a time, I realize that. It's under Public Works, page ten, and this has to do with the Roncalli Freight Company, because Mr. Von Kuersteiner is still in the auditorium and as an accommodation to him, I'd like to do it in case there are any questions. Second by Legislator Losquadro on 1869. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen

P.O. LINDSAY:

Okay, 1869 is before us.

LEG. BEEDENBENDER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Legislator Beedenbender wants to make a motion to approve 1869, seconded by Legislator Losquadro. Any questions? ***1869 is approving ferry license for Roncalli Freight Company (Presiding Officer Lindsay)***. Does Budget Review have any additional comments to their report?

MS. VIZZINI:

No, Mr. Presiding Officer, only that our report was issued November 13th. This granting of the license is through March 15th of 2012 and it is conditional, as will be the IR 1871, establishing the rates on Roncalli Freight Company, certifying with the County Clerk the transfer of the land where the business will be located, consent of Middle Earth Holdings authorizing Roncalli Freight to use the Sayville landing site and sufficient documentation that there has been a transfer of the asset, the 14-ton ferry boat known as MV Provider.

P.O. LINDSAY:

And Eric, that's all up with your approval, you're agreeing with all that? I see you nodding your head, okay. Are there any other questions on this issue? Legislator Alden.

LEG. ALDEN:

Just what areas are they going to serve?

P.O. LINDSAY:

Yeah, if you could come forward, Eric.

MR. VON KUERSTEINER:

We serve Fire Island Pines and Cherry Grove, and on a limited basis any other areas that might request us on a special basis.

P.O. LINDSAY:

But not for passengers, for freight only.

MR. VON KUERSTEINER:

No, just for freight only.

LEG. ALDEN:

Is there any other company that's competing with that service that you're going to be providing?

MR. VON KUERSTEINER:

Yes, Tony's Barge has a freight service as well, as does Sayville Ferry, they run a freight service as well.

LEG. ALDEN:

Do you have any garbage contracts?

MR. VON KUERSTEINER:

No, at this time we do not, no.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Any other questions? Seeing none, we have a motion and a second.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. And then I'm going to take -- make a motion -- 1869 stands approved. I'll make a motion to take 1871 out of order.

LEG. BEEDENBENDER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1871 is before us. Legislator Beedenbender, you want to make a motion on that?

LEG. BEEDENBENDER:

Yep.

P.O. LINDSAY:

I'll second it. ***1871 is approving the rates established for Roncalli Freight Company, Inc. (Presiding Officer Lindsay).***

LEG. ALDEN:

On the motion.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
To Budget Review, are these rates similar to the existing rates now in effect for the other companies?

MS. VIZZINI:
They're somewhat dated. In our report we recommend that there be a reevaluation of the rates, since this is a start-up freight company for this particular endeavor. But they're based on, I believe it's in our report, we indicate the 2005 rates for one of the other companies.

LEG. ALDEN:
Okay. So that would put the other companies in a better competitive position or a less competitive position?

MS. VIZZINI:
I really don't have enough information to give you an answer on that, but they are acceptable to the --

P.O. LINDSAY:
Would you like the man to answer that?

LEG. ALDEN:
Yeah.

P.O. LINDSAY:
Eric, if you would? If you don't mind.

MR. VON KUERSTEINER:
They're basically the same rates as Sayville Ferry uses right now.

LEG. ALDEN:
And how about Tony's Barge?

MR. VON KUERSTEINER:
Tony's Barge primarily carries large freight items, trucks, things of that nature, so we wouldn't really be competing exactly point-to-point with him. He doesn't do -- he does some construction freight, but most of his freight is larger items.

LEG. ALDEN:
Okay. But these rates don't put you at a competitive disadvantage, right?

MR. VON KUERSTEINER:
The only thing is that they are four years old for Sayville Ferry, so that's why they suggested we come back in two years after we see how the freight business will run for this year.

P.O. LINDSAY:
Okay. Any other questions? All right, we have a motion and a second on 1871. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:

All right.

LEG. BEEDENBENDER:

Mr. Chairman?

P.O. LINDSAY:

Yes.

LEG. BEEDENBENDER:

I would like to make a motion to take IR 1928 out of order. It's on page eight of our agenda, it's the first item in Health & Human Services.

P.O. LINDSAY:

Okay. There's a motion to take 1928, and I guess because you have some people in the auditorium that testified; that's very thoughtful of you, Brian. Motion by Legislator Beedenbender to take 1928 out of order.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1928 stands before us, *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).*

And I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. COOPER:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Browning. Any other -- on the question, any questions?

LEG. ALDEN:

I have a question.

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

Brian, as we all -- well, most of us know that there's got to be a doctor present at games. Mainly football is the thing where head injuries are a key and that they do have to have medical staff there.

So how would this change the procedures that exist right now to make them better and is this modeled after what the NFL just did?

LEG. BEEDENBENDER:

Well, it's not modeled directly after them, Legislator Alden. But what I can say is that, you know, the inspiration, the reason this bill started, I was watching Sports Center and they were talking about all the concussions in the NFL, and particularly how in the NFL there are -- there's a culture that you tough it out and you play. And my concern was that, you know, there may be millions of dollars on the line in the NFL, but in the youth game there isn't, and I was concerned that maybe our youth would be role modeling after that.

So in many discussions, what we came to the conclusion is that this bill would require that all the youth leagues that get money from Suffolk County have a written policy for what happens when they suspect one of their youth sustains a head injury. And I think one of the important things is we all think of football first because it's a very violent sport and it gets a lot of the attention, but in the 2007-2008 school year there were 137,000 concussions just in high school athletics. And football was far and away number one with about 70,000, but the second was girls soccer and right after that was girls basketball. So I think the larger concern that I have is that this isn't just a boy problem, it's a boys and girls problem, it's a youth problem. And there was a young man from Washington State named Zachery Lysted, he was 13 and he suffered what's called Second Impact Syndrome, and what that is is a second concussion before the brain is healed from the first one and the results from that can be permanent brain damage, it can be paralysis, it can even be death. So the goal of this was to require all the leagues to sit down and draft a policy. The biggest thing is while some leagues certainly do have some medical attention there, we have volunteers, they are mechanics and insurance salesmen and stockbroker and Police Officers, they have some medical training, regular people that are doing the coaching, and they can identify a broken finger and a broken leg, but even a neurologist, a few minutes after a concussion, sometimes the signs don't show up, so even a neurologist wouldn't be able to give a good identification of an injury.

So the goal here is to force these leagues to sit down and say what is our policy going to be? Is it take the kids out completely until they see a doctor, or is there some other policy that they wish to adopt? So I think it's important that they all have a policy. I spoke to some that do have something that's the outline of a policy and others that they realize that, "You know, we don't have something written down for this," and that might be important stuff to take.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Anybody else? Anybody else? No. I just asked for one amendment, I wanted you to include the Presiding Officer in this bill, you know, before you send me back in after a head injury.

LEG. BEEDENBENDER:

Well, it's not my understanding that they make helmets that are that protective yet.

*(*Laughter*)*

P.O. LINDSAY:

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

LEG. LOSQUADRO:

Cosponsor.

MR. LAUBE:

Eighteen.

LEG. ALDEN:

Cosponsor.

LEG. COOPER:

Cosponsor.

LEG. NOWICK:

Tim, cosponsor.

LEG. ALDEN:

I think Wayne was the subject of a couple of concussions in high school.

P.O. LINDSAY:

Okay. Let's go to page six, [Resolutions Tabled to December 15th:](#)

1107-09 - To enhance efficiency in the selection and leasing process for County buildings (Romaine). Legislator Romaine, what is your pleasure?

LEG. ROMAINE:

Table.

P.O. LINDSAY:

Table. Motion to table, I'll second that. 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, Mr. Chair.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion to table by Legislator Kennedy, second by Legislator Montano.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

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). Do we have any update on this? Is there anyone from the administration here that is --

D.P.O. VILORIA-FISHER:

Ben is here.

LEG. ALDEN:

Ben might be from the administration.

(*Laughter*)

LEG. LOSQUADRO:

Does he have a title, Cameron?

MR. ZWIRN:

Excuse me, Mr. Presiding Officer. I think the only -- the issue was Legislator Romaine I think had some questions. I don't know -- that was what was holding up this particular project, that's what my notes indicate.

LEG. ROMAINE:

This project is being held up because this project, in fact, would destroy the homes along the coast line. This project, in an attempt to secure the safety of County Road 48, would put metal sheeting in the right-of-ways, land owned by these homeowners who would not agree to this, by the way, that would then create a wall between their home and the roadway so that when the sea washes up, it will wash the homes into the sea and destroy their homes.

At the press conference the County Executive had out east at Southold Beach, I made it very clear that I am for saving the roadway, but I am also for saving the homes. And the homeowners have made it abundantly clear to me that if any agreement is needed to put this metal sheeting in front of their property between their homes and the road, they will not agree to this.

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

I've asked instead that a far less expensive project be undertaken. And there were a number of people in State DEC who have suggested a less expensive approach to preserve the road, including even small groins in the bay, or something of that nature, or even a seawall that would be far less expensive than this approach. I'm opposed to this, and I will make the motion to table. Thank you.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

We have a motion to table.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1777 - A Charter Law increasing the Ambulance Chiefs' representation on the County Fire, Rescue and Emergency Services Commission (Presiding Officer).

LEG. LOSQUADRO:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Losquadro, seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. LOSQUADRO:

Just on that, I just wanted to say I distributed a copy of a piece of legislation that I drew up that I will be following next year -- filing next here, so I just don't want anyone to think that this issue is just going to die at the end of this year. We have a commitment to continue to work on it.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Could I ask, through the Chair, my esteemed colleague, does that mean that that legislation will provide two representatives as opposed to one?

LEG. LOSQUADRO:

Correct, at least that's where we're moving towards right now.

LEG. ROMAINE:

If that --

P.O. LINDSAY:

No, no, no. Yeah, but it will provide one instead of two.

LEG. ROMAINE:

One additional, right.

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

So -- right.

P.O. LINDSAY:

Instead of two.

LEG. LOSQUADRO:

A total of two.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

In that case, if that's the intention of that legislation, I'll ask Legislative Counsel and the sponsor if I may be lifted as a cosponsor.

P.O. LINDSAY:

Well, the bill hasn't been introduced yet.

LEG. ROMAINE:

Right.

LEG. LOSQUADRO:

In January, we will.

P.O. LINDSAY:

It can't be laid on the table until January. Let's just finish taking the vote on 1777. We have one no, I'm a no, so add your count.

MR. LAUBE:

Sixteen. *(No Votes: P.O. Lindsay and Leg. Alden)*

P.O. LINDSAY:

Okay. 1777 stands tabled. *1918 - A Local Law exempting certain entities from regulations related to dealers in secondhand articles.*

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve --

LEG. COOPER:

Second.

P.O. LINDSAY:

-- by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

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). And I understand that we still don't have a bond. Legislator Romaine, do you want to skip over this? I think we're still working on it. Do you want to --

LEG. ROMAINE:

I'd like to skip over this.

P.O. LINDSAY:

All right.

LEG. ROMAINE:

And I'm certainly prepared to have a brief discussion about the merits of this proposal, and we'll do that, I guess, this afternoon. Legislative Counsel told me that he had a discussion with bond counsel and he's just waiting for them to get back to him regarding the issuance of a bond.

P.O. LINDSAY:

Okay. So we'll skip over 1943 and accompanying 1943A. And then *2022 - Creating a Suffolk County Health Center Financial Review Committee (Co. Exec).* I understand we have a CN on that.

D.P.O. VILORIA-FISHER:

Yes. Mr. Chair, I'd like to make a motion to table this because there is a CN that has been prepared by the County Executive's Office.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

INTRODUCTORY RESOLUTIONS

CONSUMER PROTECTION

P.O. LINDSAY:

Okay, Page 7. *1894 - A Local Law to ensure the integrity of prescription labels in Suffolk County (Cooper).*

LEG. LOSQUADRO:

Motion to table.

LEG. COOPER:

Motion to table, please.

P.O. LINDSAY:

Motion to table by the sponsor, and a second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Did you call it? You called it?

MR. LAUBE:

Yes, I did, 18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

P.O. LINDSAY:

Okay. *2137 - Appropriating funds in connection with renovation and construction of facilities at Gabreski Airport (CP 5702) (Co. Exec).* I'll make a motion.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. On the accompanying bond resolution, **2137A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. *2138 - Appropriating funds in connection with Capital Project 5738 - Master Plan for Gabreski Airport (Co. Exec).*

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, *2138A*, same motion, same second. Roll call.

D.P.O. VILORIA-FISHER:

I just have a question.

P.O. LINDSAY:

Oh, wait. Question by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

This is to the County Exec's office. Ben, why are we bonding \$25,000? Is that -- I mean, that's like the bottom end of the threshold? It seems like a low amount to -- I know, it's 5-25-5, but --

MR. ZWIRN:

Carmine's here from the Budget Office who handled it, but I think this is just the end of the appropriation, the money that was left. This money had already been appropriated.

D.P.O. VILORIA-FISHER:

Okay.

MR. ZWIRN:

So this is just authorizing it.

D.P.O. VILORIA-FISHER:

All right.

P.O. LINDSAY:

End of the year cleanup stuff. Okay.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Ben.

P.O. LINDSAY:

Okay. We have a motion and a second, roll call.

(Roll Called by Mr. Laube, Clerk)

D.P.O. VILORIA-FISHER:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2151 - Accepting a grant award from New York State Department of Transportation - Aviation Bureau, amending the 2009 Capital Budget and Program and appropriating funds in connection with airport fencing and security systems (CP 5721) (Co. Exec). Do I have a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

ENVIRONMENT, PLANNING & AGRICULTURE

P.O. LINDSAY:

Okay. Environment, Planning and Agriculture. *1573 - Authorizing the planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24 of 2007, the Dreeben property - Town of Southampton (Schneiderman).*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1696 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, the Passionist Monastery of Our Lady of the Isle property - Town of Shelter Island (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. On the question. Legislator Romaine, this acquisition was pared done from the original one; am I correct on that?

LEG. ROMAINE:

Yes, it was, it was pared down. In fact, we're only taking a small portion of the property, which is a farmhouse. I believe the Town of Shelter Island is joining with us and they have agreed to maintain this property. They've sent a letter to the Planning Department to that effect, that they will maintain the property and the building, and they intend to use that as a community center.

P.O. LINDSAY:

But Shelter Island doesn't have any money, but they've been added --

LEG. ROMAINE:

I believe they do have some money, oh, absolutely.

P.O. LINDSAY:

Oh, okay.

LEG. ROMAINE:

Yeah, they still have some money that is available.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

And, despite the collapse of -- downturn on the East End market, Shelter Island hasn't downturned as largely as the other East End towns.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I guess there's a constant demand.

P.O. LINDSAY:

Okay. Thank you for that information.

LEG. ROMAINE:

Particularly when you're not making much more land on an island.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The next one, 2126, we have to skip over, because we didn't -- Adrienne wasn't available at the committee and she has to be interviewed by State statute. And we're going to have a very brief Environmental meeting just before the lunch break, of the Environmental Committee to interview, go through the formality of interviewing Adrienne Esposito, so I'm --

D.P.O. VILORIA-FISHER:

I saw her.

P.O. LINDSAY:

Yeah, I know, but I have to have a committee meeting. She's here, she's here. So we're just going to skip that for now.

2128 - Approving planning steps for the acquisition of Farmland Development Rights - September 2009 (Co. Exec). I don't know what that means.

LEG. SCHNEIDERMAN:

Motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by Legislator Romaine. On the question? Seeing none, all in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2132 - To reappoint member of County Planning Commission - Barbara Bagden Roberts (Co. Exec). And she was interviewed; am I correct?

(*Affirmative Response*)

Yep, okay. Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Come on, folks, let's go. Second by Legislator Browning. All in favor? Opposed? Abstentions? I'm going to go through --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'm going to go through these fast. ***2133 - To reappoint member of County Planning Commission, Linda Holmes (Co. Exec.).***

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

She was interviewed, right?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yep, okay. Motion by Legislator Romaine, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2134 - To reappoint member of the County Planning Commission, Sarah Lansdale (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, seconded by --

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We did 1928. ***2093 - Appropriating funds in connection with the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132) and approving the purchase of a vehicle in accordance with Section 186-2(b)(5) of the Suffolk County Code***

and in accordance with the County vehicle standard (Co. Exec.). I'll make a motion, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bonding resolution, **2093A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

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:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

(Not Present)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:

2094 - Appropriating funds in connection with Brownfields Program, former Bellport Gas Station (site) (CP 8223) (Co. Exec.). Do I have a motion?

LEG. NOWICK:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Eddington.

LEG. ALDEN:

Explanation, please.

P.O. LINDSAY:

Explanation. Legislator Browning, it was your committee. Do you have an explanation for --

LEG. BROWNING:

Which one? Sorry.

P.O. LINDSAY:

2094.

MS. VIZZINI:

This is \$57,000 --

LEG. BROWNING:

Oh, yeah. Sorry.

MS. VIZZINI:

-- for the remediation of the Brownfields property at this particular location, the Bellport Gas Station.

LEG. ALDEN:

Normally, the County doesn't take contaminated property just because of this reason, that it ends up -- it could cost the taxpayers tens of millions of dollars. Is this something we took for lack of payment of taxes, or how'd we end up with this property? And then, if we have an answer to that, then is this -- this is the total amount that is going to remediate this property, or is there a possibility of more contamination?

P.O. LINDSAY:

Legislator Losquadro, do you have an answer?

LEG. LOSQUADRO:

No, I have a question.

P.O. LINDSAY:

Oh, a question, okay.

LEG. LOSQUADRO:

Put me on the list.

P.O. LINDSAY:

Ben, do you have any answers to those questions? 2094, Bellport Gas Station, cleanup the site. Legislator Browning, do you have any insight into this?

LEG. BROWNING:

You know, I don't remember this one at all, and there really was no discussion about it at committee. I know we have done these before in the past.

P.O. LINDSAY:

We have done -- we have done remediation in isolated sites where we have a specific purpose for the property. I had one in my district.

LEG. BROWNING:

Right.

P.O. LINDSAY:

Yep.

MR. ZWIRN:

I believe this is an old gas station. I think that they're --

P.O. LINDSAY:

Yep.

MR. ZWIRN:

-- that they're cleaning up. I think, again, we do these particular sites. I don't know if we have a particular purpose for this after it's cleaned up, but it is, you know, a good project to get this property remediated. If you need some more information, I'll try to get some -- I just walked in and I didn't hear the debate beforehand. But if you want to pass over it, I'll get some more information and get back to you on it.

LEG. ALDEN:

Good. Because, from my understanding, the general philosophy of the County is not to take contaminated sites because it's very costly. And then if you could also find out that if this is all that it's going to cost the County to clean it up, or if there's a possibility that there was other contaminants on the property.

MR. ZWIRN:

Okay.

LEG. ALDEN:

Thanks, Ben.

P.O. LINDSAY:

Do you still have a question? Yes, go ahead, Legislator.

LEG. LOSQUADRO:

Yes. Is this -- are we taking title to this, to this property?

MR. ZWIRN:

Let me double-check. I believe we did on this one. Let me just --

P.O. LINDSAY:

We probably have title already.

MR. ZWIRN:

Yeah.

LEG. LOSQUADRO:

Oh. I mean, that's the concern, because I know we're working right now with a site in my district that I'm trying to acquire, but we have serious concerns as to whether or not we should take title to that property because of potential future liability exposure because of contamination. So, you know, that's something that we need to think very clearly on.

MR. ZWIRN:

Yeah. Let me go back and get some more information, but I believe that this one was finite. This was the amount of money that they anticipated this would cost and not anymore than that. So I believe since it's such a minor amount considering, you know, the size of the County and the budget, I think it was about \$60,000 for this one?

P.O. LINDSAY:

Fifty-seven.

MR. ZWIRN:

Fifty-seven. So let me get a little more information and we'll come back to it.

P.O. LINDSAY:

Okay. All right. We'll skip over it, then, all right?

2095 - Appropriating funds for the purchase of equipment for the Environmental Health Laboratory (CP 4079) (Co. Exec.). You want to make a motion, Legislator Browning?

LEG. BROWNING:

Sure, go ahead.

P.O. LINDSAY:

It's your committee. You make a motion, seconded by Legislator Eddington. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, **2095A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

(Not Present)

LEG. SCHNEIDERMAN:

(Not Present)

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

2135 - Approving the reappointment of Robert N. Falk as a member of the Suffolk County Commercial, Industrial, Residential Septic Tank/Sewer Drain Treatment, Bacteria Additives and Maintenance Board (Co. Exec.).

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Wow. Is there a business card for that title?

P.O. LINDSAY:

I mean, how do you get off it?

(*Laughter*)

We have a motion by Legislator Kennedy. I'm sorry, I don't mean to insult Mr. Falk.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Thank God we have citizens to serve on these things. Second by Legislator Losquadro. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Schneiderman and Beedenbender)

P.O. LINDSAY:

Do it fast before he changes his mind.

(*Laughter*)

2092 - Appropriating funds for the infrastructure improvements for Workforce Housing/Incentive Fund (CP 6411) (Co. Exec.).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ALDEN:

Brief explanation.

P.O. LINDSAY:

Yes. Legislator Alden would like a brief explanation. Jill, your -- this is your field of expertise.

MS. ROSEN-NIKOLOFF:

Hello. I'm Jill Rosen-Nikoloff. I'm the Director of Affordable Housing. This has to do with Capital Program 6411. You have previously appropriated 10 million dollars for it. We have -- of that 4 million dollars, we've gotten Legislative approval to go forward to utilize. There is an additional 6 million in projects that are ripe in which we hope to be coming to you soon for approval. That pretty much eats up the 10 million. And then we do have -- been negotiating very -- in good faith all along, and we have several projects all across the County, which is why we need the additional 5 million dollars so we can continue to build under the infrastructure program.

P.O. LINDSAY:

And, Jill, the original concept was 15 million dollars we were going to put into infrastructure.

MS. ROSEN-NIKOLOFF:

Correct, right.

P.O. LINDSAY:

And we've used six, we have four in the pipeline, and this is the last five?

MS. ROSEN-NIKOLOFF:

This is the last five.

P.O. LINDSAY:

Okay.

MS. ROSEN-NIKOLOFF:

And, of course --

LEG. LOSQUADRO:

You're not on.

MS. ROSEN-NIKOLOFF:

It's just an appropriation. I have to come back to you for every project to fund it.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

When do you anticipate actually spending this money? Now, if this is passed, you'll have a 15 million dollar pool of money. When would that money be spent?

P.O. LINDSAY:

No, we've already spent six, we have four. I mean, we -- this 15 million dollars goes back, I guess, probably five or six years when we first did it.

MS. ROSEN-NIKOLOFF:

2005 was the first appropriation.

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

Okay. So how much more are we going to spend and how fast are we going to spend it?

MS. ROSEN-NIKOLOFF:

We hope to break ground on the first four million that you've approved by the end of 2010, early 2011.

LEG. ALDEN:

That's the first four on the ten million, right?

MS. ROSEN-NIKOLOFF:

Right.

LEG. ALDEN:

Okay.

MS. ROSEN-NIKOLOFF:

That's the first four on the five million. Now we have six in the pipeline that I'm going to have to come to you for approval on. That will eat up the first ten.

LEG. ALDEN:

Okay. If this program goes back five years, how much have we actually spent already, then?

MS. ROSEN-NIKOLOFF:

No, this is the first time. We have been pushing it very hard and now we're going to use the funds that you've committed.

LEG. ALDEN:

Okay, we committed. Did we go out and bond this money yet?

MS. ROSEN-NIKOLOFF:

When you appropriate it, my understanding is that there is a bonding commitment, but we haven't utilized the funds for it yet.

LEG. ALDEN:

Okay.

MS. ROSEN-NIKOLOFF:

So when the projects go forward, I need to come to you for your approval and you tell me, yes, I can go forward, and then the bonds get issued.

LEG. ALDEN:

I'm going to hold off on a parting statement on our bonding and the amount of money that we're spending for debt repayment and our cash flow, but I'll hold off for a later point. I'm not really -- I don't know if we're in a position, a cash position to go forward at this time with any additional money to whatever was put in that pipeline. We're in dire straits, and every penny, every penny is going to be very, very key to next year, just keeping our -- just the ability to help the people that are going to be out on the street. Instead of having them sleep in the streets, we're going to have to provide shelters for them; that takes cash. We have gang and drug prevention type programs that are going to take cash. Now I'm not so sure that this, when you look at the overall picture of it, is something where we should actually divert a ton of cash to paying for bonds for this. At this point in time, I'm not sure we can afford it, in other words. Thanks.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. This funding is for infrastructure for affordable housing. By this vote, we're not appropriating -- we're appropriating this money, but we're not appropriating it to any specific project. And what happens is like twice a year, usually departments are queried and asked by the Comptroller if they need this money, and then they go out to bond and they include that in the bonding for that year. Obviously, you're not going to do that until you come to us for a project; is that correct?

MS. ROSEN-NIKOLOFF:

Absolutely.

LEG. ROMAINE:

All right. Let me ask you something else. Everyone's focused on affordable housing in terms of new construction. Is this money available for existing construction to keep something affordable?

MS. ROSEN-NIKOLOFF:

It's possible, if it makes sense, given the various applications we have inhouse.

LEG. ROMAINE:

Well, you know exactly what I'm talking about, because we had discussions in my District.

MS. ROSEN-NIKOLOFF:

Enlighten me.

LEG. ROMAINE:

Okay. Calvin Hills, Calvin Hills Homeowners Association. As you know, that's a condominium of 236 units of two and three bedrooms that are selling less for \$150,000. It's low to low moderate income individuals that live there. Some of those are rentals, Section 8 and Social Services, etcetera. They have a 36-year-old sewage treatment plant that operates in the Pine Barrens that meets none of today's regulations. They might need assistance towards helping rebuild or renovate the existing sewage treatment plant because they do not have the financial wherewithal or the financing available to them to do so. Would that be a type of infrastructure project to ensure the continuation of affordable housing?

MS. ROSEN-NIKOLOFF:

We've certainly had these discussions and I've met with the Calvin Hills Association on numerous occasions, laid out a couple of thoughts how they might proceed. When I last checked in with them about a year ago, they were gathering together their own financing. So, you know, as I view that in terms of the numerous other very desirable affordable housing projects, which would create new construction and homeownership, I just have to factor it in in terms of, you know, putting it in the hierarchy of what's important and what we can fund and how much we do have.

LEG. ROMAINE:

Well, I mentioned Calvin Hills not to provide anything but a more specific example. Essentially, I'm concerned that this money would be available to allow existing construction that is affordable to remain affordable, and there's all types of usage. For example, in this state we have a Right of First Refusal for all mobile homes. There is an effort now to sell Thurms Mobile Home in Calverton. Those homeowners may step forward in an attempt to purchase that park, but the infrastructure within that a park is in horrendous condition. That may be a use. There are multiple uses. See, what I'd rather do is know that this funding is available, not only for new construction, and I don't believe there's any restriction on existing construction the way the legislation is currently written. I would want to see this money available for existing construction if there was a specific example where, if we did not provide that infrastructure, that unit my not be continued as affordable housing.

MS. ROSEN-NIKOLOFF:

I'm happy to consider it, Legislator. We have two, what I consider to be, pretty significant developments in Riverhead that we're putting a few million dollars into your District, so we can --

LEG. ROMAINE:

I'm aware of both of those.

MS. ROSEN-NIKOLOFF:

We can make -- we can talk about where you want to spend the money there.

LEG. ROMAINE:

I'm supportive of both of those, but I just want to go through the guidelines that this is available for existing construction that is currently affordable that may have a major problem remaining affordable, and I just want to lay that out for the members of this Legislature. Thank you.

P.O. LINDSAY:

I have Legislator Alden on the list, but before I recognize him, just to follow up. I was here when we passed this infrastructure fund and, you know, how it came about was we were trying to promote and assist affordable housing throughout the County. It was a major, major issue at that time. As an issue, it's diminished a little bit, but there's still a great need. And the money we had appropriated for, we were primarily using it to purchase land, and it wasn't getting done. I mean the developers, it wasn't enough of an incentive, and then we came up with this idea of this incentive fund to -- for infrastructure. To my knowledge, and I haven't seen the legislation for a while, and maybe you've looked at it recently, I didn't think it allowed for existing upgrades of existing units, I thought it was just for promoting new affordable housing.

LEG. ROMAINE:

It does disallow it, Presiding Officer, to answer your question. And, of course, one of the things that we're concerned about as a Legislature are units of affordable housing. What does it merit us we build and as part of new construction we allow this money to be used only to watch other units that are affordable either close down or be sold off and become unaffordable because the lack of funding. It's a total --

P.O. LINDSAY:

I hear your point.

LEG. ROMAINE:

-- sum numbers game, it's not just, you know, new construction.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

And it might be reuse, it might be reuse of land where you come in and reuse existing structures and make them affordable.

P.O. LINDSAY:

Okay. I'd just ask Counsel to look at their legislation to see if it allows it, and if it doesn't, he'll let you know. You might have to change it if you want to go in this direction. Legislator Alden.

LEG. ALDEN:

I just hope that my comments are not construed as being an argument against affordable housing projects and against providing money for infrastructure. But I serve on the Economic Development Committee and at the last committee Mr. Lipp made a presentation that was -- actually would shock you when he told us about what happened with our debt service and the amount of rise in it, even after we sold off a good portion of our tobacco settlement, which is income to the County, with no replacement. We find ourselves in a similar position where the debt service is huge once again. And as far as reprioritizing what we're doing, I understand that we actually have -- we have some homeless people that are now being sheltered in hotels and motels once again at a huge cost to the

County.

When we start looking at -- and it's interesting. When you start saying affordable housing, affordable this, affordable that, what's affordable to us? What programs are we going to have to shut down to borrow the money and pay the interest on these type of programs? So where's the fallout going to be? Where's affordability? Where's -- who bears the brunt of the affordability when we run up our debt to the point where -- what else are we going to sell? We don't have anymore -- many more assets, we don't many more streams of income like the tobacco settlement to sell off, which we haven't replaced, by the way. And 2010 is not shaping up to be this, you know, bountiful year as far as the big rebound in the economy.

So that's my word of caution. And I think that at some point in time today Mr. Lipp might want to repeat those comments that he made at Economic Development so that we're all on the same page.

LEG. D'AMARO:

Bill. Bill.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I'm also concerned about the continuous debt service that we incur, but there are a lot of good projects out there that need our attention in the long run. If we don't take them on, we might be -- it might be costing us more money than we'd save. But I wanted to ask Jill, this program has a total -- a total authorized amount of 10 million or 5 million, did you say?

MS. ROSEN-NIKOLOFF:

Ten million currently appropriated.

LEG. D'AMARO:

The resolution says, at least the resolution that I'm looking at that we're voting on today, says 5,000. So are there two separate programs?

MS. ROSEN-NIKOLOFF:

No, it's an additional --

LEG. D'AMARO:

Five million, I'm sorry.

MS. ROSEN-NIKOLOFF:

Additional 5 million we're seeking appropriation of.

LEG. D'AMARO:

Oh, so there's an additional 5 million. So we've already appropriated five, and this is the second five?

MS. ROSEN-NIKOLOFF:

We appropriate five -- you appropriated five in 2005 and another 5 million at the end of 2008.

LEG. D'AMARO:

Right. Okay. So that's ten total and this is the last five; is that right?

MS. ROSEN-NIKOLOFF:

Correct.

P.O. LINDSAY:

The plan -- the plan, and again it goes back to 2005, was to invest 15 million dollars in an infrastructure account to assist affordable housing; am I correct?

MS. ROSEN-NIKOLOFF:

You are, sir.

P.O. LINDSAY:

Okay. And we've appropriated the first ten in two sequences; this is the last piece.

LEG. D'AMARO:

All right. We've appropriated ten, this is the last five. Of the ten that's already been appropriated, how much did you say was spent already?

MS. ROSEN-NIKOLOFF:

I've gotten Legislative approval for approximately 3,900,000.

LEG. D'AMARO:

And those are for identifiable projects?

MS. ROSEN-NIKOLOFF:

Identifiable projects, 193 units. I hope to be coming to you shortly for another 6 million, which would give us another 181 units.

LEG. D'AMARO:

So that funding was provided to these projects as an incentive for them to go forward working with the developers?

MS. ROSEN-NIKOLOFF:

Yes.

LEG. D'AMARO:

Okay. And how much do you have earmarked of the balance that's remaining before passing this resolution?

MS. ROSEN-NIKOLOFF:

Before passing this resolution? I'm -- if everything goes forward, I'm maxed at the 10 million.

LEG. D'AMARO:

Okay. And you anticipate that happening next year?

MS. ROSEN-NIKOLOFF:

I hope so, yeah. Things don't always go as fast as you want, but, yeah, we're looking to break ground. I know for sure we're going to break -- we just closed on Art Space. I know we're going to break ground in January on that.

LEG. D'AMARO:

Okay. And of the 5 million that we're looking to further appropriate today, is any of that earmarked for specific projects yet?

MS. ROSEN-NIKOLOFF:

We are in negotiations. We have projects in North Amityville, Bay Shore and East Hampton that we have applications inhouse for. But then we also have -- we're in negotiations from Greenport to Riverhead to Centereach, quite other number of locations, and we'll see where they go, but kind of need that cushion.

LEG. D'AMARO:

Okay. Thanks for now. Thank you.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:

Thank you. In the -- with the 6 million dollar appropriation that's already been made, approximately how many projects are you looking at that would take up that 6 million dollar figure?

MS. ROSEN-NIKOLOFF:

If we -- if all of it gets approved by the Legislature, we will have funded 374 units just with infrastructure funds alone, at a blended cost per unit of \$26,738, which is pretty significant in terms of a per-unit cost.

LEG. STERN:

Thanks.

P.O. LINDSAY:

Okay? Okay. We have a motion and a second on 2092. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

2092?

P.O. LINDSAY:

Yeah, 2092, on Page 8.

D.P.O. VILORIA-FISHER:

Labor, Workforce and Affordable Housing.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2097 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry (Co. Exec.).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

We're on 2097. Do I have a second?

LEG. COOPER:

Second.

LEG. ALDEN:

Explanation.

P.O. LINDSAY:

Second by Legislator Cooper. And, Legislator Alden, you want an explanation?

LEG. ALDEN:

Yes, please.

P.O. LINDSAY:

Okay.

MS. ROSEN-NIKOLOFF:

Under the Save Open Space Act, the County buys up land, takes off the development rights and preserves them exclusively for affordable housing. This program's been around and we have -- the Office of Economic Development and Workforce Housing has diligently been marketing it, this is the result of that. We have a request from the Town of Southampton to utilize one development right to convert a second story storage area into a one-bedroom apartment, 600 square feet, affordable to families earning under 80% of the HUD area median income.

LEG. ALDEN:

So that's what's being retired, one --

MS. ROSEN-NIKOLOFF:

One development right is being retired.

LEG. ALDEN:

Okay. And how many do we have banked after that?

MS. ROSEN-NIKOLOFF:

Under Save Open Space, we have sixty-nine banked and one pending.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2098 - To approve the lease of eight vehicles in the Suffolk County Department of Labor, in compliance with Local Law No. 20 of 2003 (Co. Exec.).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. LOSQUADRO:

I'm make the second. I just have a -- just a question.

P.O. LINDSAY:

Second by Legislator Losquadro. Legislator Losquadro has a question.

LEG. LOSQUADRO:

These are usually leased with Federal grant monies; is that the case this year as well?

MR. REINHEIMER:

That's correct.

LEG. LOSQUADRO:

And I know in the past that we have -- various departments have used the buyout on those leases to purchase vehicles at low mileage at a reduced rate. Are we planning on -- any departments planning on doing that again?

MR. REINHEIMER:

If I can, we've spoken to the Department of Labor last Fall. They have six vehicles coming off lease in February and March. And the Budget Review Office was going to work with the Presiding Officer's Office to see if we would introduce a resolution to purchase those off lease. We can purchase the vehicles.

LEG. LOSQUADRO:

Very good. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2147 - Establishing binding arbitration policy for the Suffolk County Deputy Sheriffs Police Benevolent Association (DSPBA) Contract (Co. Exec.). I'll make a motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. All in -- on the question?

D.P.O. VILORIA-FISHER:

Legislator Barraga.

P.O. LINDSAY:

Barraga. I'm sorry. On the question, anybody have any questions? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I.R. 2152 - Approving the appointment of a relative of a County Legislator in the Suffolk County Clerk's Office (Losquadro).

LEG. LOSQUADRO:

Motion.

P.O. LINDSAY:

Motion by Legislator Losquadro.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick. Any questions, any comments? All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Mark me as a recusal, please.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2184 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with establishment of a dog park on Cherry Avenue in West Sayville (Lindsay).

I'll make a motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, **2084A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

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.

MR. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2090 - Appropriating funds in connection with improvements to County marinas in Northwest Harbor (CP 7109) (Co. Exec.). Do I have a motion?

LEG. SCHNEIDERMAN:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Who made the motion over here? Motion by Legislator Schneiderman, second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bond resolution, **2090A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

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:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2108 - Authorizing a license agreement with Lake Grove Triangle Soccer, Incorporated, for Raynor Beach County Park, Lake Ronkonkoma (Co. Exec.). motion by Legislator Kennedy, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2118 - Appropriating funds in connection with the improvements to County marinas - Shinnecock and Timber Point (CP7109) (Co. Exec.). Motion by Legislator Schneiderman, second by Legislator Alden?

LEG. ALDEN:

Fine.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

On the accompanying bonding resolution, ***2118A***, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. SCHNEIDERMAN:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

(Not Present)

LEG. HORSLEY:

Yep.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

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. (Not Present: Leg. Gregory)

P.O. LINDSAY:

2139 - Appropriating funds in connection with renovations to the Long Island Maritime Museum(CP 7165) (Co. Exec.). 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.

MR. LAUBE:

Sixteen. (Not Present: Leg. Gregory)

P.O. LINDSAY:

On the accompanying bond resolution, **2139A**, 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:

(Not Present)

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Leg. Gregory)

P.O. LINDSAY:

2148 - Appropriating funds in connection with the restoration of facades at the Suffolk County Vanderbilt Museum (CP 7441) (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Cooper.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen. (Not Present: Leg. Gregory)

P.O. LINDSAY:

On the accompanying bond resolution, **2148A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yep, yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

J.R. 2149 - Appropriating funds in connection with improvements to Normandy Manor at the Vanderbilt Museum (CP 7430) (Cooper).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. Second? I'll second it. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bonding resolution, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yep.

P.O. LINDSAY:

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.

MR. LAUBE:

Sixteen. Oh, Lindsay -- Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

J.R. 2150 - Appropriating funds in connection with restoration of driveways, gutters, catch basins at the Suffolk County Vanderbilt Museum (CP 7433)(Cooper).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. I just want to make an observation, and correct me if I'm wrong, Legislator Cooper. All of these projects were in our Capital Budget, right?

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

But, yet, they weren't brought forward by the Executive, so you had to appropriate the money.

LEG. COOPER:

Correct.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

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

(Roll Called by Mr. Laube, Clerk)

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2054 - Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$50,000 for the "Creation of an Explosive Detection Canine Team" under Homeland Security 2009 Explosive Detection Canine Team Grant Program to be administered by the Suffolk County Sheriff's Office in partnership with the Nassau County Sheriff's Office (Co. Exec.). Do we have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

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

LEG. COOPER:

I'll second for the purpose of discussion.

P.O. LINDSAY:

Second by Legislator Cooper for the purpose of discussion.

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Schneiderman.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. As I recall, this was discharged without recommendation from Public Safety, and there was an attempt to see if there could be a better understanding between the Sheriff's Department and the Police Department on the use of the dog and where it would be used, and whatever. Legislator Eddington, as the Chair of Public Safety, have you got us an update on those discussions?

LEG. EDDINGTON:

Well, it's -- as always, the more I hear, the less clear it seems to be. I've been told that there was an agreement made, I mean, not the overall agreement, but a sub-agreement that the dog, if the funds were allocated, would be -- or accepted, would be used only at the jail and one other facility, I can't -- the courts, maybe, and Gabreski, and, yet, that -- then I hear but we're just waiting for a violation where the dog will be used somewhere else and then we lose the 12 million dollars. So I'm not sure right now. Actually, what I'd like to do is hear what the County -- I've heard in the media the County Executive's opinion of this, but I'd like to see if -- what his feeling is right at this moment today now. Is Ben here?

P.O. LINDSAY:

Yeah, Ben is here. Do you want to -- just open your arms wide, Ben, the ball's coming to you.

LEG. ALDEN:

Are we bringing Chief out of retirement?

P.O. LINDSAY:

I thought Chief died.

LEG. ALDEN:

He didn't die.

P.O. LINDSAY:

Oh, okay.

LEG. ALDEN:

We've got to auction him off.

P.O. LINDSAY:

Oh, okay.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

Ben adopted him.

P.O. LINDSAY:

Ben, do you know, did Chief die?

MR. ZWIRN:

Did I know that Chief died? No, I didn't know that.

P.O. LINDSAY:

No. I'm asking you, did he die or is --

MR. ZWIRN:

Did he die? I don't have any --

P.O. LINDSAY:

Still retired, okay.

MR. ZWIRN:

I don't have any idea.

P.O. LINDSAY:

Okay. Go ahead.

MR. ZWIRN:

I think the issue that the County Executive was responding to was the -- was more of the legal implication, and Dennis Brown from the County Attorney's Office is here with respect to that. I know that there have been conversations with the PBA where they think -- they want to make sure this doesn't violate their agreement with respect to what they have under their contract. We don't think that that's going to be the case, that this will be used only for the Sheriff's purposes. And it's a \$150,000 grant. Most of the grant money is for a vehicle to shepherd the shepherd around.

*(*Laughter*)*

And the rest of it -- but as I say, it's an issue I think the Legislature will have to ultimately resolve,

but we don't see -- we don't see a conflict with respect to the Police Department and the Sheriff's Department in accepting this grant. It's money that the taxpayers don't have to put out. It gives us an extra canine that will be trained in bomb detection, and, certainly, the Sheriff might have a use for it in these times at the courts or, you know, they're here at the Legislature providing security on occasion. But, mostly, I think this is for the jail, and that was originally what it was supposed to be for and not to intrude on anything that the Police Department already was doing.

P.O. LINDSAY:

Legislator Cooper, you wanted to say something?

LEG. COOPER:

I was going to suggest that we consider subpoenaing the service dog to get to the bottom of this, and I'll leave that to the Chair of Public Safety.

LEG. EDDINGTON:

Was that a joke? Okay, I got it.

P.O. LINDSAY:

Legislator Romaine.

LEG. COOPER:

That was a joke.

P.O. LINDSAY:

That was a joke, it was a just a joke. I mean, it's --

LEG. ROMAINE:

Perhaps Mr. Zwirn can tell us, in the last number of years, and you can go back to the very beginning of the start of the jail, how many bomb threats we've had at the jail.

MR. ZWIRN:

Ones that I've called in personally or just in general?

*(*Laughter*)*

I called one in today at the Legislature, but nobody answered the phone. I don't understand.

*(*Laughter*)*

Chief Sharkey is here from the Sheriff's Office. Maybe, Chief, or -- if you had that information; I don't have that offhand.

CHIEF SHARKEY:

In response to your question, Legislator Romaine, should there have -- should there be an active bomb threat, if you were, there will be the need to have an entire Bomb Unit respond, which would be the Suffolk County P.D. Our intention in usage of this canine is for screening purposes, and, as I'm sure you and the rest of the Legislature are aware, we're not living in the same world we were a few years ago and we feel it's extremely necessary to conduct that screening at the facilities.

LEG. ROMAINE:

When you say "screening purposes", what do you mean by screening?

CHIEF SHARKEY:

Screening for explosive devices that may be attempted to be brought into either of our facilities.

LEG. ROMAINE:

By visitors, by inmates?

CHIEF SHARKEY:

By anyone that may be conducting legitimate or trying to come onto our property for illicit reasons.

LEG. ROMAINE:

Do you have a screening facility for visitors now to ensure that they don't bring in weapons or contraband?

CHIEF SHARKEY:

Currently, we have canines that are available to screen for narcotics. We have a canine that can screen for firearms. We do not have any ability to screen for explosives.

LEG. ROMAINE:

So you don't screen for explosives now?

CHIEF SHARKEY:

We do not regularly screen for explosives now. I think it would be irresponsible for me to specifically outline our security procedures at the correctional facilities.

LEG. ROMAINE:

Fine. And, however, you feel that this dog is needed as part of your screening facilities for people who visit the facility or enter jail property?

CHIEF SHARKEY:

Yes, we do.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. Well, the only thing that has troubled me is when I hear words -- and the Chief had said during my committee, "Our primary intention", and then I heard Ben say, "Well, I don't think," and those are fuzzy words, you know, and I just wanted to get a guarantee. And in committee, what we have said over and over again, and anybody can correct me if I'm wrong, but we have said we want to enhance public safety. That's what we've been saying for two years at least, for enhanced public safety. And the point that we made was, and that we had spoke about this, that you have four dogs that do narcotics, you know, policing, basically, and we have an epidemic, or maybe I should use the other word, uptick in narcotics in our County. And so I made it clear that I don't want to limit your ability. You have -- you'd have one less narcotics sniffing dog, and with my limited knowledge of the jail, that's what's being snuck in, not bombs. But the bomb sniffing dog would be a proactive new piece, and the new piece I'm not afraid of, as long as it's used appropriately at the jail or Gabreski Airport. And, basically, Jeff Tempera has said that to me in a private conversation, that he's very concerned and he would not want to see a violation, and I think you and the Undersheriff have kind of guaranteed that that is the only responsibility. And so, if that's the case, I think it makes a little bit clearer, that that's a commitment.

CHIEF SHARKEY:

Legislator Eddington, we discussed this at great length at Public Safety, and numerous times it was stated on the record that the Sheriff is committed to not using this canine asset in any way that would violate the agreement the County has with the PBA.

Further, in regards to our narcotics capabilities, you raised that issue at Public Safety as well, and

we said that we were willing, if that was what you requested, we were willing to create an additional narcotics team.

LEG. EDDINGTON:

Okay. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. Chief Sharkey, I asked some questions about, first, where would the dog be? This would just be one dog. You have several facilities that were mentioned, right? You have the jail in the Riverhead area, you have the jail in Yaphank, and then you have some other facilities and offices. So how would you dispatch this dog to various facilities since you only have one?

CHIEF SHARKEY:

The dog would be handled the same way as our other canine teams are handled. Each dog is matched with a handler and that dog lives with that handler, and goes work with that handler, and goes home at the end of the shift with that handler.

LEG. SCHNEIDERMAN:

In terms of inspecting for explosives, you know, when I go to the airport, there's usually not a dog that greets me, there's all kinds of machinery that -- you know, that detect explosives, trace amounts of explosives. Did you -- would there be Federal funds available for that type of equipment so you could have it at all these checkpoints, or, you know, why go the route of a canine?

CHIEF SHARKEY:

There very well may be funds out there for mechanical means to do this. However, we maintain that whether it be a piece of machinery or a canine dog with the same capabilities, either is a tool to accomplish our mission. And, at this time, although there may possibly in the future come some money available for a mechanical means to do this, we know for a fact that the County has been awarded \$50,000 to provide for the public safety of Suffolk County now and all we have to do is accept it.

LEG. SCHNEIDERMAN:

And I think we all want to make sure you guys have the tools for your own safety and to complete your mission. I think some of the concern is that mission may be expanding. Gabreski is one of those areas where there seems to be this -- kind of some jurisdictional issues. The Town of Southampton patrols Gabreski, as the Sheriffs are there as well. It is within the Town of Southampton and I think -- I know from my PBA in Southampton, there is some concern about having a dog -- you know, the Sheriffs bring a dog into that facility when right now we are already paying through our tax dollars for Suffolk County P.D. through that -- What we sometimes call the Headquarters Fund to have that bomb sniffing dog and that whole bomb squad. So I think that there is concern that this might be an expansion somehow into an area that's traditionally a police function. And that's why I made the motion to table, because I think that this is something there needs to be some more discussion and some clarification as to exactly where this dog will go. And if there are more dogs that the sheriff employs in this bomb sniffing capacity, to make sure that we are not going into these areas that are outside of the traditional Sheriff's functions.

CHIEF SHARKEY:

Legislator Schneiderman, as far as the Southampton Town PBA raising an issue, they do not have an explosives dog of their own. Any coverage that is being offered at Gabreski Airport is currently in a response type of a scenario. If something should be called in, again, an entire bomb squad would respond from Suffolk County P.D. I certainly don't think that the townspeople of Southampton or Suffolk County, in general, would complain about an additional layer of protection that is being provided with no cost to the taxpayers of Suffolk County.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

On the resolution. I've listened to this discussion now several times in committee and here on the floor, and I'm a bit amazed, to tell you the truth, because most other resolutions, when you're getting free money, we take immediately. I can't recall too many instances where we said no. Here it is, \$50,000, and we're having this huge discussion on dogs. This has nothing to do with dogs, it has a lot to do with political pettiness.

Now, if the PBA wants to come in here and to say, "Look, you know, if you take this dog and you do something that the dog isn't supposed to do, we're going to walk away from this 12 million," or try to walk away from it, call their bluff. Then we go back if that happens to what we had originally, legislation before us, on COPE, on marinas, on motorcycles, and firing 70 policemen. Now, if that happens and that PBA leadership wants to get up here and explain to its members how 70 policemen got fired because of a dog, so be it. It's 50,000, we take the money, and I really don't care what you do with the dog. You can train it to sniff explosives, sniff drugs or sniff other dogs. Take the 50 grand. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Hi, Mike. I'm not on the Public Safety Committee, and so I -- I just heard Legislator Eddington say that there was a representation that the dog would only be used for the traditional role that the Sheriff -- of the Sheriff's Department. Yes, was that the representation, that it would be limited to --

CHIEF SHARKEY:

We made a commitment at Public Safety that we would not utilize this canine in any way that would jeopardize the agreement between the Suffolk PBA and the County.

D.P.O. VILORIA-FISHER:

And so was that done by the Sheriff in writing, Mike?

CHIEF SHARKEY:

No, it is not in writing. The written agreement is between the PBA and the County of Suffolk. We have made a public commitment not to utilize this canine in any way that will violate that agreement.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Michael.

P.O. LINDSAY:

Okay. The dog is getting between us and lunch. Do you want to put this over until after the lunch?

LEG. KENNEDY:

Sure.

LEG. SCHNEIDERMAN:

Motion to table.

LEG. NOWICK:

Let's do it, get it over with.

P.O. LINDSAY:

Well, we still have people that want to speak.

LEG. D'AMARO:

Let's put it over.

D.P.O. VILORIA-FISHER:

Put it over.

P.O. LINDSAY:

Put it over, okay. I'm going to make a motion to recess for our lunch break, but anybody on the Environment Committee has to stay here and interview Adrienne Esposito. And I'm sure, because of the lunch being ready, that it will be very short. Okay. We need the stenographer to stay. Okay? So we stand recessed until 2:30.

[THE MEETING WAS RECESSED AT 12:30 AND RESUMED AT 2:44 P.M.]

P.O. LINDSAY:

Okay. Mr. Clerk, you want to call the roll, please?

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. BEEDENBENDER:

Here.

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here. I'm 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.

LEG. LINDSAY:

Here.

MR. LAUBE:

Eighteen.

LEG. LINDSAY:

Okay. I'm being told that we have one public hearing that wasn't closed. It's *1793 - A Charter Law to strengthen the independence of the Ethics Commission (Montano)*.

LEG. ALDEN:

That's you.

LEG. MONTANO:

Oh, that's me.

LEG. LINDSAY:

Do we have any cards on this subject? I don't have any cards in front of me. Does anybody in the audience want to speak on 1793? Seeing none, Legislator Montano?

LEG. MONTANO:

We'll just recess it. Yeah, it's going to die anyway, but I'm going to ask Counsel to reintroduce it at the first meeting.

MR. NOLAN:

Close this public hearing. Close it.

LEG. MONTANO:

You want to close it?

MR. NOLAN:

Close it.

MR. MONTANO:

All right. Let's close it, or withdraw it, either one, it doesn't matter, just reintroduce it next time.

LEG. LINDSAY:

Motion to close by Legislator Montano. Is there a second?

LEG. ALDEN:

Second.

P.O. LINDSAY:

Second by Legislator Alden. All in favor? Opposed? Abstentions? It stands closed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Nowick).

P.O. LINDSAY:

And we go back to the agenda. We're stuck on Page 9. We're on *I.R. 2054 (Accepting and appropriating 100% Federal pass-through grant funds from the NYS Office of Homeland Security (OHS) in the amount of \$50,000 for the "Creation of Explosive Detection Canine Team" under Homeland Security 2009 Explosive Detection Canine Team Grant Program to be administered by the Suffolk County Sheriff's Office in partnership with the Nassau County Sheriff's Office.)* And as I recall, Mr. Clerk, we have a motion to approve and a second, and a motion to table and a second; is that correct?

MR. LAUBE:

That is correct.

LEG. LINDSAY:

And if my memory further serves me, we were in the midst of debate and Legislator Kennedy was on the list.

LEG. KENNEDY:

Thank you, Mr. Chair. I know that we had a couple of people, Chief Sharkey was here, and I see Deputy Under-Sheriff Caracappa is here, our former P.O. Welcome. But my questions, Mr. Chair, went to the current bomb sniffing capacity that we have now with the Police Department. I believe we do have a bomb sniffing unit that's there, and I wondered if we had anybody on the behalf of the Police Department who could tell us whether there was overlap or whether or not they serve the jail right now if there is some kind of a bomb threat.

P.O. LINDSAY:

See, but the -- I don't remember the gentleman's name, but he testified earlier, I believe, as part of the Bomb Unit from the PBA. But he Under-Sheriff might be able to answer that in what regards goes on in the jail.

UNDER-SHERIFF CARACAPPA:

Mr. Presiding Officer, Members of the Legislature, first let me say, on behalf of the Sheriff's Office, happy holidays.

It was asked earlier the amount of bomb threats over the years at the jail, and, you know, simple answer to that is, you know, how many does it take to be proactive? You know, they flew the planes into the World Trade Center once. And keep in mind, we house some of the most violent offenders in the area, obviously, as they either have been sentenced or waiting pretrial. And the more we discuss this issue on the record, we're basically just sending signals out to the bad guys where our weaknesses are. And it's obvious that, you know, if the District Attorney came here and asked you to approve a grant for wiretaps, you certainly wouldn't ask them where those locations were. It's just getting to a point where we're getting down to jeopardizing public safety by carrying this argument on and on and on.

LEG. KENNEDY:

Mr. Chair, through the Chair, I certainly -- I, for one, don't want to compromise public safety at all. And, as a matter of fact, I think your analogy is well put, Joe, that when District Attorney Spota or, for that matter, Police Commissioner Dormer, or -- I see we even have Commissioner Desmond in the audience. When we get any representative of law enforcement coming to us who makes a request, we deliberate that and take that on the expertise and the inside knowledge that they come

to us with. But, nevertheless, I think having served for the amount of time that you've served here, you know that we are always charged with looking at the opportunity that's immediately before us and what the long-term implications are going to be, whether it's any particular grant.

In this case, I see the brief description, which is for 50,000, and I think I heard earlier in part of the discussion that it was primarily for the procurement of a vehicle. That makes we wonder a little bit about what kind of a vehicle it is that we would be getting, and what the implications would be over the long-term for the creation of what sounds like, and I hesitate to say this, a new function. I know that if there's a bomb threat in any one of our correctional facilities, it's addressed and it's addressed vigorously right now. So I'm not concerned that I'm sending a message to a bad guy out there who might feel that our facilities are porous and that they can come in and somehow infiltrate them. But I am concerned about what the long-term implications for creation of this function might be in the second, or the fourth, or the ninth year that this entity goes on and the grant money's long gone.

UNDER-SHERIFF CARACAPPA:

I certainly appreciate where you're coming from, Legislator Kennedy. We're not coming to you today to ask for millions of dollars to create a Bomb Unit, that is the Suffolk County Police Department's job, and we would call upon them, after a screening was a positive one and we felt there was a danger. We have nothing, as I've said this 100,000 times on this record, nothing but respect for those officers and the job that they do and we would call upon them, on top of the fact, one last time, we would abide by the agreement where the ink has already just dried with the Suffolk County PBA and the Suffolk County Executive in every way, shape or form. I certainly just do not know what else to say to you today other than we respect where they're coming from, we respect the position you're in, and I would hope that you would respect the fact that there is a real threat.

We are living in new times. This is a Homeland Security grant for \$50,000 for a dog training and a vehicle that would usher that -- not shepherd, but usher that shepherd around. It's just a grant that the Homeland Security recognizes that correctional facilities are in the top five targets of terrorists around the country, both foreign and domestic, and they're trying to make assets available to agencies that don't have that sort of asset now, and in order to be proactive as opposed to reactive. And we all know in this instance with this kind of danger and this kind of situation, being reactive means lives are lost, both Correction Officers and Deputy Sheriffs, civilians, and anyone else that happens to be there at the time. It just -- it's a common sense \$50,000 grant and it's just being made to be so much more.

And again, I respect this all around, and we'll abide by it and work with the Suffolk County Police Department in every way, shape and form. Chief.

LEG. KENNEDY:

I'm going to yield to the Chair at this point, if any of my other colleagues have further questions on this. I may pick it back up again. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

My understanding is that there is a CN being prepared on this issue that will address the concerns that were raised by the PBA. Maybe we can have somebody from the County Executive's Office. But I think the -- and nobody seems to have an issue with the dogs being at the correctional facility, the bomb sniffing dogs. I think the County has -- County P.D. has a -- because, to address Legislator Kennedy's question, I think there were eight bomb sniffing dogs that Suffolk County P.D. has. But it's clear that the Sheriffs have a concern about the correctional facilities. Nobody wants to do anything that's going to violate that October 28th agreement that was just worked out. That was I think very important, that 12 million dollars agreement with the County. So I think if we can get some information from the County Executive's Office, whether it is a CN that all sides are

comfortable with, then in the spirit of the holidays, maybe we can move forward in harmony here.

P.O. LINDSAY:

I don't have a CN in the packet yet. Ben?

LEG. SCHNEIDERMAN:

I spoke with the County Executive in the hall just moments ago and he said that he was doing a CN on this issue.

UNDER-SHERIFF CARACAPPA:

If you don't mind, Mr. Chairman, a CN changing the resolution in what way?

LEG. SCHNEIDERMAN:

I believe that it would limit the use of the bomb sniffing dog to either the correctional facilities, or in a manner that's compatible with the October 28th agreement, and which is --

UNDER-SHERIFF CARACAPPA:

Well, we've put that on the record that we'd abide by that. And, actually, to -- after, you know, being an elected official myself for many years, and I know you probably all feel the same, you say something on the record, it's your word and, you know, you shouldn't have to be followed up with language in a resolution. It's actually slightly insulting to the Sheriff and to the entire Department that we're not being taken at our word. Meanwhile, we put it on the public record what now, eight, ten times?

LEG. SCHNEIDERMAN:

Is there anyone --

UNDER-SHERIFF CARACAPPA:

And we haven't been -- it hasn't been brought to our attention about a CN being brought over.

LEG. SCHNEIDERMAN:

Okay. Mr. Zwirn, maybe you can answer it.

MR. ZWIRN:

I am not aware of any CN.

LEG. ALDEN:

Yeah, but who do you work for, Ben?

MR. ZWIRN:

That's a good question.

LEG. ROMAINE:

Today.

MR. ZWIRN:

I know I'm going to go part-time, but maybe they're doing CNs and not telling me either. I'm going to share it with Jay.

P.O. LINDSAY:

Anybody else?

LEG. ROMAINE:

Jay could be your replacement.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

No, thank you.

CHIEF SHARKEY:

Presiding Officer.

P.O. LINDSAY:

Who's calling? Yes, I'm sorry. I'm sorry, Mike. Go ahead.

CHIEF SHARKEY:

Yeah. If you're done with your questions, just two points I wanted to bring up if you're going to take action, before you take action. One is I know your tabling motion, I guess, takes precedent over your motion to approve. I just want you to be aware, if this is tabled, New York State Department of Homeland Security is aware of these deliberations and the complications that have arisen out of accepting this money in the County, and they have already started looking for an alternate recipient outside of Suffolk County. So, were this to be tabled for another cycle, I'm fairly confident we're going to lose this money.

Further, the main concern here seems to be whether or not we're going to violate the agreement with the -- between the County and the PBA, which we have said now ad nauseam that we will not. However, we're voting on whether to accept the grant money or not. If the grant money is not accepted, quite simply, we feel strongly that we need this asset, and if it's not purchased with grant fund money, we're going to purchase it with asset forfeiture monies. We're still going to have the asset. And we stand by our comments, that we will not violate the agreement.

P.O. LINDSAY:

Let me ask you something, Mike, because now you're opening a whole new can of worms. Is there any thought at all to buying the stationary electronic devices to screen people as they come in the jail? I mean, if you -- you know, I realize if it's part of a grant that you might not be that flexible that you could use it for that, but if you're going to use forfeiture money, does it have to be a dog?

CHIEF SHARKEY:

Well, we don't want to use forfeiture money at all, we want to use grant money, and the grant money that we have here today is --

P.O. LINDSAY:

For dog.

CHIEF SHARKEY:

-- specifically for a dog.

P.O. LINDSAY:

For a dog. But if you --

CHIEF SHARKEY:

It doesn't allow us to purchase a mechanical piece of equipment.

P.O. LINDSAY:

Okay. But, if you put -- if you purchase this dog, then don't you have to train an officer and all the peripheral expense that goes along with the dog, whereas, if you had an electronic device, couldn't it be operated by the screening people that does the screening as you come into the jail?

CHIEF SHARKEY:

I apologize that you were not present for all the discussions at --

P.O. LINDSAY:

Oh, I'm sorry.

CHIEF SHARKEY:

-- Public Safety. However, we discussed that this dog is a replacement dog for an existing dog that was retired. The dog that retired was a full service patrol dog with the additional ability to detect narcotics. This dog would be a full service patrol dog with the added ability to detect explosives.

P.O. LINDSAY:

And at some point in the discussions didn't you make a commitment that you'd wind up hiring two -- buying two dogs to replace the dog that's retiring and the new bomb sniffing dog?

CHIEF SHARKEY:

At a certain point, Legislator Eddington brought up a point that he would be more comfortable supporting accepting this grant funding if, in fact, we would make a commitment to add an additional narcotics dog.

P.O. LINDSAY:

Okay, okay. So that's how that came about. Okay. I have a fuller understanding. I just --

CHIEF SHARKEY:

If I may, just one --

P.O. LINDSAY:

Go right ahead.

CHIEF SHARKEY:

You know, the reason we try to avoid expending asset forfeiture funds for something you have grant funding for is because that money is now not available for other programs. Recently, the Sheriff started a new program to help out our children with heroin problems. We don't want to expend money unnecessarily where it could be used for other purposes for the people of Suffolk County.

P.O. LINDSAY:

Legislator Schneiderman, did you want to say something else?

LEG. SCHNEIDERMAN:

Is it -- can we hear some of the concerns from the PBA, if there's somebody here who could speak to that? And, you know, what I'm hearing is that, you know, they're concerned somehow that this is going to violate the recent agreement, the October -- and if -- I see a gentleman standing up, if, through the Chair, if it's possible to bring him up to the podium hear their side.

P.O. LINDSAY:

One of you fellows want to come and fulfill that question by Legislator Schneiderman? Thank you.

MR. TRICARICO:

Thank you, Suffolk County Legislature. Thank you. Good afternoon. My name is Bill Tricarico. I'm the First Vice President of the Suffolk County PBA. I'm here to address your concerns regarding the bomb dog that the Sheriff's Department is requesting, which, as you are aware, is a duplication of services. Having said that, one thing that you need to keep in mind is the agreement that was reached between the Suffolk PBA and the Director of Labor Relations regarding the use of any sworn Police Officers, not Suffolk County PBA members, that would displace or add additional responsibility to those sworn Police Officers who are not Suffolk County PBA members.

I just want to read you the last paragraph. I think it's important that -- you're probably aware of it. I'm just going to put it on the record again as you contemplate legislation that would allow you to

utilize a dog in certain locations and create legislation that would add, or incorporate, or change in any way, shape or form this agreement that was signed on October 28th of this year. And the last paragraph reads:

"This agreement represents the entire agreement of the parties and merges all prior negotiations, representation, memoranda, etcetera, and may only be modified or superseded by a subsequent written agreement executed between the parties."

I believe it's not appropriate for this organization to -- for this body here to enter into a subsequent memorandum which incorporates, changes, adds, deletes or redefines the original Memorandum of Agreement dated October 28th, and concern for the taxpayers of Suffolk County, that if there is a potential violation, that will be -- it will be a costly violation, specifically 12 million dollars. The Suffolk PBA is in no way, shape or form advocating that that penalty be applied, but the Suffolk County PBA stands ready, willing and able to enforce this agreement that was entered on between the parties. The last thing that we want to do is place the County in a precarious financial situation. That's why we entered into this agreement to begin with.

LEG. SCHNEIDERMAN:

I'm sorry, but can you explain why -- how you view a bomb sniffing dog procured by the Sheriffs as a violation of that agreement?

MR. TRICARICO:

I'll call your attention to a paragraph specifically in this agreement that outlines that very question that you're asking. It's somewhat convoluted, but it really is -- it really is unambiguous, that on April 1st of 2009, any of the jobs or responsibilities of Suffolk County Police, specifically in this case the bomb dog, cannot be reassigned to another unit. If -- let me ask you this: Today, if there was a bomb scare, God forbid, at any County facility, specifically the prison out in Riverhead, who would they call? They'd call the Suffolk County Police. For them to change that after April 1st of 2009 would be a violation of this agreement. That's why it is not appropriate for the bomb dog to be used. We already have eight bomb dogs that taxpayers of this County are paying for.

MR. SALES:

I heard Undersheriff Caracappa testify to this body that the Sheriff's Office would not violate any agreement, and that's on the record he said. If that was the case, then we wouldn't need a grievance procedure that we have in place for our contract, because we would never have to worry about any violation of any contract issue. Now, currently, if there's a violation of our contract, we file a grievance and eventually it can go to an arbitrator, the arbitrator reviews it, and if he finds fault, everybody is made whole. However, there is no monetary penalty with the PBA prevailing in a grievance win. What you're talking about here is allowing another County agency, i.e. the Sheriff's Office, to be in control of a situation that could potentially cost the taxpayers of Suffolk County 12 million dollars because of the breach of this agreement that was entered into by the County Executive, the Director of Labor and the President of the PBA. So, as far as what's on the record here and what could potentially happen next week or next month, that's something you're going to have to weigh before you taking this vote. And a 50,000 -- I'll tell you what, with a 4.2 billion dollar deficit in the State of New York, I doubt you're going to see too much grant money in the next few years.

P.O. LINDSAY:

Mike, you wanted to add something?

CHIEF SHARKEY:

Yeah. I just wanted to address some of the comments that were just made. Number one, the references that Bill made reference, a bomb threat, there would be no change in how we'd respond to a bomb threat. Clearly, if there was a bomb threat, we would call the Suffolk County P.D. for their services. I will refer to -- again, I'm sorry to refer back to Public Safety, but the PBA, I believe Vice President Noel DiGerolamo testified at Public Safety and specifically said he had concerns that

we may violate the agreement if we used the dog for purposes other than screening at the correctional facilities. He also went on further to say that the PBA would have no objection to us obtaining a mechanical device to perform these same functions. And I will again say, if they have no problem with us doing screenings at the correctional facilities and they have no problem with us using a piece of machinery, why is there a problem with using a dog to perform the same function?

UNDER-SHERIFF CARACAPPA:

Also, Mr. Chairman, just -- and I appreciate the comments made by the previous speakers, it's not a dog that could, you know, violate this agreement. You know, just throwing out a boat in the Great South Bay violates the agreement, among a whole host of other things. For it to be narrowed down just to the purchase of this dog because of need certainly doesn't -- shouldn't be viewed as the only -- the only thing in play here. And just as -- just as with the dog, we once again say all the functions that are agreed upon within that Memorandum of Agreement between both agencies would be adhered to, and I know they're going to do their job diligently to make sure that it is.

P.O. LINDSAY:

Legislator Nowick, did you want to comment on this debate?

LEG. NOWICK:

Yeah. I know we're spending a lot of time debating dog legislation, which is important, albeit a smart dog, but here's -- I think the debate, from what I'm gathering, is not really about the need for a dog for a dog sniffing -- bomb sniffing dog, we all know that's important. I think the debate really is the legal interpretation of what the contract is, what the contract that the PBA settled on with labor relations. From what -- Bill, what you're telling us is that you interpret it as this would be a violation of the agreement that you came to on October 28th, is that what you -- that's what you're saying.

MR. TRICARICO:

The purchase of the dog in and of itself is not a violation, that --

LEG. NOWICK:

Not the purchase, of what it's going to be used for.

MR. TRICARICO:

You're correct, the purchase in and of itself of the animal is not a violation, it's the use of that animal.

LEG. NOWICK:

So what you're saying is the use of the animal would be not within terms of the agreement that you made in October. What the Sheriff's Office seems to be implying is that you're not going to use the dog in that way, is that what you're saying? So we have a dilemma here. The dilemma is you're saying one thing, you're saying something else. We, as Legislators, really need to know where the legal line is drawn. And I just wondered, would that be something that Jeff Tempera could say to us, "Legislators, this would not" -- no?

UNDER-SHERIFF CARACAPPA:

Legislator Nowick, he did in Public Safety.

LEG. NOWICK:

I am sorry, I'm not on that -- the committee. So I'm thinking that's where our dilemma is. We have to debate in our own minds, are we going to be --

CHIEF SHARKEY:

If I may.

LEG. NOWICK:

Yes.

CHIEF SHARKEY:

Legislator Nowick, at the Sheriff's Office we're not going to make a determination as -- on our own and act unilaterally to assign this canine to a function that we interpret as being okay with the agreement. We will check with the County Attorney and with County's Labor attorney prior to taking any action. It would be foolish to take my interpretation of this agreement, or for that matter Bill Tricarico's interpretation of this agreement, as a legally binding item. I can certainly say, in my 21 years with the Sheriff's Office, that I have never seen Suffolk County P.D. at the correctional facility doing screenings for bombs. So I think I can safely say that at the bare minimum, we can utilize the dog for that.

LEG. NOWICK:

But, Bill, you don't feel -- you have a different interpretation of what this --

MR. TRICARICO:

My concern, my concern is what other uses the canine would be utilized for. I don't know that anyone -- I certainly can't predict each and every situation that could, or might, or possibly arise, and I don't think Mike Sharkey can do likewise as well. And I'm just concerned that a breach of that, however inadvertent it might be, would breach the contract and be a subsequent cost of 12 million dollars as part of the penalty, not including penalty. That's my concern. I can't predict every improbable case scenario, I can't do that. I know Mike Sharkey can't do that as well.

It's one thing to sit here and say the dog will sit in this confined area and never leave this area, but so many times there are what-ifs involved and that's a concern to the Suffolk PBA, because we're not looking to press this issue in the event that it gets violated to get the money back. That's the last thing on our agenda. We gave this money up in good faith to assist the County in their financial dire need and we want to continue in that endeavor. However, we will pursue to the fullest extent that this memorandum allows us in the event that there is a violation, and that's what the concern is. That's what I think this body needs to be concerned about, the what-ifs, and I can't even describe what -- how many what-ifs might be in place.

UNDER-SHERIFF CARACAPPA:

Mr. Chairman, if I could just wrap it up from our end and just try to put it as succinct as possible so you can move on with your day. As I stated earlier, you know, and Bill is right, what-ifs. Again, we can't make anymore guarantees than we already have. But the time has come, based on the way the Feds have offered this grant, telling this Legislature, and our Department, and the Sheriff's Office, "There is a need," "You are a target," "Your officers are in jeopardy." And I would hope that you, the PBA, and everyone here that's going to cast a vote recognizes we are living in different times, and this comes down to basic protection, Correction Officers, Deputy Sheriffs and the public, with the ironclad agreement that we will not violate the work that the PBA is protecting, as they should. I can't say it any better than that.

P.O. LINDSAY:

Legislator Alden, do you want to add something to the discussion?

LEG. ALDEN:

And this is the first blush for me. This is the first time I'm hearing of it. I'm not in the Public Safety Committee. But there is a what-if that just jumps right to mind. If you've got a dog that's capable of sniffing bombs and is sitting there screening people coming in and you get a bomb threat, if I'm the Sheriff, I'm going to take that dog and I'm going to start before the police get there, and that's a clear violation of the agreement. I would not put my men and the people that are in that correctional facility, I would not put them in jeopardy.

UNDER-SHERIFF CARACAPPA:

Not at our facility, Legislator Alden. If we get a hit on a screen on a delivery truck coming through our gate, which we get about 20 a day, we stop it, we screen it, we get a hit, we're on the phone with them. Maybe we'd take that dog and do the perimeter of our facility, but we don't send them down Route 24 to pull over every car. It's a violation. I don't know where you're going with it.

LEG. ALDEN:

Joe, right now, if you get a hit, so if there's a bomb scare, if somebody calls in a bomb threat, you call -- you call the police and they bring the dog over. Yes or no, is that the way it works?

UNDER-SHERIFF CARACAPPA:

Yes.

CHIEF SHARKEY:

If there's a bomb threat, we're not changing our protocol. We're talking about doing screenings. And if we get a --

LEG. ALDEN:

No, no, no, but that's not my question.

CHIEF SHARKEY:

Yeah, but yes.

LEG. ALDEN:

That's not my question.

CHIEF SHARKEY:

The question was, if you have a bomb threat, who are we going to call, are we going to act on our own or are we going to call the P.D.? The protocol will not change, we will call the P.D.

LEG. ALDEN:

All right. So what do you -- my question is, what do you do right now? If you have a bomb threat, what do you do? What's the protocol right now? You call the police.

CHIEF SHARKEY:

We call the P.D., yes.

LEG. ALDEN:

Okay. Now, I'll just put myself in the place of the Sheriff. If I'm sitting there and I get a bomb threat and I've got a dog that's capable of starting to sniff, and possibly protect the lives of my men, I'm going to order that dog into action and not wait the ten or fifteen minutes, or whatever it would take, to get -- so there's a possible -- there's a what-if right there that pops right into your mind.

UNDER-SHERIFF CARACAPPA:

Action into what, though? After the initial screening, what action could a dog take other than a screening.

LEG. ALDEN:

If you get a bomb threat, he's -- the dog's going to look for the bomb, that's pretty obvious.

CHIEF SHARKEY:

If you have an active bomb threat, as was explained in Public Safety, you have to have --

LEG. ALDEN:

So you're going to --

CHIEF SHARKEY:

You have to have a dog respond with a bomb tech, which we do not have, so we could not respond. That is correct, we would not be able to respond.

LEG. ALDEN:

So you're going to -- and that's all you had to say, you're going to stand down, that dog would stand down. If you had a phoned-in threat that there's a bomb on your facility, "We've put a bomb in there," you would tell that dog to stand down?

CHIEF SHARKEY:

That's correct.

LEG. ALDEN:

Okay. Then that's the answer to the question. Thank you.

P.O. LINDSAY:

Okay. Who do we got?

MR. SALES:

May I just make one statement? I think this -- I don't know if -- I'm sure the body realizes it, but I think this body may have already just been neutered on their vote because Under-Sheriff Caracappa stated that regardless of what your vote is, they're buying the dog anyway. So whether you vote yes or no, they're buying the dog with asset forfeiture money, or however they do it, so --

P.O. LINDSAY:

With all due respect, we don't have any control over the forfeiture money, just like we don't have any control --

MR. SALES:

I understand that.

P.O. LINDSAY:

-- over the forfeiture money from the D.A. either.

UNDER-SHERIFF CARACAPPA:

It's not a "so there" action by doing that, it's because we've been told there's a need, that we are a target. I don't know how many times I have to say it.

P.O. LINDSAY:

Okay. Legislator Kennedy, did you want to say something else?

LEG. KENNEDY:

You know, Mr. Chair, I -- in the spirit of not discussing this too much longer, I'm going to yield, although I'm very concerned that we're talking about, kind of as Legislator Alden once again so succinctly portrayed it, as he's done for all his time here, there -- it's almost an impossibility to do what's being referenced by the Sheriff. So I'm going to yield, and it's a troublesome vote, but I'm going to yield.

P.O. LINDSAY:

Legislator Eddington, and then Schneiderman. Okay?

LEG. EDDINGTON:

I've heard -- I probably heard the most about this from the most people, and I've been trying to organize it in my head. And what I'm hearing from -- about the grant is that the reason -- because I kept saying, why didn't the Suffolk County Police put in for this grant? And they couldn't because it's only for an agency that doesn't have that capacity. Well, in fact, that is the wording in the

agreement, that if you -- you can't have a new capacity if you didn't have it as of April 1st. And the only reason they could get the grant is because they didn't have the capacity. So when you look at it in that way, it's like to me that's pretty clear. The other part is that if we're being told that there is a bomb threat at the jail, then I think we should immediately assign a member of the Suffolk County Police Department's Bomb Unit to the jail.

LEG. KENNEDY:

Absolutely.

LEG. EDDINGTON:

If there's a pending thing, let's not wait for -- this should have been done -- I wish the Sheriff had spoke to us before, because we could have got somebody from the Police Department assigned immediately if this is it. So, you know -- and, if I'm hearing now that, regardless of what we do up here, they're going to get the bomb sniffing dog, the only thing I can say is that then the Sheriff's Department will be violating it and we will not have approved the violation, and that's how I'm feeling right now. I don't want to approve a possible violation if it is, and it's sounding more clear to me.

UNDER-SHERIFF CARACAPPA:

Legislator Eddington, it goes both ways. You know, you can have the police come on to our property and do that function. Why don't we just have them bring -- come in the jail and be Correction Officers, too? You know, how far do you want to take it?

P.O. LINDSAY:

Legislator Schneiderman, where are you?

LEG. SCHNEIDERMAN:

I'm here, I'm here.

LEG. LOSQUADRO:

He's limping along.

P.O. LINDSAY:

I see.

LEG. SCHNEIDERMAN:

I'm just still trying to ascertain information from the County Executive, whether there is or is not a CN. It's just not clear at all. Mr. Zwirn?

MR. ZWIRN:

There's no CN coming.

LEG. SCHNEIDERMAN:

Okay.

MR. ZWIRN:

And the issue, pretty much, I think you have all the information that you need to resolve it.

P.O. LINDSAY:

Okay. Just an observation. Gail, note this: That would make the title of a good song, "There's No CN Coming", you know.

LEG. SCHNEIDERMAN:

Christmas is coming, but no CN.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Okay. Okay. I want to get this clear, because I know many of you aren't in Public Safety and we've kind of beat this to death, I think. But you currently have four dogs, they're all narcotics dogs, three Deputy Sheriff dogs are narcotics dogs, and one at Corrections; correct?

CHIEF SHARKEY:

However, one of the three Deputy Sheriff dogs has been retired.

LEG. BROWNING:

Right, right.

CHIEF SHARKEY:

And we are replacing that dog.

LEG. BROWNING:

Right. So you're going to replace that third dog with not a narcotics dog, but a bomb dog. So the question is then you can survive with two Deputy Sheriff dogs, only two narcotics dogs? Because the concern is you had three, now you're going to be down two, you're going to be able to have live without three narcotics dogs?

CHIEF SHARKEY:

We had three full service patrol dogs with the additional ability to detect narcotics. At the end of the day, should this grant be approved, we will have three full service patrol dogs, two with the additional ability to detect narcotics, and one with the additional ability to detect explosives.

LEG. BROWNING:

And the purpose of taking this grant is to save money and not use the asset forfeiture money, right?

CHIEF SHARKEY:

Yes, yes.

LEG. BROWNING:

Because at one point I think I heard a comment about using asset forfeiture money to buy another dog, another narcotics dog.

CHIEF SHARKEY:

That was requested at Public Safety by --

LEG. BROWNING:

Okay.

CHIEF SHARKEY:

-- Legislator Eddington.

LEG. BROWNING:

Okay.

CHIEF SHARKEY:

He felt that he needed that to support accepting the grant. And we stated that if that, in fact, was what this Legislature's will was, in order to accept \$50,000 in Homeland Security money to the County, that we would be willing to do that.

LEG. BROWNING:

You know, and going back again is that the constant concern is the lack of trust that's occurred over the many months with the PBA and what the Sheriffs have been doing, and there's a serious lack of trust. And I don't know. I mean, do you have a standard operating procedure with your narcotics dogs, currently with all of your dogs that you have now, when you have an -- when you have an incident, you have a standard operating procedure for how you do things, and do you have one in place if you do have a narcotics -- sorry, a bomb dog?

CHIEF SHARKEY:

I wouldn't be able to, obviously, quote from the operating procedures, but, yes, there's the operating procedures for our canines, and we would have to develop additional O's and P's to cover an explosives canine.

LEG. BROWNING:

Because your standard operating procedure, you'd mentioned about if you got a bomb threat that you would not go ahead and send your dog in to sniff out and see if there is a bomb that you would -- you would not use that dog, that you would immediately call the Suffolk County Police Department.

CHIEF SHARKEY:

Because, at that point, when you have a threat, the purpose of utilizing the bomb detection dog is to find the device and take action with the device, which requires a bomb technician, which is a service provided by the Suffolk County P.D. So there would be no point in sending a dog in to say, "Oh, I found it," because you can't take any action afterwards.

LEG. BROWNING:

There's a gentleman here from Southampton Police Department, and you had mentioned about Gabreski Airport, and I know that he had mentioned -- Bill, I don't know if you want to have him speak on this, because I know there was some mention about them patrolling Gabreski Airport, and I was wondering why there's a concern by Southampton Police on the use of a bomb dog at Gabreski. Could we have him come up and say something?

UNDER-SHERIFF CARACAPPA:

Just as he's coming up, just know that Southampton calls upon us for our canine services several times a year, most recently, very recently, to track down a violent domestic violence offender. And they called upon us and we responded, and guess what, we found the -- we found the violent offender.

MR. AUBE:

Thank you for finding the person. Pat Aube, Southampton Town PBA. I just want to make something clear to all the Legislators. I came before you once before. Southampton Town patrols Gabreski Airport. The taxpayers on Gabreski Airport, the businesses, pay the Southampton Town Police for police services directly to the Town, and if there is a bomb problem, or a bomb threat, or there's a need, or the service is required at Gabreski Airport for the need for a bomb squad or a bomb dog, then the Police Department will respond, Southampton, and we will contact the Suffolk County Police Department directly. That's how it works for us in Southampton, as in any other facility, such as the County Center that's known in Riverhead, but it's really Riverside, the Criminal Courts Building in Riverhead, which is really Riverside; same thing which we've had in the past, bomb threats or suspicious packages, we call out Suffolk County P.D. to respond to investigate it. That's how it works in Southampton Town. The Gabreski is done by Southampton Town Police, not the Deputy Sheriffs.

P.O. LINDSAY:

Done?

LEG. SCHNEIDERMAN:

Just maybe if the Sheriff's Office can just respond. I just want to make sure that -- because I think

it's been stated, this dog is for the correctional facilities, it's not for Gabreski Airport. Can you just reiterate that just to raise everybody's comfort level, that this dog is not going to be placed at Gabreski Airport?

CHIEF SHARKEY:

Again, as outlined by Pat, none of those procedures were changed. He stated that if they responded to a call of a bomb threat, they would call Suffolk P.D. and they would continue doing the same after this. I did have a discussion with --

LEG. SCHNEIDERMAN:

So the dog would not be used at Gabreski? This dog would be at the correctional facilities, not at Gabreski or BOMARC, or any of the other Sheriff locations?

CHIEF SHARKEY:

I had a discussion with you during the break, reference the limitations placed on the dog, and I said that it would be for screening purposes. And when Gabreski came up, what I assured you is that we, again, would not do anything that would violate the agreement with Suffolk County. If there were a -- if it were completely cleared by the County Attorney and Labor Relations' attorney, etcetera, and there were a reason to have general screening that was not being performed by any other police agency in Suffolk County at Gabreski, I could see no harm in that being covered.

LEG. SCHNEIDERMAN:

Mr. Aube, does that address your concerns in terms of Southampton PBA with Gabreski?

MR. AUBE:

As long as there's a clear understanding that Southampton Town Police handles Gabreski Airport and then our -- we call the Suffolk County Police Department. I mean, in reference to the agreement between the County and Suffolk PBA, that -- you know, that -- if they're implementing the dog at Gabreski, I think that's a problem with the Legislators, but that's between you guys and the Suffolk PBA. But for Southampton Town, we handle the calls and then we notify Suffolk County P.D. based upon the 02 Account, and that's what the taxpayers pay for.

LEG. SCHNEIDERMAN:

When we had the conversation earlier, I was under the belief that there would be some language coming out in a CN that would clarify this. That's clearly not happening now, so this is the best we're going to get is the testimony on the record here. And I think what the Sheriff's Office is saying is that the intention here is to use this dog for the correctional facilities as a screening tool, and I certainly understand that and want to see the Sheriffs have the tools that they need.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. This is an interesting debate. The more I hear, the more confusing it becomes. I have just -- I have three questions. Bill, could you come back up, please, because as I listen to Legislator Browning, I heard conversation about narcotics canine also, narcotics sniffing dogs. Now how would the bomb sniffing dog be different from the narcotics sniffing dog with regards to its function as a screening tool, and in terms of it possibly being violative of the -- of the agreement?

MR. TRICARICO:

Let me -- let me turn that to Fred Sales, who's the Special Patrol Bureau former Trustee.

D.P.O. VILORIA-FISHER:

Okay.

MR. TRICARICO:

He could answer that more proficiently than I could.

D.P.O. VILORIA-FISHER:

Okay.

MR. SALES:

If I understand your question, you're asking the difference between a bomb dog and a narcotic dog?

D.P.O. VILORIA-FISHER:

With regards to the fact that the Sheriff is stating that they use both types of dogs for screening purposes or that -- and that they would use the bomb sniffing dog for the same type of screening; is that correct, am I --

CHIEF SHARKEY:

For two different items.

D.P.O. VILORIA-FISHER:

For two different elements.

CHIEF SHARKEY:

The narcotics dog would be to screen for narcotics and --

D.P.O. VILORIA-FISHER:

Right, right, that's a given, narcotics for narcotics and bombs for bombs. And what I'm asking, how is the function of the bomb sniffing dog so different from the narcotics sniffing dogs for screening that it would -- that it has a greater potential to violate the agreement?

MR. SALES:

I think the short answer to that is that we, as the Suffolk County Police Department and our Canine Unit, have exclusively always had bomb dogs and the Sheriffs have never had bomb dogs. They have for a period of time have had dogs for drug interdiction. As a former Corrections Officer, I understand the need for that to keep illegal drugs out of the facility. However, for the past almost close to 50 years, we have exclusively have had dogs trained in that capacity. So that's -- that is the difference between a bomb dog. I mean, to take it a step further and not to belabor it, we also have a cadaver dog. We have a dog that's capable of finding bodies in building collapses, specifically trained, the Sheriff's Office done have that. So, you know, you could take this to new levels. So I think that's the easiest way I could answer it, that --

D.P.O. VILORIA-FISHER:

So it's more based on history rather than functionality.

MR. SALES:

The entire PERB case that was just wrapped up was based on history.

D.P.O. VILORIA-FISHER:

Okay. Then you've --

MR. SALES:

That's the basis.

D.P.O. VILORIA-FISHER:

Thank you. Joe or Mike, if you were to use -- when I was listening to Legislator Eddington, again, I became more confused. If you were to use the dogs beyond the scope of screening at a correctional facility, would you be violating the criteria of the grant? Because he said that the grant provided for the dog to be used within the parameters of the scope of the department that was using them.

Wasn't that what you said, Jack, something about the grant going -- can't change the function.

UNDER-SHERIFF CARACAPPA:

He said because we don't have that capability now --

D.P.O. VILORIA-FISHER:

Yeah.

UNDER-SHERIFF CARACAPPA:

-- that it would be an instant violation, because we don't have that function to screen for explosives at our facilities. That's I think the point Legislator Eddington made earlier.

D.P.O. VILORIA-FISHER:

Okay. Yeah. I didn't -- I didn't follow that. Okay. The third question that I'm going to ask is that it's my understanding that in Nassau -- that Nassau County Sheriff was going to be a partner in this grant and that they are not -- they are no longer a partner because of their concern with violating an agreement with the PBA in Nassau County? I'm just hearing this third hand and I was wondering if you could comment on that.

CHIEF SHARKEY:

As part of the grant application process, it's very specific, and one of the criteria that was included, grants are graded on a point system, and additional points are granted for agencies that form partnerships with another agency in the project. As part of our grant application, we formed a simple mutual aid agreement with Nassau County Sheriff's Office. Nassau County Sheriff's Office, I don't know, I heard that there was testimony earlier that there's no other explosives dogs in New York State with correction -- placed with correctional facilities. Nassau County Correctional Facility has an explosives dog. We entered into a basic mutual aid agreement with them. It does not obligate us to call them, it does not obligate them to call us. When I had heard that there were concerns being raised with reference to this agreement, I made inquiry to New York State Department of Homeland Security who administers this grant and asked, absent the additional points that we received for this agreement, would we have still received the grant, and our score was high, high enough that even without those extra points for that mutual aid agreement, we'd still received the grant.

D.P.O. VILORIA-FISHER:

Okay. Thank you, Mike.

P.O. LINDSAY:

So does that mean that Nassau isn't part of the agreement now or is still part of the agreement?

CHIEF SHARKEY:

There's been no change, to my knowledge, with our partnership with Nassau.

P.O. LINDSAY:

Okay. So it still is right there.

MR. SALES:

Mr. Lindsay, if I could just speak on that.

P.O. LINDSAY:

Sure.

MR. SALES:

I had a conversation with President Carver of the Nassau County Police, and at the Public Safety meeting I addressed Legislator Eddington. They have what's called the Bayville Agreement in Nassau County, which gives the Nassau County police exclusivity. It was an agreement that was

reached after a storm some years ago. Jimmy Carver, the President of Nassau, advised me that there may be a violation of the Bayville Agreement because of the exclusivity of the work, and that they're waiting because they're in flux now between governments. They're waiting for a letter from the County Executive's Office that may, in fact, make Nassau's participation in this grant null and void. And the way I have -- I have the application in my brief case here. The way that application reads is that in order for the money to be granted, you must have a Memorandum of Agreement with agencies in adjoining areas. So, in absence of Nassau being able to participate because of a violation on their end, it may not -- it may not be able to stand on its own, so that's something that you'll have to contact Nassau government about to see if they're participating, or the Department of Homeland Security.

P.O. LINDSAY:

Yes, Mike.

CHIEF SHARKEY:

Just to reply to that, I know that Mr. Sales has a copy of our grant application, because the Suffolk PBA FOI'd our application. And, as I stated, even if the agreement were removed, I spoke directly to New York State Department of Homeland Security and they said that we would still qualify based on our score without the extra points for that one.

P.O. LINDSAY:

Okay. Everybody have their fill about the dogs? We have before us a motion to table and a second, and a motion to approve.

LEG. SCHNEIDERMAN:

I'm going to withdraw my tabling motion.

P.O. LINDSAY:

You're going to withdraw your tabling motion, okay. So all we have before us is an approval motion.

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Okay. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. BARRAGA:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

(Not Present)

LEG. NOWICK:

I make a motion to table. Can I do that?

UNDER-SHERIFF CARACAPPA:

Just so you know, tabling is a no vote.

LEG. KENNEDY:

I'll second the motion to table.

P.O. LINDSAY:

Okay. We have a motion to table by Legislator Nowick and a --

UNDER-SHERIFF CARACAPPA:

Just so you know, I'll say it one last time, a tabling is a --

P.O. LINDSAY:

They know that.

UNDER-SHERIFF CARACAPPA:

-- is a killing of the bill. Okay?

P.O. LINDSAY:

And then a -- and Legislator Kennedy seconded that.

UNDER-SHERIFF CARACAPPA:

Our CO's appreciate it.

P.O. LINDSAY:

Okay. Let's start the roll over. We have a motion to table and a second.

(Roll Call Continued by Mr. Laube, Clerk)

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

Yes to table.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Pass.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

I was kind of waiting for Rick to say something.

*(*Laughter*)*

LEG. MONTANO:

Yes.

LEG. ALDEN:

Yes to table.

LEG. MONTANO:

Yes.

LEG. SCHNEIDERMAN:

Abstain.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. *2055 - Accepting the donation of 50th Anniversary commemorative license plates from the Suffolk County Police Historical Society for display on the Suffolk County Police Department's vehicles in 2010 (Co. Exec.).*

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Losquadro. Is there any discussion?

LEG. LOSQUADRO:

Thank God, no.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2069 - Approving the reappointment of David Carrigan as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec.).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2103 - Accepting and appropriating 75% Federal pass-through grant funds from the NYS Office of Homeland Security in the amount of \$150,000 for the "FY2009 Interoperable Emergency Communications Grant Program" (IECGP) administered by the Suffolk County Department of Fire, Rescue and Emergency Services (Co. Exec.).

LEG. EDDINGTON:

Motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *2111 - Extending the date upon which the Task Force of Hate Crimes in Suffolk County submits its written report (Gregory).*

LEG. GREGORY:

Motion.

P.O. LINDSAY:

Motion by Legislator Gregory. Do we have a second?

LEG. D'AMARO:

Second.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

PUBLIC WORKS & TRANSPORTATION

P.O. LINDSAY:

2070 - Authorizing the transfer of surplus County computer systems and hardware to the Long Island Latino Teachers Association, Inc. (Montano).

LEG. MONTANO:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2071 - Authorizing transfer of surplus County computer systems and hardware to the North Fork Women's Resource Center (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2072 - Authorizing transfer of surplus County computer systems and hardware to the Long Island ACT'SO Islip Branch (Montano).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2073 - Authorizing transfer of surplus County computer systems and hardware to the Senior Citizens Aid Association, Incorporated (Beedenbender).

LEG. BEEDENBENDER:

Motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2074 - Authorizing transfer of surplus County computer systems and hardware to the Guardian Angels of Children, Incorporated (Beedenbender).

LEG. LOSQUADRO:

Same motion.

P.O. LINDSAY:

Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Is that what that means?

LEG. LOSQUADRO:

Yes.

P.O. LINDSAY:

Okay. *2083 - Authorizing transfer of surplus County computer systems and hardware to Little Scholars Day Care (Stern)*. Motion by Legislator Stern.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2085 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the construction of sidewalks on various County roads (Lindsay). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, *2085A*, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

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. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The second bond, *2085B*, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

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. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2086 - Authorizing transfer of surplus County computer systems and hardware to Long Island Child and Family Development Services, Incorporated (Cooper). Motion by Legislator Cooper. Do I have -- I'll second it. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2091 - Appropriating funds in connection with energy conservation and safety improvements to the H. Lee Dennison Building (CP 1659) (Co. Exec.).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

LEG. ALDEN:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, **2091A**, same motion, same second, same vote. Roll call.

(Roll Called by Mr. Laube, Clerk)

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:

Sixteen.

P.O. LINDSAY:

2096 - Amending the 2009 Capital Budget and Program and transferring Holding Account Funds to the Capital Fund and appropriating these funds in connection with rehabilitation of various bridges and embankments (CP 5850) (Co. Exec.).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2099 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Town of Babylon landfill (BA-1477) (Co. Exec.).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2100 - Authorizing the execution of an agreement by the Administrative Head of the Suffolk County Sewer District No. 3 - Southwest for additional capacity for Rubies Office Building (HU-1497). (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:

Eighteen.

P.O. LINDSAY:

2101 -- you called it? I'm sorry, you called it, right?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2101 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 - Twelve Pines with the owner of Springhill Suites at Bellport (BR-1608) (Co. Exec.). Bellport. Bellport?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2102 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the Town of Babylon - Wyandanch Commercial Corridor. (BA-1477.1) (Co. Exec.).

LEG. GREGORY:

Motion, Mr. Chair.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion by Legislator Gregory, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2107 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 5 - Strathmore at Huntington (CP 8115) (Co. Exec.).

LEG. D'AMARO:

Tim, Cosponsor (2102).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

The accompanying bonding resolution, **2107A**, same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

2119 - Amending the 2009 Adopted Operating Budget and the 2009 Capital Budget and Program and accepting and appropriating funds in connection with the purchase of sewer billing software and hardware (CP 8182) (Co. Exec.).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in -- on the motion, Legislator Alden.

LEG. ALDEN:

This is the Operating Budget for the sewer districts, right, not General?

MS. VIZZINI:

It's --

LEG. ALDEN:

Thank you.

MS. VIZZINI:

It's cash from Southwest to purchase the billing software.

LEG. ALDEN:

Okay.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2120 - Authorizing the County Executive to enter into an agreement with the Town of Brookhaven and amending the 2009 Capital Budget and Program and accepting and appropriating Federal Aid in connection with a study for a Downtown Transit Oriented Development Revitalization Study in the Community of Ronkonkoma (CP 5655) (Co. Exec.).

LEG. KENNEDY:

I'll make a motion, Mr. Chair.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy. Who was the second? Second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2121 - Authorizing transfer of surplus County computer systems and hardware to RSVP.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2124 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the improvements to CR80, Montauk Highway, between NYS 112 and CR 101, Town of Brookhaven (CP 5534) (Co. Exec.).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Legislator Eddington, you want to make the motion?

LEG. EDDINGTON:

Motion.

LEG. LOSQUADRO:

Second.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Abstain.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, **2124A**, roll call. Same motion, same second. Roll call.

(Roll Called by Mr. Laube, Clerk)

LEG. EDDINGTON:

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. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

2130 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the owner of the Selden Commercial Center (BR-1616) (Co. Exec.).

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender. Do I have a second?

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2131 - Authorizing the execution of agreement by the Administrative Head of the Suffolk County Sewer District No. 1 - Port Jefferson with the owner of Highlands HOA Office (BR-0755.1) (Co. Exec.). Port Jefferson.

D.P.O. VILORIA-FISHER:

Yes, motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2136 - Appropriating funds in connection with the renovations of Building 50, North County Complex in Hauppauge (CP 1765) (Co. Exec.).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Isn't that -- is that where your office is, Legislator Kennedy?

LEG. KENNEDY:

It's all over here in the County complex.

P.O. LINDSAY:

Oh. It says Building 50, no? Isn't Building 50 --

LEG. KENNEDY:

You saw the Kennedy North Complex.

LEG. NOWICK:

Don't you see him running over?

P.O. LINDSAY:

Yeah.

LEG. ALDEN:

That was a good sign location, I'll tell you.

P.O. LINDSAY:

That building's been in disrepair for 40 years.

LEG. BEEDENBENDER:

Legislator Kennedy's office is in a different time zone.

P.O. LINDSAY:

And Legislator Kennedy moves in there, all of sudden we're renovating it.

LEG. NOWICK:

So is Legislator Kennedy.

LEG. KENNEDY:

No truer words have been said. Thank you. From Smithtown, I want you to note that. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

I didn't catch the second.

P.O. LINDSAY:

Okay. Who seconded?

MR. LAUBE:

I had Legislator Kennedy as the motion.

P.O. LINDSAY:

Who seconded?

LEG. ALDEN:

It dies for a lack of a second.

*(*Laughter*)*

LEG. LOSQUADRO:

Me.

P.O. LINDSAY:

Legislator Losquadro, did you second it?

LEG. LOSQUADRO:

Yeah.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ALDEN:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

The accompanying bond resolution, same motion, same second. Roll call, **2136A**.

(Roll Called by Mr. Laube, Clerk)

LEG. KENNEDY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

I.R. 2140 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 - Southwest with the owner of 110 Sand Company (HU-1040) (Co. Exec.). Do I have a motion?

LEG. BEEDENBENDER:

Motion.

P.O. LINDSAY:

Motion by Legislator Beedenbender.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

These guys came before us a number of years ago. This is the 110 Sand Company. What's the deal here? What's the connection fee and how much gallonage?

LEG. ROMAINE:

Thirty dollars.

LEG. ALDEN:

And I'll tell you why I'm -- I'll tell you why I'm bringing it up. There's a limited amount of gallonage right now that Southwest can handle. This is an existing business, it's not a new business, not where we're building an office and bringing in a couple of hundred new people that would work in Suffolk County or creating jobs or creating any kind of economic activity, this is an existing business, so that's why I asked the question.

MR. ANDERSON:

Okay. It is \$30 per gallon.

LEG. ALDEN:

That's good.

MR. ANDERSON:

And the -- it is an existing business. They take in construction debris. This is to treat their leachate, or this is after the leachate is treated to get rid of the effluent from that process.

LEG. ALDEN:

How bad is this stuff?

MR. ANDERSON:

After it's treated, it's, you know, further treated by us. I mean, it's not leachate anymore directly from the landfill, but --

LEG. ALDEN:

We don't have to do anything special to this, it just -- it could pretty much be discharged with the rest of the waste?

MR. ANDERSON:

It goes through the process, yes.

LEG. ALDEN:

All right. Did we grant them some kind of hookup a few years ago?

MR. ANDERSON:

We'd actually --

LEG. ALDEN:

They were already partially hooked up, right?

MR. ANDERSON:

Yeah, they've been hooked up to us for a while. They have room for expansion, and they have applied to the Sewer Agency because they feel that they're going to need to -- you know, because of the construction industry, they feel that there's going to be a need to expand another cell and that's why they applied to us and we granted it to them.

LEG. ALDEN:

This is a precious resource that we have that we could actually grant to some other company that was coming in that was creating jobs to allow them to hook up to the sewer district. I mean, it's your call, you want to hook them up, that's fine, but this doesn't create any new jobs, doesn't create any economic activity, and actually now it's going to use up -- how many gallons, Gil, 30 --

MR. ANDERSON:

It's 40,000 gallons per day.

LEG. ALDEN:

Another 40,000 gallons per day. Thank you.

P.O. LINDSAY:

Legislator Beedenbender.

*(*The following was taken by Alison Mahoney - Court Reporter & transcribed by Denise Weaver - Legislative Aide*)*

Gil, if I remember correctly from the Sewer District meeting, I believe this company came and said -- this also had something to do with the rain and the runoff resulting from the rain.

COMMISSIONER ANDERSON:

Correct.

LEG. BEEDENBENDER:

The previous studies that I guess many landfills had gone off predicted that the water would drop off by a certain amount. And all the landfills, I guess this one and many others, are finding out that it doesn't drop off quite as fast, and then the rain filtering through the new cells has just -- and I guess if they went over whatever that limit is with the rain, they would be in violation of DEC and a whole bunch of other things. So if I remember, at the Sewer Agency we granted them this to give them a buffer in case of a heavy rainfall and to deal with the fact that the leachate hasn't dropped off the way they expected. So this was an environmental concern, wasn't it.

COMMISSIONER ANDERSON:

Absolutely.

LEG. BEEDENBENDER:

Okay.

P.O. LINDSAY:

Legislator Alden again.

LEG. ALDEN:

Gil, Southwest, how much reserve capacity do we have now; infinite or is it a finite amount?

COMMISSIONER ANDERSON:

No, it's a finite amount, without any question.

LEG. ALDEN:

And if the project goes in Brentwood, do we have any capacity?

COMMISSIONER ANDERSON:

We are in the process of expanding the plant next year, another ten million gallons per day. So, yeah, there is -- you know, there is capacity right now. You know, again, theoretically, depending on what was needed, you know, we think we have -- we could tap into the 5% of a buffer that we have in -- at Bergen Point, you know, that's mandated by DEC because we're in the process of expanding. So there is capacity. This is a needed -- this is a needed process. I mean, this impacts construction, all the construction debris that comes in there. You know, it certainly impacts the industry that -- and, you know, the work that's coming out.

LEG. ALDEN:

Who coordinates with the Planning Department? Because we should have an overall economic plan for Suffolk County to try to encourage certain types of businesses to locate you. Is it your job to coordinate with them? Because sewers are a very important part of that; actually, I think they're the key part of the survivability of Suffolk County.

COMMISSIONER ANDERSON:

Correct, and that's why there's, you know, an RFP being issued for the Countywide study of the sewers right now. So, I mean, I don't know that there's any coordination going on with Planning because Planning -- that type of economic development is not only -- you know, we do work closely with Economic Development, we do work with Planning.

Most of the applications that come in are, you know, based on town applications, local applications.

LEG. ALDEN:

Thanks, Gil.

P.O. LINDSAY:

Okay. Anybody else? No. We have a motion and a second.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2141-09 - A Resolution making certain Findings and Determinations in relation to the increase and improvement of facilities for Sewer District No. 7 - Medford (CP 8129)(County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington, second by Legislator Browning.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2142-09 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 7 – Medford (CP 8129) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Browning.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, 2142A, same motion, same second; roll call.

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

LEG. EDDINGTON:

Yes.

MR. LAUBE:

Legislator Browning?

LEG. BROWNING:

Sorry, 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. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yep.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2143-09 - Approving certain maps and authorizing the acquisition of certain lands together with certain portions of the Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for the reconstruction of C.R. 3, Pinelawn Road/Wellwood Avenue at Colonial Springs Road, Towns of Babylon and Huntington, Suffolk County, New York and authorizing planning steps for the voluntary acquisition of land in connection with the acquisition of properties for the reconstruction of C.R. 3, Pinelawn Road/Wellwood Avenue at Colonial Springs Road, Towns of Babylon and Huntington, Suffolk County, New York (CP 5510) (County Executive).

LEG. STERN:

Motion.

LEG. LOSQUADRO:

Read that one more time, Bill.

P.O. LINDSAY:

Motion. Motion by Legislator Stern, second by Legislator D'Amaro. Did I see your hand go up, Legislator D'Amaro?

LEG. D'AMARO:

Yeah, that's fine.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Viloría-Fisher).

2033-09 - Adopting Local Law No. 2009, A Local Law to extend the right of first refusal to homeowners of planned retirement communities. (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Losquadro. Let me just ask a question. Didn't we approve this a couple of times before, something similar to this? Give me an update, Ed.

LEG. ROMAINE:

No, we've never done anything like this.

P.O. LINDSAY:

Okay. We never did a first refusal law?

LEG. ROMAINE:

No, no. No, we did not. The Legislature that I was part of in the 80's did a first refusal law for mobile homes, but we did not have the authority. And eventually the State took that challenge up and recently --

P.O. LINDSAY:

Passed something.

LEG. ROMAINE:

-- passed for mobile homes.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Greenwood Village is just like a mobile home park, except they're not mobile homes. They're module or stick-built homes, but they don't own the land and they have to pay a rent. And therefore change of ownership, all this would do is say to the owner you have an obligation to contact the homeowner's association, which they have one, and offer them an opportunity to meet that bid so that they would have the opportunity to purchase this. And you would say, well, how could they purchase this? Well, apparently there is State funding that would provide low cost loans to organizations like this to allow them to purchase the park, if you wish, and all this does is extend that benefit.

We could certainly attempt to do this on a State level, but we are not precluded from doing this on a County level because this is not a mobile home park. It comes pretty close to that except these are stick-built homes that are a few feet apart from one another in Greenwood Village.

P.O. LINDSAY:

Thank you very much, Legislator Romaine, for that explanation.

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

MR. LAUBE:

Seventeen (Not Present: Legislator Viloría-Fisher).

LEG. SCHNEIDERMAN:

Tim, cosponsor.

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).

LEG. BROWNING:

Motion to table.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Okay. I'm going to make a motion to waive the rules and table 1922 until the first business meeting of 2010.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Okay. And just an explanation of why I want to do that is I want to -- I don't want to go through the public hearings again.

LEG. NOWICK:

Yeah, good idea, Bill.

P.O. LINDSAY:

And I would like to see where this whole thing goes with the positive dec stuff and what's going to happen there. Legislator Losquadro.

Fist of all, we have a motion to table by Legislator Browning and a second by Legislator Viloría-Fisher, and then I made a similar tabling motion but to table it for a time specific by waiving the rules.

D.P.O. VILORIA-FISHER:

Well, I'm going to withdraw my tabling.

P.O. LINDSAY:

Okay. And I have a second by Legislator D'Amaro. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I will second Legislator Browning's motion to table. Despite even my fondness for the idea of not having to go through the public hearing, I believe that the positive declaration that was reached, number one, is the right decision and, number two, is going to take quite some time to work itself out.

So I think that tabling this to a date specific for the beginning of next year is just going to see us tabling this for multiple meetings and have it on our agenda in front of us. Whether we have people speaking to us during the public portion or at a public hearing I think is really irrelevant. The interest in this is not going to wane and I don't think it's necessary to move this to a date specific. I think we would be better off having this reintroduced because I think we're going to have the same response no matter what, whether it be in the morning or at 2:30 in the afternoon.

P.O. LINDSAY:

Okay. Anybody else? Okay, Kate.

LEG. BROWNING:

I agree, but I also feel, too, that, you know, there could be some dramatic changes in this -- are needed in this bill which would require a whole new public hearing, I think, after SEQRA is done. So I don't think we should carry it over to next year. I think it should be reopened again and when SEQRA is done then we should readdress it.

LEG. MONTANO:

What rule are we waving?

P.O. LINDSAY:

Well, at the end of the year, if a bill is tabled it dies.

LEG. MONTANO:

Right.

P.O. LINDSAY:

So that's our own rules. And what I made a motion is to waive our own rules and to have this one bill extended over until the following calendar year.

LEG. MONTANO:

Yeah, but which rule is that, I'm asking Counsel. I'm just curious. I have the rules in front of me. Seven what?

MR. NOLAN:

B.

LEG. NOWICK:

Bill, just a question on the rules. Bill, if it goes over to the --

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Yeah, if it goes over to the first meeting of the calendar year and is tabled then, can it still stay in effect or does it go away after that first meeting? Can you start to table again just as though it was --

D.P.O. VILORIA-FISHER:

Yes.

LEG. NOWICK:

You can. So it wouldn't make a difference, then, you could table it again if you had to.

P.O. LINDSAY:

You know, I think probably what will happen is like Legislator Browning and Losquadro talked about, this could be a very long process and it probably could be a year or more away. But I just wanted to hold our options open. If we tabled it to the first meeting in the year, what do the rules say, six months and then it dies? We can only table it for six months in the new year, but it would just, I don't know, give us an option that we wouldn't have to go through the whole hearing process again if something, you know, progressed that they could do this whole study within the six months, you know.

D.P.O. VILORIA-FISHER:

Mr. Chair, I think when it's before the General Meeting it doesn't die in six months.

MR. NOLAN:

If it's tabled subject to call for six months it will die on the floor, otherwise it stays alive.

D.P.O. VILORIA-FISHER:

If it's tabled subject to call.

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

But if it's just a regular table --

MR. NOLAN:

Just regular table --

D.P.O. VILORIA-FISHER:

-- it could keep going.

MR. NOLAN:

Right.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Correct.

LEG. NOWICK:

No, no. I think that we would all like to hear the public hearings again.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

Yes. I'm sure this issue is not going to go away. The County Executive has shown great determination in bringing this forward.

We should table this for one simple reason; CEO has voted unanimously to do an Environmental Impact Statement according to SEQRA. That alone has to take several months because if this is not done properly and -- you know, if I'm the Town of Brookhaven, I'm not joining the County in this, I'm going to leave the County out there themselves. It's going to take several months. They're going to have to be very careful because there'll be all types of questions raised about this impact statement. We're going to be tabling this for six months.

I think the best thing to do is just table it and let our determined County Executive bring this back when it is ready to be brought back before us. This won't be ready for us to even vote on for the next six months, regardless of which side you fall on this, and I have a definite opinion about Yaphank, but that's not -- that's not the key point here. The key point is how are we going to handle this as a Legislature? We should table this. When the Executive feels the time is right, he will bring this back. And let me tell you, if he's really determined, he'll start making compromises and we will get a different bill. He will try to pick off people in opposition to turn them around and support it and to do that he's going to have to change the way this legislation is drafted now, I suspect, from the opposition I heard.

And I think as far as public hearings are concerned, forget public hearings, the noise will start at

9:30 instead of 2:30 because there will be public portion. And as long as this issue is being tabled by us, there'll be a fear that we may move and vote on it even without an EIS and there'll be people here at every meeting. They are determined as well as the County Executive and we're going to hear from them in any event. If we table it, we allow the County Executive the discretion of when he wants to bring this back. I mean, that's just my view, I could be wrong. Mr. Zwirn may say that the Executive wants it tabled to a date specific, but I would think if I was Executive, I would want it tabled until I could bring forward the resolution at a timing of my choice.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I have a couple of procedural questions for Counsel. CEQ, I think very wisely, came to a positive declaration on this. But the CEQ determination, as far as I recall, is advisory, that is not binding. That's up to us to go ahead and accept their recommendation; isn't that correct, George?

MR. NOLAN:

Correct.

LEG. KENNEDY:

Okay. So at this point, then, there's really no clear definition about doing an environmental impact statement yet at all until we were to take such action, if we chose to take any action.

MR. NOLAN:

There will probably have to be a separate resolution next year saying there's a positive declaration, go and do an environmental impact statement.

LEG. KENNEDY:

So now are you -- are we talking about -- the resolution as it sits right now, in essence, would have to be severed or bifurcated.

MR. NOLAN:

Well, we can't act on this resolution until we have a SEQRA determination. So that we can't act on it, we could not pass this bill today because it doesn't even have a SEQRA determination in it.

LEG. KENNEDY:

But we also -- we will never be able to pass 1922 in its current fashion because it compels us to do a surplus declaration and to go ahead and adopt the pos dec recommendation. This thing is fatally flawed.

LEG. ROMAINE:

It is.

LEG. KENNEDY:

It's never going to pass muster.

MR. NOLAN:

It's not going to pass muster until such time as SEQRA is done.

LEG. KENNEDY:

And it's not going to go ahead and be approved where we accept the CEQ recommendation until such time as it's severed from a surplus declaration. Now, the CEQ recommendation would compel about a million dollar expenditure before we'd even decide whether or not we wanted to go ahead and declare it surplus. So I say that the thing is flawed on its face.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:

If Legislator Romaine means to table it now, not to a date specific and waive the rules, I wholeheartedly agree with you. You can't run away from the fact that next year, no matter what you do with this, you're going to have the public coming before you.

There's still the argument as far as -- as far as I can see of open space. Why are we spending so much money for open space? And in this instance we've got 255 acres of open space that we're unloading. That's still out there to be decided. The wisdom of putting 1,000 affordable houses, which actually I'm not so sure they're affordable, but to put a thousand so-called affordable houses in an area where we're not really creating the jobs, these people are going to have to drive to other areas of Suffolk County to actually -- to get jobs. Because as we heard from our Economic Development, what they look for is that local type of development, maybe even the downtowns putting apartments above offices and creating some downtown economic development, some new businesses that would sit actually on sewers.

I think that all those issues -- and you can't really run away from that. It would be better off -- you know, an honest vote here would just be to kill it. And I really don't like the idea of all year long we heard, "You can't waive the rules. You can't waive the rules. You can't waive the rules," yet at every meeting we waive the rules and lay things on the table. But this is a big rule, everything dies in election year. And I think, that, you know, the tradition of this body, at least since I've been here, we've never done that; we've never waived a rule and allowed anything, whether it be a member's resolution to transfer over or to allow a County Executive's resolution to transfer over. I can't remember one when we did it. So I think we'd be better off to just dec'd action on this, leave it in 2009 and then pick it up anew in 2010.

P.O. LINDSAY:
Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Although your argument that we could avoid public hearing tempted me and led me to withdraw my seconding to table, as I listened to Legislator Browning, a very compelling point that she made is that this would probably undergo great changes and would likely result in having to reopen the public hearing in any case. So it would probably be best for us not to have it sitting on our agenda month after month after month, but rather to go through SEQRA. And I did attend a CEQ meeting, the questions were very pointed, the answers were very weak and the pos dec was certainly called for on the part of CEQ. Legislator Schneiderman was also there and it was just very clear that it needed to be pos dec'd. And so we shouldn't waive the rules, we should go ahead with the tabling or defeating of it, get it off of our agenda, get it off the calendar until such time that we're ready to revisit it.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:

I would agree with some of my colleagues that this should be finalized today. I don't know how you bind a future Legislature for the actions we dec'd, in essence we are a dying Legislature by the end of the month, by tabling it. I mean, I would like to avoid public hearings. I mean, the resolution would have to be reintroduced fresh, you'd have to go through the public process again if you choose to reintroduce it. Maybe you might want to wait and see what CEQ does. I hear it might take nine, 12, 15 months. But I don't see how you bind a future Legislature by the action of a tabling motion and taking it up again. There are members in January who will not be here. There will be brand new members here, it's a brand new Legislature. This resolution should be reintroduced fresh and new, if it's reintroduced at all during that time period.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:

I just wanted to comment on some of the -- some of what I just heard. It's true it might be changed, it's true there might be a CEQ; things might be different in January, we might have to have public hearings again. But here's the thing, if we do put it over till the first meeting, what's the downside? It's there, if we don't want -- if we can't use it, if we have to open up new public hearings, we open up new public hearings. But once we -- if we table it now and it's off the table, it's done. So what's the downside of just putting it over and if we have to change, we change then.

LEG. ALDEN:

Why wasn't my milk bill tabled until then?

P.O. LINDSAY:

I'm going to make a motion to table your milk bill.

LEG. ALDEN:

Waive the rules.

P.O. LINDSAY:

And we have done this before.

LEG. ALDEN:

We have?

P.O. LINDSAY:

Yes. Yes, we have.

LEG. NOWICK:

Yeah, we have done it.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Just a couple of quick points. First of all, I don't -- I hear what Legislator Barraga's saying, but I don't think you're binding a Legislature, you're just simply putting it on the agenda for next year, that still needs to be voted on.

My question is to Counsel. If this bill dies at the end of this year, does that void the CEQ review and recommendation and can the CEQ process go forward without a bill pending?

LEG. NOWICK:

Very good question.

MR. NOLAN:

Well, actually I would -- that was -- that, frankly, is an argument that the County Attorney's Office is making, and I think that is one of the reasons the Presiding Officer made that -- made the motion he did. I think that maybe is a question we should put to the County Attorney so he can elaborate on that theory.

MR. BROWN:

Sure. The bill went to CEQ for review and CEQ, when they act, they are reviewing an action, and in this case the initiating unit is the Planning Department and the action that they were reviewing is

this IR; IR 1922. And in fact, the recommendations that will ultimately be made to the Legislature will say that they are acting upon IR 1922.

So if this bill does, in fact, terminate on December 31st, it's our view that the action of CEQ -- that CEQ will also be divested of authority to act since there won't be any action pending at the time. So I can't predict what would happen, but I would say that then the bill would be refiled and we'd file a new EAF with CEQ and start the application all over. Whereas if the bill were to survive post December 31st, there would be a continuum of the review by the Legislature and by CEQ.

LEG. MONTANO:

Bill, I have a question.

LEG. D'AMARO:

All right. So it just seems to me that that would -- it would be almost a waste of resources if we had to refile, go back to CEQ, get another determination for a pos dec and then we're right back where we could be today anyway. I don't see the point to that.

LEG. NOWICK:

Hours of wasted time.

LEG. D'AMARO:

Yeah, thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. This is actually directed towards Counsel, just to follow up on Legislator Kennedy's question or contention that this is legislation that is, I guess, by definition fatally flawed.

My question for you, George, is, I mean, I understand that there are elements that prohibit us from passing this bill, but, I mean, when there is a determination, when it goes on for further review; I mean, these are elements and requirements that are then met. And if this particular bill passed muster with the majority of this Legislature, could this not then be acted on when all of those elements are then fulfilled at a later date?

MR. NOLAN:

At the point where SEQRA is complete, because now there's a positive declaration. There's going to be an environmental impact statement. Whenever an environmental statement is done, at that point, theoretically, we could act on this particular resolution.

LEG. STERN:

So it's not necessarily fatally flawed the way it reads right now. And I understand that there might be changes later on, that that might open up public hearings, that they might be substantial enough, I understand that and we'll see where it takes us. But I think that the last point that was made is a critical one, that CEQ has made its determination, let CEQ do its work. I know we'd all be interested to see what they come back with.

MR. NOLAN:

The practical effect of tabling it over till next year may be just to allow the environment process to move forward in an orderly way.

LEG. STERN:

Exactly.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Dennis, I just had a couple of quick questions. While I guess it's convenient to hold this over till next year and they say it's been done before, I thought there was a rule that one Legislature could not bind another Legislature, a future Legislature, when it pertained to a governmental function as opposed to a proprietary function. Are you familiar with that rule?

MR. BROWN:

Yes.

LEG. MONTANO:

And how would you classify this particular bill; proprietary or governmental?

MR. BROWN:

I would say proprietary. But the action that's asked -- that's being asked to be taken right now, as Legislator D'Amaro has pointed out, is not -- is not a final action, a final determination that's being made by the body or being placed into effect by the County Executive upon his approval or disapproval of a legislation. This is really just tabling something for further consideration at a future date. But I do think that this is proprietary.

LEG. MONTANO:

You think this is proprietary?

MR. BROWN:

Yes.

LEG. MONTANO:

Okay. The process for passing a bill is that it go through the public hearing process.

MR. BROWN:

Say that again? I'm sorry.

LEG. MONTANO:

The process for the bill being passed is that it go through the public hearing stage.

MR. BROWN:

Correct.

LEG. MONTANO:

All right. Yet we're tabling this for consideration for a new Legislative body with new members of the Legislature that haven't been part of the public hearing process. Would that affect in any way or could that affect in any way the ultimate passage of this bill? I mean, it seems to me that if the process is that it go through a public hearing of the Legislature and this Legislature ceases to exist as of December 31st when we have a new one, then those new members that are coming on board certainly should be privy to whatever goes on in a public hearing.

MR. BROWN:

I don't --

LEG. MONTANO:

What's your opinion on that?

MR. BROWN:

I don't -- yeah, I don't disagree with you. There will be new members over the next two years and there will be ongoing proceedings. What they had not been privy to is only the two public hearings

that have occurred to date.

LEG. MONTANO:

All right. Now, if this were -- if your assessment were inaccurate and this were actually a governmental function as opposed to a proprietary, would you then agree that we could -- would you still agree that we could table this and waive the rules and just put it on the calendar for next year, or does it turn on the question of whether it's governmental or proprietary?

MR. BROWN:

Well, there are two things really that are -- there are two issues, I think, in your point. One is whether 1922 is proprietary or governmental; I do think that it is proprietary, but that's really not being considered by the Legislature at this point. What's being considered by the Legislature is really process as to its own rules.

So I don't think that a determination today about tabling this to 2010 would be unlawfully binding upon Legislators that will take the oath of office after January 1st.

LEG. MONTANO:

So you're saying then it doesn't matter whether it's governmental or proprietary, that should not factor in that it can be done.

MR. BROWN:

As to the --

LEG. MONTANO:

It doesn't turn --

MR. BROWN:

As to the motion to table it to 2010, that's correct.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Mr. Brown, I have a question about an earlier discussion that we had --

MR. BROWN:

Sure.

D.P.O. VILORIA-FISHER:

-- regarding CEQ's SEQRA determination.

MR. BROWN:

Sure.

D.P.O. VILORIA-FISHER:

And your representation that the process was flawed and is flawed, and that your inclination is to send it back to CEQ for reconsideration in order to determine lead agency status.

MR. BROWN:

That would be correct. Because before a positive declaration can be made, there has to be a determination of significance. But even before there's a determination of significance, a lead agency must be chosen. And what was -- what transpired at CEQ was that there was a full, a long form, environmental assessment form that was filed with CEQ, but the goal in that case was to receive a

negative declaration, but that was not the recommendation of CEQ, as you know.

So we believe, after a lot of research and consultation, that the proper procedure of CEQ would have been to table what was before it then and refer back to Planning for an amendment of Part I of the EAF requiring notification to all of the involved agencies, that would be those agencies that would be in a position to issue a permit or approval, and do a solicitation as to lead agency status. And if there was no response or no contention, no contest about lead agency status, then the County would be the lead agency. And then it would be proper for CEQ to make its determination of significance, do its recommendations to the Legislature and then for the Legislature to vote determining that the County would be lead agency and direct an environmental impact statement.

D.P.O. VILORIA-FISHER:

Okay, just stop for a minute. So logically, based on what you're saying now, it really would not be helpful to keep this piece of legislation in its current form because you're saying that what it contains really didn't provide a basis for a SEQRA determination.

So wouldn't it, therefore, be best for us to go ahead with a tabling so that a new piece of legislation is introduced in 2010 that has all of the criteria that you're saying, that has a determination of lead agency, that has all of the criteria that you're talking about? And then CEQ can act all over again based -- in a manner that you would find consistent with what you -- how you interpret SEQRA law.

MR. BROWN:

No, actually I would disagree with you, most respectfully. First is that we have an existing legislation -- a proposed legislation --

D.P.O. VILORIA-FISHER:

No, hold it, before you go to that.

MR. BROWN:

Yes.

D.P.O. VILORIA-FISHER:

Because I don't understand the basis of your disagreement, because you're contending that you're not accepting CEQ's pos dec.

MR. BROWN:

No, that's not true.

D.P.O. VILORIA-FISHER:

Well, you said to me that you were sending it back because procedurally they could not give us a pos dec because we were not lead agency.

MR. BROWN:

Not because of the ultimate determination, but because of the process in coming to that determination was flawed.

D.P.O. VILORIA-FISHER:

Okay, but I don't want to parse.

MR. BROWN:

But that's critical. No, actually it's not --

D.P.O. VILORIA-FISHER:

But you want to send it back to CEQ.

MR. BROWN:

Could you please let me explain? Because that's critical, it's not parsing. Because we could introduce a resolution, a SEQRA determination resolution, finding that the County is the lead agency. We could go through the whole EIS process and when we get to the final EIS and ultimately CEQ's approval, and even let's say this Legislature's approval of it, then it could be attacked in litigation at that time. And substantively, the EIS might be correct, but it could be attacked on the procedural ground. And since the SEQRA regulations must be followed literally, we could find ourselves in the position of a year or a year-and-a-half from now facing litigation and losing that litigation on the basis of a procedural defect that occurred a week or two ago at CEQ.

So the reason -- so that's actually the reason for my disagreement with you, is that we have a process that the CEQ has taken action based on the existing resolution, but that -- but that the defect in the process is just on how it came to that determination. So keeping the resolution alive allows us to go back to CEQ to correct that process and then proceed with the full environmental impact statement.

D.P.O. VILORIA-FISHER:

Okay. But how do you correct that process? How can you correct that process if you're stating that the action upon which they were determining SEQRA did not contain the information that they needed which is, you know --

MR. BROWN:

No, it's not that it didn't contain the information that was needed, it's that CEQ did not direct that lead agency status be sought. The information was there. In fact, CEQ made the determination of significance on the basis of the information that was there.

The negative declaration was not given because CEQ had felt that the information was not adequate to give a negative declaration. But it's only in reaching that determination of significance where there's a gap or a step is missing.

D.P.O. VILORIA-FISHER:

Okay. So walk me through how you would rectify that, based on keeping the existing documents in place, bringing -- carrying it over to 2010. How do we rectify the process?

MR. BROWN:

Sure. Chapter 279 requires that CEQ give a recommendation to the Legislature, the Presiding -- I'm sorry, the County Executive and initiating unit after it has completed its review.

In this particular case, it would -- it could be that the County Executive or the Presiding Officer or the initiating unit could present the record back to CEQ, the flaw in the record and asking that CEQ redirect the initiating unit, which is what it was supposed to do in the first place, redirect the initiating unit to do a solicitation to the Town of Brookhaven and any other agency that might be an involved agency -- that might be a lead agency and ask whether it -- and ask its position on lead agency, and then that agency would have 30 days to respond.

D.P.O. VILORIA-FISHER:

Okay. And if there is no response?

MR. BROWN:

The County will be the lead agency.

D.P.O. VILORIA-FISHER:

And what form will that take?

MR. BROWN:

I don't understand your question. There would -- the County would --

D.P.O. VILORIA-FISHER:

Well, how would you declare lead agency; a resolution?

MR. BROWN:

Yes, we would do the SEQRA resolution at that time.

D.P.O. VILORIA-FISHER:

Okay. So then we're talking about a new resolution that would be presenting what you're saying is the flaw. What I'm trying to say is if we --

MR. BROWN:

It's not a new resolution.

D.P.O. VILORIA-FISHER:

Let me just finish, please. Dennis, please, let me finish. What I'm saying is that if we were to take this particular resolution off the table, the County could, on its own, I don't think you need to be directed by CEO to reach out to Brookhaven Town or whatever other agencies there are to share lead agency status with us. I mean, do you need a direction from CEO to do that?

MR. BROWN:

Well, we would need a pending action, and the pending action is the resolution seeking a declaration of surplus and the authorization to enter into the contract.

D.P.O. VILORIA-FISHER:

Okay. But you're going to introduce a new resolution in January --

MR. BROWN:

Well --

D.P.O. VILORIA-FISHER:

-- and begin the process of soliciting a shared lead agency status and then include --

MR. BROWN:

Well, you know --

D.P.O. VILORIA-FISHER:

-- the information of who lead agency is.

MR. BROWN:

-- you are correct, that could be done.

D.P.O. VILORIA-FISHER:

Okay.

MR. BROWN:

We could -- the bill could be laid on the table again, whether it be at the first General Meeting of the Legislature or some other date. But all that would do is then start the process all over again, you know, through committee, through public hearings, back to CEO, and then after their determination is made and then back to here for a SEQRA determination resolution.

D.P.O. VILORIA-FISHER:

But you're already saying you wanted to go back to CEO.

MR. BROWN:

Whereas if you have -- whereas you have the existing legislation survive through 2010, we can

immediately make that application back to CEO asking them to correct the record and probably -- and then immediately get started with respect to the environmental impact statement.

D.P.O. VILORIA-FISHER:

As I said, you're already sending it back to CEO.

MR. BROWN:

Only for correction of the record, not for correction of determination. So instead of the process being -- instead of the process taking three or four months come 2010, we can have it corrected -- we can have a corrected record by the next CEO meeting, which is, I think, January 18th? The next CEO is approximately --

LEG. KENNEDY:

January 20th.

MR. BROWN:

January 20th.

LEG. D'AMARO:

It's more efficient.

MR. BROWN:

It's more efficient, yes.

LEG. D'AMARO:

That's all. It's going to be all the same action anyway.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I think I'm going to pass on it. I was considering withdrawing my motion to table and going with yours.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Dennis, there seemed to be so many things at this point with this resolution that are confused, misguided, and misstated that I would almost beg you to let this thing die, and if you're insisting on starting again, start it in the beginning of the year.

You're talking about sending it back to CEO for a correction of the record. The EIF that you submitted to CEO said that there was no specific project that was contemplated in looking at this declaration, when for three years we've seen all kinds of commercial development, arenas proposed, thousands of units of housing. It defies logic that you would go ahead and ask a body that's advisory, that has to advise us, because the way to make the determination we cede it to them, just defies logic. I would vehemently disagree with your characterization.

If you were inclined to have another level of government take lead agency status three years ago when you decided you wanted to go down this road, you could have then floated it and you never did. So I would say let this thing go where it belongs, which is down the shoot. And if you're inclined to go again, do it next year.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

That actually contains part of my question. IR 1922 does not include a development plan?

MR. BROWN:

IR 1922 asks that the Legislature declare a surplus of approximately 255 acres and to authorize execution of a contract for sale for development and use of the -- of those 255 acres in Yaphank.

LEG. ALDEN:

With no specific development plan or a specific development plan?

MR. BROWN:

The contract -- the contract seeks a baseline. We wouldn't ask the Legislature to declare the 255 acres surplus without some type of baseline as to how it should be used. It's fully explained in the contract and fully understood by all the parties involved that the use -- it would ultimately be determined by the Town of Brookhaven.

LEG. ALDEN:

Thank you.

P.O. LINDSAY:

Okay. If there's nobody else, I'll just reiterate the reason for my motion. You know, we've had I don't know how many speakers here and what they all asked for is that this thing undergo an extensive review. They got their wish; CEQ ruled that it has to be a positive declaration and go through a full study. And all I want to do is move this bill to next year so that process can start, so that we can get a resolution approving a positive dec and we can start the process. If you don't pass this, you know, I think you're probably going to push it back another four months on top of a year, year-and-a-half and, you know, it's like everything else on Long Island, things die a slow death.

In spite of everything that was said here, you know, whether the totality of the project is a good thing or a bad thing or is going to be approved, that's something that's going to be approved -- decided by the town. And if I had to make a guess, I would say that it's going to be pared down dramatically, but that isn't our decision. And there's some components to this project that are solid, good components that, you know, collectively we've all wanted for a long, long time. This body is on record for many, many years supporting affordable housing for our young people to keep them here, and this is a big project coming along, you know. We just argued today about \$5 million for infrastructure support that we might get another hundred units out of, you know.

You know, whether this winds up to be a 250 unit complex, a thousand unit complex, a 500 unit complex, you know, I just think that we owe it to our citizens and to our young people to explore it and to give it a chance to move forward and I'm trying to do that. I think the longer we draw this thing out the less likely it's going to happen at all and that's the reason for my motion.

LEG. ROMAINE:

Call the question.

P.O. LINDSAY:

Okay. I'm being told that my motion to waive the rules takes precedent, so we'll take a vote on that first and if that --

LEG. MONTANO:

What are we doing?

P.O. LINDSAY:

To waive the rules and to table 1922 to the first business meeting of 2010.

LEG. MONTANO:

A separate motion, one to waive the rules.

LEG. ALDEN:

It's all one motion?

LEG. LOSQUADRO:

On the motion, very quickly, Mr. Chairman?

P.O. LINDSAY:

Go right ahead.

LEG. LOSQUADRO:

We're just trying to find out, I remember having made motions to table things to a date specific in the past. I recall that there was -- or to Counsel; is there a requirement to then take action on that item at that date? Can we then --

LEG. NOWICK:

We just asked that before.

LEG. LOSQUADRO:

I'm not sure.

P.O. LINDSAY:

It's like tabling anything -- it's tabled to a specific date and time, and then at that point in time it's before you again to go through the same debate.

MR. NOLAN:

Yeah. The --

P.O. LINDSAY:

And the purpose of it I think was fully explained, is with the motion alive then we can go forward with the positive dec.

LEG. LOSQUADRO:

No, I know the purpose. The purpose is very clear to me.

P.O. LINDSAY:

Okay.

LEG. LOSQUADRO:

It was just the procedure of once it's back before us, on that date specific, what action we take.

P.O. LINDSAY:

Well, that's up to us. We could table it again, we could kill it again, we could approve it again. We can't approve because we don't have the positive declaration from CEQ, that's the one thing we can't do. But it's before you again for any of the above. Is there anybody else? Okay.

LEG. BROWNING:

Bill? Bill?

P.O. LINDSAY:

We're voting on a resolution to the waive the rules --

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

-- and table 1922 to the first business meeting of 2010.

LEG. SCHNEIDERMAN:

I'll second.

LEG. MONTANO:

You need a second.

P.O. LINDSAY:

Well, we haven't approved the calendar yet for 2010.

LEG. MONTANO:

You're not tabling to the organizational?

P.O. LINDSAY:

No, no, no. First business, business.

LEG. SCHNEIDERMAN:

I'll second.

LEG. BROWNING:

We have two tabling motions. I'm withdrawing my motion to table.

LEG. NOWICK:

All right, so then there's only one.

P.O. LINDSAY:

So now there's only one.

LEG. LOSQUADRO:

Now there's just yours.

P.O. LINDSAY:

Okay. Okay, we have a motion to table and we have a second to a date specific to waive the rules.
Roll call.

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

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

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.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay.

***2079-09 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976
Mohammad Siddiqui (SCTM No. 0200-685.00-03.00-013.000)
(County Executive). Do I have a motion?***

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a second by Legislator D'Amáro?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2080-09 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 Suffolk County Water Authority (SCTM No. 0400-104.00-01.00-055.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2081-09 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 George Rachun (SCTM No. 0200-883.00-01.00-013.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion -- who was that by?

MR. NOLAN:

D'Amaro.

P.O. LINDSAY:

Legislator D'Amaro, I'm sorry. Second by Legislator Gregory.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2082-09 - Sale of County-owned Real Estate pursuant to Local Law No. 13-1976 V & C Holding Corp. (SCTM No. 0200-684.00-01.00-018.000) (County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro, second by Legislator Gregory.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

If we go back, we skipped over a couple of bills, let's finish the -- if you go to Tabled Resolutions on page number six, we skipped over 1943, and I'm being told that we do have the bond now.

MR. NOLAN:

We got the bond.

LEG. ROMAINE:

Yes. Now that we have the bond, I'll make a motion to approve.

P.O. LINDSAY:

Okay. *1943-09 - 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).* And we have a motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. MONTANO:

A quick question?

P.O. LINDSAY:

On the question, Legislator Montano.

LEG. MONTANO:

Yeah, I just shut off my computer. What's the amendment?

LEG. ROMAINE:

The amendment is to provide \$50,000 for a sewer study.

LEG. MONTANO:

No, but from where?

LEG. ROMAINE:

From the Legislative Infrastructure Fund.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you. I guess this question is -- maybe it's DPW or to our Counsel. We had a debate in Public Works early last week about if Legislator Romaine's bill passes, would it require that we pull out of the RFP that we were about to release, the Center Moriches description?

MR. BROWN:

(Inaudible).

LEG. BEEDENBENDER:

Dennis, can you come up and say that, if that's your opinion?

MR. BROWN:

My understanding is that the issuance of the Bond Resolution by Bond Counsel is upon the stated intention that this will be pulled out of the other study.

LEG. BEEDENBENDER:

And Legislator Romaine, I said it in the committee and I'll repeat it now, I want the sewer study for this section of Center Moriches to be completed. But my concern, since DPW has said it's in there -- and I've seen the documentation, I believe that it is -- if we pass your bill, then we have to -- we're about ready, at least my understanding, to release the RFP for the Countywide sewer study, that we might have to start again and push that back a little further.

LEG. ROMAINE:

Well, I hope that's not the case. And certainly they could proceed on the sewer study as it is now and simply separate out the Center Moriches part based on this resolution that we're hopefully going to adopt today.

LEG. BEEDENBENDER:

Gil was here before; is he in the room? I can't -- I don't see him.

UNKNOWN AUDIENCE MEMBER:

He left.

LEG. BEEDENBENDER:

Well, like I said, Legislator Romaine, I want the sewer district study for this area to be completed as quickly as possible. I just --

LEG. ROMAINE:

I believe it should be as quickly as possible -- completed as quickly as possible. As you'll find out in a few weeks, if one of my son's resolutions were passed to adopt \$3 million for the revitalization of Center Moriches, I would hope that money would not be spent solely on sidewalks or trees or something.

LEG. BEEDENBENDER:

Right.

LEG. ROMAINE:

That that money could be spent on actually funding a portion of the cost of the sewer installation.

LEG. BEEDENBENDER:

And my only other question would be -- and this, through the Chair, is to Legislator Romaine -- at committee, somebody from Public Works, I don't recall exactly who, testified that this was an insufficient amount for the study. Have you found information to counter that?

LEG. ROMAINE:

No, I haven't.

LEG. BEEDENBENDER:

I can't hear, I apologize.

LEG. ROMAINE:

No, I haven't. And I'm sure that if for one reason or another it was the money that we're saving by taking it out of the County study certainly could be available (sic). But right now I think 50,000 gets

us going and it may do the whole thing, just like -- this project is not much different in scope than Mattituck and no one said anything about Mattituck.

LEG. BEEDENBENDER:

No, I understand. Just my concern is that this Legislature, through its own deliberations, chose to delay that sewer study because we wanted to add more money to ensure that all of the areas listed would get a full treatment, and I just don't want to delay that even further. Because part of the reason for doing that is that we want it to be ready to go some time in 2011 when our Federal officials have told us that Federal funds may be available. So I'd like Center Moriches to be a part of that and to be eligible for that as well. It's just I don't want to delay that project or pass this without enough money in it.

So I'm just kind of left in the wind here trying to figure out exactly what the best thing to do is.

LEG. ROMAINE:

The best thing to do is vote for it and we'll figure it out later.

*(*Laughter*)*

LEG. BEEDENBENDER:

I'm sorry, I deserved that. I deserved that.

P.O. LINDSAY:

Legislator Alden.

D.P.O. VILORIA-FISHER:

What else did you think he would say?

LEG. ALDEN:

If I could ask the sponsor a question. Is this an attempt to push this project ahead of the rest of the projects that are contained in that sewer study?

LEG. ROMAINE:

No, it's not. We did a sewer study for Mattituck, that's a very small area. This is a similarly small area, a downtown area. And the reason that I'm -- I didn't want to wait -- by the way, the definition of what Center Moriches was in the County sewer study only appeared after my bill appeared, by the way. And the sewer study will take a year or longer to even finish. It's like the bus study, if you're familiar with that, which took a long time and was used to thwart inquiries into, you know, what we were doing with buses.

Suffice it to say, the reason that there's some urgency is the town just appropriated \$3 million for downtown revitalization for Center Moriches. So if this study can proceed, there may be the wherewithal for the town to create, as they have in the past, the town sewer district, to help fund the installation of sewers.

LEG. ALDEN:

I don't have the bill in front of me, but --

LEG. ROMAINE:

Yeah.

LEG. ALDEN:

-- this would expedite?

LEG. ROMAINE:

I believe so.

LEG. ALDEN:

How?

LEG. ROMAINE:

Because as a separate study, because it's such a small area, it doesn't require a great deal of work. Plus there are existing sewer treatment plants in the area that could -- they could look at right away and make a decision whether they could be expanded or whether they actually need to build a new plant.

LEG. ALDEN:

With all due respect, what you might end up doing here by taking it out of the larger study, you might end up putting this to the back of the line.

LEG. ROMAINE:

That would be true if there wasn't money at hand.

LEG. ALDEN:

No, no, there's a sewer study --

LEG. ROMAINE:

And there's money at hand right now to do this work.

LEG. ALDEN:

But Legislator Romaine --

LEG. ROMAINE:

Yeah.

LEG. ALDEN:

-- they have to actually prepare an RFP and hire a company to come in and do this sewer study. If they're ready to go with an RFP now, that RFP is going to go out there. This isn't going to go out immediately, this is going to go out after the other one goes out. You could, in essence, if they pulled yours out of that one, you could be putting it in something that won't even occur, you won't even get the study done.

LEG. ROMAINE:

That's a hypothetical possibility. Let me give you another hypothetical possibility; the County could contract with the town to do the RFP and let the town take the 50,000 to do the RFP. So there's a lot of hypothetical studies about how things can move forward in government. If there's a will there's a way, and particularly since there's cash at hand currently.

LEG. ALDEN:

Does your bill, does your bill specifically state that you do it the most expeditiously way possible so you -- as you could just --

LEG. ROMAINE:

No, but I'd be a hell of a poor Legislator if I did not find an expeditious way to convince the County to move forward on this. And I can guarantee you, this is on my agenda and I will do everything I can, within my Legislative authority, to make sure this is expedited either through the County alone or through the County and the town cooperatively.

LEG. ALDEN:

Well, unfortunately, there's an RFP that's going out for my district and the expansion of the sewer district. So you want yours to go ahead of mine; is that what you're saying?

LEG. ROMAINE:

No. What I'm saying is that yours is an overall large study and I encourage that type of thing and it requires a careful study. This is a straight run, no side streets, very small area. And there is cash at hand that could be used for this purpose, so that's the only reason that I want this.

And originally, I don't know if this was included in the study, certainly the boundary lines were just amended as of October 29th, well after I introduced this bill. I'm not saying that that was deliberate by any means, but clearly this is just a small study like Mattituck. I mean, this is not a big, big, large area with a lot of commercial development.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

I just have to agree with Legislator Alden. And through the Chair, I just want to ask the sponsor if you had a discussion with DPW about the timing of the RFP? Because it's my understanding that the comprehensive study RFP is ready to go, there are several RFP's behind that for sewer studies. And I have to tell you that I believe that by passing this bill and taking it out of a comprehensive study, you're setting yourself back a substantial amount of time.

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

LEG. ROMAINE:

I understand your concern, I appreciate your concern. But one of the things that this County could do, very simply, is say, well, \$50,000 to the Town of Brookhaven and say, "Would you undertake that study," since in likelihood, because of the money you've appropriated, the \$3 million you appropriated, you may create a town sewer district. As you know, the town has two sewer districts now, one of which is in my district for the industrial park in East Yaphank, just south of the Expressway on Exit 68; they could easily create a town sewer district, this doesn't have to be a County sewer district.

So that is a distinct possibility and that may be something that I am prepared to work on. If that doesn't work out, then maybe you're right, but I'm willing to run that risk. I think this is an important project because there is money at hand. This study -- general study takes too long, no one wants to focus in on this, it gets lost.

LEG. D'AMARO:

So you would agree that the only way to really expedite or get this done in a timely fashion at this point would be for the County to ask the town to do the RFP and the study itself?

LEG. ROMAINE:

Not necessarily. There are many ways to get things expedited in this government that I've seen over the last 24 years that I've been an elected official of this County. So I know when there's a will there's a way; I have the will and I will try to find the way. That's why I'm asking for this support. It's not a lot of money and I believe it will help this community.

LEG. D'AMARO:

Just one more question. Why don't you want to include it in the comprehensive study if that's ready to go?

LEG. ROMAINE:

You and I both served on the Ways & Means Committee -- excuse me, on the Public Works Committee and I've asked questions for the last four years about buses, and I was told, "There's a bus study coming out. There's a bus study coming out. There's a bus study coming out".

We finally got a copy of the bus study, it was less comprehensive than it should have been, but one of the parting acts of our Public Works Chairman, Mr. Beedenbender, was to hand me the copy and I read it. It was less than what I thought it would be because we had waited so long for solutions and we thought this was going to be a very comprehensive bus study; it wasn't. It was disappointing, but it was used by those in Public Works to delay inquiries into the operation of the bus system. I'm afraid the same thing may happen to the sewers. And you know what? Fool me once, shame on you; fool me twice, shame on me. I don't want to be fooled twice. Just some practical experience that I've gained over watching how things work.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Yeah. You know, based on past experience and, you know, Legislator Romaine cites the bus study, I'm sure he can cite to many other examples --

LEG. ROMAINE:
I can.

LEG. STERN:
-- of studies that take forever. That was an example of a comprehensive overall Countywide bus study, and if this effort was analogous to that one, I might tend to agree. But my understanding is that with a list of all the different areas to be studied, what's going to come back to us isn't one large, overall comprehensive design and engineering plan, it's going to be each area is going to receive its own individual analysis. So if this truly is a smaller area, if it truly is less costly, I don't see why it should take all that long.
In fact, I can see a lull -- yes, we're all concerned about our individual areas and nobody wants to be bumped down to the bottom, but this is something that I don't think is going to be held up by an overall, County wide analysis. This is something that's going to be analyzed individually like all of the areas that's going to be done within that study. I don't see how this is going to slow that down; if anything I agree, I see it being expedited.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
Call the question.

P.O. LINDSAY:
Okay. We have -- Mr. Clerk, we have what, a motion to approve and a second?

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
Roll call.

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

LEG. ROMAINE:
Yes.

LEG. KENNEDY:
Yes.

LEG. COOPER:

Yes to approve.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
I don't get it, but yes.

LEG. NOWICK:
(Not present).

P.O. LINDSAY:
Skip over her, she went to the ladies room.

LEG. BARRAGA:
Merry Christmas; yes.

*(*Laughter*)*

LEG. ALDEN:
Same thing, Merry Christmas, but you're going to end up waiting.
Whatever.

P.O. LINDSAY:
Tom didn't vote for the bond yet, though.

*(*Laughter*)*

LEG. D'AMARO:
That's Happy New Year.

*(*Roll Call Continued by Mr. Laube - Clerk*)*

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

What the hell.

*(*Laughter*)*

LEG. NOWICK:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Same motion, same second on the accompanying Bond, 1943A.

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

We're waiting.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yeah.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. I'm going to recognize Legislator Viloría-Fisher for a reconsideration motion on 2022.

D.P.O. VILORIA-FISHER:

Yes. Mr. Chair --

LEG. MONTANO:

What page is that?

P.O. LINDSAY:

Page six under Tabled Resolutions.

D.P.O. VILORIA-FISHER:

Earlier today I made an error. I asked that we table 2022 because there was a CN coming, but the CN has the same number. So I'm going to ask that we reconsider 2022 so that we can vote on the CN with the same number. So I'll make a motion to reconsider --

MR. NOLAN:

Reconsider the tabling.

D.P.O. VILORIA-FISHER:

To reconsider the tabling motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Okay, but let me understand this. We're going to reconsider 2022; if it passes, then we're just going to skip it?

MR. NOLAN:

And vote on the CN.

D.P.O. VILORIA-FISHER:

And vote on the CN. Because the CN has changes but it has the same number. So if we table 2022 we can't consider the CN, because it's the same number, we already tabled it.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

So we're just going to skip it.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Now it's before us and we're just going move on; is that the idea? Okay.

LEG. HORSLEY:

Bill, could I give the good news.

P.O. LINDSAY:

Go ahead.

LEG. HORSLEY:

Okay. I just wanted to let everybody know that we just had breaking news here that the Shinnecock Nation has now got a preliminary decision in their favor and they're on the road to becoming a nation.

LEG. SCHNEIDERMAN:

Federally recognized.

P.O. LINDSAY:

And did they start building the casino in Legislator Schneiderman's district yet?

LEG. SCHNEIDERMAN:

Wayne's working on that.

LEG. HORSLEY:

They need sewers in Center Moriches.

P.O. LINDSAY:

Okay. Go to page --

LEG. SCHNEIDERMAN:

I would also, as it's my district, like to congratulate the Shinnecock Nation. It's been 30 years in the making that they've been trying to get Federally recognized and it looks like they are going to obtain that status. So congratulations.

P.O. LINDSAY:

Okay. Go to page -- it's nice, but let's finish the agenda. Go to page eight, **2094-09** we skipped over, ***Appropriating funds in connection with the Brownfields Program, former Bellport Gas Station site (CP 8223) (County Executive)***. And Ben, you were going to get us some additional information.

MR. ZWIRN:

Yes, and I did. This was taken, Legislator Alden, back in 1999 for back taxes and today we would not take this property, but we did back then. And it is -- it is currently in an Environmental Restoration Program under the DEC which offers up to 90% reimbursement to local municipalities for the cost of investigating and remediating. It was the County's desire to get it into the ERP Program to ensure that the New York State DEC would not come after us for off-site contamination. In fact, the DEC actually cleaned up the property off-site at a cost to the State of \$1.2 million. And that we are hopefully confident that this amount of money in this resolution will remediate the entire site.

There is a committee now, a working group, that reviews all these parcels that we get for back taxes. It has reviewed to date 186 parcels, 42 of which have been identified as Brownfield and the tax deeds have not been taken. So starting in 2007, we took a much harder look at all these properties, but this one predates that and it goes back to 1999.

LEG. ALDEN:

And we're going to clean it to what level, for what purpose?

MR. ZWIRN:

I'm told whatever the DEC determines, and so we can go -- so that it can be put up for auction and for sale.

LEG. ALDEN:

And then we auction it.

MR. BROWN:

We've done that previously, yes.

LEG. ALDEN:

Okay. But so this --

MR. BROWN:

Milbar Boulevard in Farmingville.

LEG. ALDEN:

Right. So this would be probably commercial use?

MR. BROWN:

I don't know.

MR. ZWIRN:

That I don't know, but it was a gas station, so I assume yes.

P.O. LINDSAY:

Mr. Clerk, did we have a motion and a second on this resolution, 2094?

MR. LAUBE:

Yes, you did.

P.O. LINDSAY:

Okay. Who was the --

MR. LAUBE:

Legislator Nowick made the motion, Legislator Eddington was the second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution 2094A, same motion, same second; roll call.

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

LEG. NOWICK:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. BEEDENBENDER:

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:

Eighteen.

P.O. LINDSAY:

Okay. I skipped over -- we have to go back a page to seven, **2126-09 - To reappoint member of County Planning Commission (Adrienne Esposito) (County Executive)**. The Environment Committee passed on her positive?

LEG. SCHNEIDERMAN:

Yeah. Our role today was simply to interview her as the Statute and the Charter requires and we did do that. So she has come before the committee, now we can vote on it.

P.O. LINDSAY:

Okay, very good. I'll make a motion to approve. Do I have a second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. ALDEN:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Alden).

P.O. LINDSAY:

Okay, that completes our agenda, in case -- unless I'm wrong. And we go to **Certificates of Necessity**, the red folder. The first one up is **2022-09 - Creating a Suffolk County Health Center Financial Review Committee (County Executive)**, and this was the subject of the earlier bill that we just skipped over.

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. On the discussion?

LEG. MONTANO:

A quick question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Could you just go over the changes? I had shut down my computer.

D.P.O. VILORIA-FISHER:

Yes. May I, Mr. Chair?

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Okay. If you recall, Legislator Montano, at the last General Meeting there was a constituent, a member of the public who asked that we include members of the public from the various catchment areas, and that rather than have the Director of Minority Affairs, that we have the Director of Minority Health who's a physician. And so those changes are number seven, the Director of Minority Health or his designee; number eight is a community member from the Riverhead/Southampton/East Hampton catchment areas to be selected by the Commissioner of Health Services; number nine, a community member from the Coram/Patchogue/Shirley catchment area to be selected by the Commissioner of Health Services; and number ten, a community member from the Brentwood/Wyandanch/Amityville catchment areas to be selected by the Commissioner of Health Services. And those satisfied what the members of the public were looking for.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

It's nice that there's public members and you said it's satisfying the public's concern, but I wonder if these appointments are all just made by the Commissioner rather -- I would prefer to see these appointments made by the Legislature. I mean, so often the County Executive seems to create these types of committees by Executive Order, not even going through the Legislature, and I think this is our opportunity to really have this group at least be equally weighted in terms of the County Executive and the Legislature. And it doesn't look equal at all, it seems to be skewed heavily towards the County Executive and his appointees and their designees. So that's my comment.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

If somebody could just put on the record now, again, what's the purpose of this?

P.O. LINDSAY:

I could answer that quickly, okay?

LEG. ALDEN:

Good.

P.O. LINDSAY:

Is that there's a lot of Federal money available for health care and there's going to be more with the new health care proposals. And the Health Department thought that this certainly should be looked into in making our health centers Federally Qualified Health Centers because we would be able to get additional funding. At the same time, they see a trend in State funding where the State funding is diminishing and they think we could get more money for our health centers if we went to a Federal designation.

LEG. ALDEN:

And this is just a study that we'll look at and we'll make the determination, because --

P.O. LINDSAY:

Absolutely.

LEG. ALDEN:

Right. The Charter was changed a number of years ago that it actually has to come back to the Legislative body if we're going to do something different with our health centers, especially the health centers; is that correct, George?

MR. NOLAN:

If you're going to privatize.

LEG. ALDEN:

Right, if we're going to privatize. But again, this is the Federal model.

P.O. LINDSAY:

Yes.

LEG. ALDEN:

And if they look at the Federal model and it's the same as the one for active duty and retired servicemen, that's not a good model to --

P.O. LINDSAY:

Well, from what I understand, a lot of other states now went to the Federally Qualified Health Centers because of the funding issue, because they're getting a lot more money into their health centers than we are.

LEG. ALDEN:

Are they also going to look at operations and operation manuals that are generated by the Health Department? Because they're a little bit deficient.

P.O. LINDSAY:

Well, one of the things, and whether it's a downside or an upside with the Federal model, and it's something that we're going to have to decide ultimately and it's something that's going to be reviewed by the committee. In order to have a Federally Qualified Health Center, the County becomes a partner in a not-for-profit operating group that 51% of it is controlled by community members, by a community board. So you know, we will not have as much control over the health centers as we did under the current model, the community will have more control, but we get a lot more dollars and I think that's something that we're going to have to kick around and I think that's what the committee is going to examine and come back to a recommendation for us and that we're going to, I'm sure, have extensive debates on.

LEG. ALDEN:

Just a word of caution. Northport is the Federal model, so that's just a word of caution.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second to approve?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. MONTANO:

Abstain.

MR. LAUBE:

Seventeen (Abstention: Legislator Montano).

P.O. LINDSAY:

Okay, so that's approved.

2153-09 - Appropriating funds for the Suffolk County Environmental Legacy Fund (CP 8731) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ALDEN:

And let's put on the record what this does.

P.O. LINDSAY:

Okay.

LEG. ALDEN:

Including all the zeros.

D.P.O. VILORIA-FISHER:

It takes money off the tax rolls.

COMMISSIONER MEEK-GALLAGHER:

Good evening. This would appropriate the last \$15 million of the \$50 million Capital Program and Environmental Legacy Fund. It needs to be appropriated today or it disappears, and we would like to have that money in reserves, not to use immediately but certainly once we're done the Quarter Percent money, unless this body directs us otherwise.

LEG. ALDEN:

Just for the record, all the environmental groups and the preservation groups were so interested in working with us when we were going through our fiscal problems as far as maybe tweaking the Quarter Cent Program, they were rushing and breaking down the doors to come in here and help us with our monetary problems. This is \$50 million on top of \$350 million that we have in the Quarter Cent; is that not correct?

COMMISSIONER MEEK-GALLAGHER:

Well, actually the Quarter Percent, because of the decrease in sales tax revenue, we're looking at 229 million that could be bonded through 2011, as opposed to the originally estimated 322 million.

LEG. ALDEN:

Okay. And this money would be bonded, right, to be paid back?

COMMISSIONER MEEK-GALLAGHER:

Yeah. And this -- the money today is 15, we've already appropriated 35 million in previous years. And this would be serial bonds, not sales tax revenue.

LEG. ALDEN:

This is for \$50 million, right?

COMMISSIONER MEEK-GALLAGHER:

No 15, one five.

P.O. LINDSAY:

Maybe I could clarify it a little bit.

LEG. ALDEN:

Yeah, because it says "WHEREAS" -- oh, okay, underneath that it says some of it's --

P.O. LINDSAY:

This is not -- this isn't referendum money, this isn't Quarter Cent money.

LEG. ALDEN:

No, I know.

P.O. LINDSAY:

This was part of the County Executive's Capital Budget plan, I think in 2005?

COMMISSIONER MEEK-GALLAGHER:

2007 to 2009.

P.O. LINDSAY:

Okay. All right, so it came up in '06. We approved it in the Capital Budget in '06.

COMMISSIONER MEEK-GALLAGHER:

You approved it in '06, yes.

P.O. LINDSAY:

And the proviso, and correct me if I'm wrong, it was for '07, '08 and '09 the 50 million was spent -- was to be spent, and it was matching funds with local towns.

COMMISSIONER MEEK-GALLAGHER:

Correct.

P.O. LINDSAY:

And it was to die this year, at the end of 2009. And from my understanding, the towns haven't fulfilled their end of the bargain, that's why we have the 15 million left over; am I right or wrong?

COMMISSIONER MEEK-GALLAGHER:

That's not technically correct. We were asked in mid 2008, because of the economy was going, not to spend any more Multifaceted or Legacy Fund money because we had the Quarter Percent Sales Tax money. And it was preferable not to incur additional debt service in the Capital Program but rather to incur that debt service back by sales tax revenue.

LEG. ALDEN:

But this isn't sales tax back.

D.P.O. VILORIA-FISHER:

No.

COMMISSIONER MEEK-GALLAGHER:

No, it's not.

LEG. ALDEN:

This is full faith and credit --

P.O. LINDSAY:

Of the County.

COMMISSIONER MEEK-GALLAGHER:

That's correct.

LEG. ALDEN:

Which means that the residents pick it up.

P.O. LINDSAY:

Yep.

LEG. ALDEN:

As our sales tax diminishes and our ability to fund the programs that we have done through our Operating Budget, as that goes down, then the probability that we're going to go and have to tap the taxpayers to pay for this extra 15 million probably goes up.

Robert Lipp isn't here, but he very, very succinctly put on the record in the Economic Development Committee what our condition is. We're almost back to the same position that we were in as far as debt service when we had to sell off the tobacco securitization. So -- and that wasn't even considering the amount of money that we had to pay back for the tobacco securitization that we sold off. So we're almost in the same position we were except we don't have the revenue stream. So we're not -- in other words, we're not in a good position as far as our debt goes. Debt went up again and our ability to pay it back is going down.

I'm not so sure that this is a real smart move. If it was a family that came to me and said, "Hey, we're basically bust right now, but we'd like to borrow another ten times whatever we're going to earn in the next 15 years and we want to spend it on a couple of boats and a couple of cars and maybe even buy another piece of property for ourselves," they would actually have to have their heads examined.

So I feel very strongly, this would be a very unwise move to authorize another \$15 million in debt at this point when we've killed so many programs and we've had to scale back so many programs that

benefit the people of Suffolk County. So but again, whatever the wish of this body is, that's fine.

COMMISSIONER MEEK-GALLAGHER:

Well, that's why we would not spend it until authorized, but we wanted to appropriate it. We have five years to start spending it.

LEG. ALDEN:

And that's why it shouldn't even be appropriated.

COMMISSIONER MEEK-GALLAGHER:

And after we're done with the quarter Percent money, the bonded is starting in 2012, we'll only have \$4 million in pay-go money, acquisitions.

LEG. ALDEN:

And that's nice. And a couple of years from now, if we get flush with money again and the economy turns around, then we can include it in our budget again, but right now we just can't afford this. And to put it in there where we would authorize the borrowing, you know what's going to happen, there's going to be pressure from all those groups that were so eager to work with us through our financial crisis, there's going to be pressure; spend it, you have it, you authorized it, spend it. Thank you.

P.O. LINDSAY:

Just to -- and I don't mean to double-team you, but this was -- this Legacy Fund was the subject of an offset that the County Executive put forward to buy a building, right, just two weeks ago, three weeks ago?

LEG. BARRAGA:

Right.

COMMISSIONER MEEK-GALLAGHER:

That's what I'm told.

P.O. LINDSAY:

Okay. Well, we did have the resolution before us, I think; didn't we? No, we never had the resolution?

LEG. HORSLEY:

No, it was just talk.

P.O. LINDSAY:

It was just talk; oh, okay. That was what was explained to me when I viewed the building. Because I went for a tour of the building and I'll tell you the truth, it was a beautiful building and I think it was probably a smart thing for us to do was to buy the building because it was cash positive, we would have actually made money from day one. But the point of the matter is if we do this, I'm told that we're going to get a resolution in the new year to buy the building. So you're going to bond the 15 million here and we're going to be --

LEG. ROMAINE:

Only appropriate it.

P.O. LINDSAY:

-- asked to bond another 22 million.

COMMISSIONER MEEK-GALLAGHER:

We won't bond it yet. We wouldn't bond it until we were actually going to acquire parcels with it which wouldn't be --

P.O. LINDSAY:

But the intent is to appropriate another \$15 million, at some point we're going to bond it. So the point that Legislator Alden makes is the overall debt, which is high now, is going to go higher yet.

LEG. ALDEN:

Absolutely. Hooray.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Just to clarify that point. If the -- talking about the intent of what we're doing today, this requires the 50% match from a town, to spend or to bond this --

COMMISSIONER MEEK-GALLAGHER:

Yes, at least a 50% match. We've had some cases under Legacy where we only did 30 and the town did 70%, but it requires at least a 50% match.

LEG. D'AMARO:

So by authorizing the funding, it's going to be available for the next five years.

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

And then if a town or another municipal jurisdiction comes forward and meets that criteria, then we would have the funding available but still would require a another vote as to whether or not we would spend that funding.

COMMISSIONER MEEK-GALLAGHER:

That's correct.

LEG. D'AMARO:

Okay. So all we're really doing is keeping the door open or our options on the table.

COMMISSIONER MEEK-GALLAGHER:

Exactly.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, hi, there. Could you just take me back to those numbers? When we passed the extension on the Quarter Percent sales tax -- by the way, when was it supposed to expire again? I forget.

COMMISSIONER MEEK-GALLAGHER:

Well, we can bond through 2011. We can borrow against future anticipated revenues from the sales tax through 2011.

LEG. MONTANO:

That's under the extension that we approved; am I correct?

COMMISSIONER MEEK-GALLAGHER:

Yes. The entire program expires in 2030.

LEG. MONTANO:

In '30, okay. Now, when was the program supposed to expire before we extended it?

COMMISSIONER MEEK-GALLAGHER:

2013.

LEG. MONTANO:

2013, okay.

LEG. ALDEN:

Cash program.

LEG. MONTANO:

That was an all-cash program, it was about 60 million a year I think we were collecting on that Quarter Percent.

LEG. ALDEN:

Pay-as-you-go, yep.

LEG. MONTANO:

Gail, do you remember the figures? I thought it was about 60 million that we were collecting on the --

MS. VIZZINI:

Quarter Cent is roughly now at \$60 million, yes.

LEG. MONTANO:

Excuse me?

MS. VIZZINI:

A quarter cent is roughly \$60 million now.

LEG. MONTANO:

Now or back then?

MS. VIZZINI:

Now.

LEG. MONTANO:

When we passed it, we anticipated bonding a certain amount of money, I think it was 80%, am I correct? Can you hear me?

COMMISSIONER MEEK-GALLAGHER:

I'm sorry, I'm hearing the side conversation.

LEG. MONTANO:

That's all right. How much money did we anticipate borrowing at that time?

COMMISSIONER MEEK-GALLAGHER:

Three hundred twenty-two million, up to 322 million.

LEG. MONTANO:

Up to 322. And based on the economic realities, did you say that we can only borrow up to 229 million?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. MONTANO:

So it's almost \$100 million less, probably about \$97 million, \$92 million less than we had anticipated back then.

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. MONTANO:

How much have we bonded to date, if anything?

COMMISSIONER MEEK-GALLAGHER:

We appropriated 112 million and bonded 55 million, 57 million.

LEG. MONTANO:

So that would be 112 plus 55 or is it --

COMMISSIONER MEEK-GALLAGHER:

No, no, there's a difference. We've appropriated -- because some of the money will be going forward in the spring bond offering, so even though it's been appropriated there's a six month lag, usually.

LEG. MONTANO:

All right, then let me rephrase it. How much of that 222 million is accounted for?

COMMISSIONER MEEK-GALLAGHER:

One hundred twelve million has already been appropriated.

LEG. MONTANO:

So we basically have another 112 million to spend on that.

COMMISSIONER MEEK-GALLAGHER:

A hundred seventeen million.

LEG. MONTANO:

A hundred and seventeen, okay. And this fifteen million is on top of that?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I just have a quick question, I don't know if this would be more appropriate for BRO or the County Executive's office to address. There's a lot of talk about the debt and debt service. Now, I guess the question I have is is the County's rating, credit rating affected by appropriated debt, or is it just

authorized or how does that impact it, if it does at all?

MS. VIZZINI:

To a small degree it is impacted, it is a consideration. But we just went out for our \$350 million TAN and we did exceptionally well. So our bond rating is still very much intact.

LEG. GREGORY:

Okay. So they do look at the debt that we have on hand, they do look at potential debt that we authorized but not yet -- or appropriated but not yet authorized and that may in some way impact.

MS. VIZZINI:

We provide them with that information, yes.

LEG. GREGORY:

Okay. All right, thank you.

P.O. LINDSAY:

Anybody else; no? Okay. We have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Roll call.

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

LEG. ROMAINE:

(Not present).

P.O. LINDSAY:

Skip him.

LEG. ALDEN:

He left.

LEG. SCHNEIDERMAN:

Yes, and please list me as a cosponsor.

LEG. COOPER:

Yes and cosponsor, please.

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. ROMAINE:

And don't forget me, which is yes.

LEG. ALDEN:

No, he already called you, Ed.

LEG. ROMAINE:

Well, I'm back.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:

No?

P.O. LINDSAY:

No.

MR. LAUBE:

Fifteen.

LEG. GREGORY:

Tim, cosponsor.

LEG. ROMAINE:

Tim, you have me, right?

MR. LAUBE:

I do.

P.O. LINDSAY:

On the accompanying Bond Resolution, 2153A, same motion, same second; roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. BEEDENBENDER:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

MR. LAUBE:
Fifteen.

LEG. SCHNEIDERMAN:
Cosponsor.

P.O. LINDSAY:
2154-09 - Apportioning Mortgage Tax by: County Treasurer (County Executive).

LEG. BEEDENBENDER:
Do we have to do this?

P.O. LINDSAY:
Yep. I'll make a motion.

LEG. SCHNEIDERMAN:
Second.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2155-09 - Requesting legislative approval of contract awards for a sole bidder to provide educational advocacy, assessment and resource services for the Alternatives For Youth, PINS Diversion and JD Educational Advocacy Programs of the Suffolk County Probation Department (County Executive).

LEG. EDDINGTON:
Motion.

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

P.O. LINDSAY:
Motion by Legislator Eddington, second by Legislator Viloría-Fisher. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2156-09 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Fitz-Braun, LLC (SCTM Nos. 0800-077.00-04.00-007.000 and 0800-077.00-04.00-008.000) (County Executive).

LEG. NOWICK:
Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

That concludes our business. Before we --

LEG. ROMAINE:

Motion to adjourn.

P.O. LINDSAY:

Whoa, wait a minute, wait a minute. Wait a minute, wait a minute.

LEG. ALDEN:

I would like to put something on the record, too.

P.O. LINDSAY:

I promised I would recognize Legislator Alden for the purpose of a statement and then Legislator Beedenbender.

LEG. ALDEN:

Well, first I'm going to start with my colleagues. It's been a pleasure serving with you, I think you're all honorable people. And I hope you take that same thought that you've had for the past couple of years and that's putting the people's business before your own personal gain. So thank you very much for your contributions to, you know, the people of Suffolk County, I really have appreciated that.

To Bill Lindsay and the Deputy Presiding Officer, your staffs have been great. I can't think of a time when I requested anything, except a raise for myself, that I was turned down. So other than that, thank you very much.

*(*Laughter*)*

Our Clerk's Office is the best. You guys really are, you've risen and improved year after year after year. Budget Review, some of the finest work that you've done, and these are troubling times and they're really going to stretch you guys and coming up with solutions and what you've done is amazing, even just the short period of time I've been here. But unfortunately your biggest challenges lie ahead of you. And George, you guys -- and I told it to you in the hallway before, I wasn't sure why you even wanted to come here, but obviously it was to make a difference and you've done a great job, too. So I want to thank you and all of you, the people, the stenographers and everybody else. What a great job and what a great experience it's been for me. So thank you all.

P.O. LINDSAY:

And about that raise; we couldn't give you the money, but Legislator Horsley has something in lieu

of cash.

LEG. HORSLEY:

Yes. I wanted to say good-bye again to Cameron. I don't know if many people knew this before, but Cameron and I were in the 5th grade class together back in 1961, I believe, or '60, something like that.

LEG. ALDEN:

I was undefeated in basketball.

LEG. HORSLEY:

And throughout high school, once I moved back to Babylon, we crushed Cameron on a regular basis.

LEG. ALDEN:

Not Islip.

*(*Laughter*)*

LEG. HORSLEY:

I just wanted to -- I have a gift for you, Cameron, to say how much we're going to miss you and you're a good, good friend.

P.O. LINDSAY:

It's a picture of both of you in short pants.

*(*Laughter*)*

LEG. HORSLEY:

Wait till you see this.

D.P.O. VILORIA-FISHER:

No wonder he's got a cover over it.

P.O. LINDSAY:

Come on, you've got to open it up and we've got to look at it now.

D.P.O. VILORIA-FISHER:

He's getting nervous. He's getting very nervous.

LEG. D'AMARO:

It's a Bonding Resolution.

LEG. ALDEN:

Actually, it shows me running over Horsley for two touch downs.

*(*Laughter*)*

Thank you very much, Wayne.

Applause

P.O. LINDSAY:

Very good. Very good.

D.P.O. VILORIA-FISHER:

Very nice.

P.O. LINDSAY:

And Legislator Beedenbender, the floor is yours.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. Obviously, Cameron and I are leaving under different circumstances. I said a few things about my staff earlier today, but before I get to them. Cameron, thank you for thanking everybody that works here; I spoke to many people personally, but you got everybody on the list, so I'll just echo what Cameron said.

To my staff, Kaitlyn and Ryan are sitting behind me, and Adam is sitting behind me, too. Kaitlyn and Ryan really are the heart of my office. And I remember so many occasions where somebody needed some help and I had been out of the office and I'll come back in and, you know, one of them comes in and they were both so emotionally affected by people that needed to be helped, and as a result we got to help a lot of people. So for that, the two of you, thank you very much.

And for Adam, you know, in the past couple of days, I found out how great a person you are once you lose an election and you're on your way out, because you hear wonderful things about yourself. And one of the things that I've heard a couple of times in the past couple of days is, "Brian, you're a pretty smart guy," and thank you. But to be perfectly honest, most of the time that I went into a meeting, the reason I looked smart is because right before I walked into that meeting, Adam, sitting behind me, told me whatever we were about to talk about and gave me the additional information. So with that, I just want to thank my staff.

And the one other thing I wanted to talk about, just really quickly to everybody, is this job. I know I only had it for two years and there are many of you here that had it a heck of a lot longer than that, but it's just -- you know, I always say to Bill and he always laughs when I say it, this is a great job. We have this phenomenal ability that -- you know, I told the newspaper today that I was sitting on my couch watching Sports Center and they were talking about head injuries, and we have this ability that when you see something that's wrong, we don't have to say, "All right. Well, I hope somebody does something about that." We can say, "You know what? I can do something about that." And it's just such an honor and a privilege. And the district that I represent had some great representatives in the past and it was an honor for me to be a part of that.

The last thing, the thing that I tried to do the most here is President Adams, at one point in this life, he said that our obligations to our country cease only with our lives. And you know -- all of us -- you know the reason that it hurts so much to leave this body is that this isn't the normal political group. We do what -- it's the wild west, we can do whatever we want and we don't restrict each other to do that and we have good debates. It's just -- it's an amazing ability to be able to open your mouth and raise your voice and change people's lives and I think we've done that and, boy, am I going to miss that.

But I'm very confident in the future of Suffolk County, because there will be 18 -- you know, the 16 of you that will be here next year that I've served with and the two that will come in, including my successor who's sitting in the back; I'm confident that you will protect our people and protect the taxpayers and protect this body. So really, just the greatest honor that I've ever had, so thank you very much.

Applause

P.O. LINDSAY:

With that, we wish you well. Everybody stand up, give a nice round of applause to our two departing Legislators who were great, great Legislators. Great, great Legislators.

Applause & Standing Ovation

And with that, I will wish everybody a Merry Christmas and a Happy New Year and a happy and healthy new year and Happy Hanukkah. And Cornell has poinsettias in front for you to take back to your offices. With that, I'll accept a motion --

LEG. BEEDENBENDER:

Motion to adjourn.

P.O. LINDSAY:

-- to adjourn. Motion by Legislator Beedenbender, seconded by Legislator Alden. Do you second the motion to adjourn?

LEG. ALDEN:

Absolutely.

P.O. LINDSAY:

Okay. We stand adjourned.

*(*The meeting was adjourned at 5:30 P.M.*).*

{ } - Denotes Spelled Phonetically