

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

NINTH DAY

AUGUST 16, 2011

VERBATIM TRANSCRIPT

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING
IN THE
MAXINE S. POSTAL LEGISLATIVE AUDITORIUM
300 CENTER DRIVE
RIVERHEAD, NEW YORK**

Taken By:

Lucia Braaten & Alison Mahoney - Court Reporters

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

(THE MEETING WAS CALLED TO ORDER AT 9:31 A.M.)

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please. Okay. Mr. Clerk, call the roll, please.

(Roll Called By Mr. Laube, Clerk)

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. ANKER:

Here.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

(Not Present)

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

(Present)

LEG. HORSLEY:

Here.

LEG. GREGORY:

(Not Present)

LEG. STERN:
(Not Present)

LEG. D'AMARO:
(Not Present)

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen.

LEG. SCHNEIDERMAN:
I'm here, Tim.

LEG. KENNEDY:
Here.

LEG. SCHNEIDERMAN:
Schneiderman.

P.O. LINDSAY:
Okay. Could everybody stand for a salute to the flag, led by Legislator Kate Browning.

(Salutation)

If everyone would remain standing, and Legislator Browning's going to introduce our visiting clergy.

LEG. BROWNING:
Good morning. I have with me today Pastor Richard Jones of the Grace Lutheran Church in Mastic Beach. Pastor Jones was born in Columbia, South Carolina. He joined the Navy in 1974 and was stationed aboard the U.S.S. Truxtun and spent four years traveling throughout Southeast Asia. After the Navy, he returned to South Carolina to attend Columbia International University. He graduated from Columbia Bible School in 1982 with a B.A. in Pre-Seminary. In 1987, he moved to St. Louis and attended Concordia Seminary from 1991 to 2000. He has served churches in Louisiana and Tennessee. While serving in Nashville, Tennessee, he directed Sudanese Refugee Ministry and helped to start a school.

He moved to Mastic Beach in August of 2000 and took the position teaching high school logic and philosophy classes. He's currently the Pastor of Grace Lutheran Church in Mastic Beach. Through Pastor Jones' leadership, Grace Lutheran Church is truly a community-centered church whose services include a monthly Angel Food Ministry, onsite community garden, which I know that Vivian loves, supporting AA meetings, Boy Scouts and Cub Scouts, the troop that my son belongs to, and the Suffolk County Ham Radio Club. Grace Lutheran Church also works cooperatively with the community food pantry and thrift store. They have programs for children, ages K through 5 on Friday nights, and they also have the Summer Youth Program. So with that, I will hand the mic over to Pastor Jones for the invocation.

PASTOR JONES:

Many times when we prepare to pray, we forget who we're praying to and with. Each of us have our own faith, our own background, so we pray to our own faith and our own background, and I lead. Many times we forget that we are people, that we have a lot of things going on in our lives, we have families, we have situations. So let's pray.

Holy Father, we come before you and we ask for you to help us set aside the business of our lives. All the distractions, all the things that pull at us. As each of us have concerns, we ask that you guide us and help us overcome these concerns with your grace and your love. As we seek to minister and help one another, as we seek to guide and lead, give us courage, give us wisdom. Let us set aside selfishness, set aside our own agendas so that we can do what is best for the County, what is best for the community. Give us that wisdom collectively as a group, that as a group we will lead our community to a better future. In Jesus we pray, amen.

(Amen said in unison)

P.O. LINDSAY:

If everyone could remain standing for a moment of silence for Suffolk County Detective Sergeant Robert Reecks, who tragically lost his life in an auto accident in Moriches on August 6th. He was the former head of the Hate Crimes Unit, and was respected as a leader and trailblazer in the Suffolk County Police Department for over 30 years. And also for the 30 American service members, most of them Elite Navy SEALs, who died when their helicopter was shot down while coming to the aid of Army Rangers in Afghanistan. And as we pray every month, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

(Moment of Silence)

Please be seated.

D.P.O. VILORIA-FISHER:

Legislator Browning will present proclamations to Brookhaven Town Superintendent of Highways, John Rouse, and volunteers of the group Brookhaven Highway Helps. Most recently they volunteered at a bone marrow registry and blood drive for a six-year-old girl named Nora Getchell, who suffers from a rare disease and requires a bone marrow transplant and we know what a wonderful outpouring of help there was from the community. So Legislator Browning.

LEG. BROWNING:

Thank you. I think you pretty much said it all. So what happened was we had our first blood drive in July 26th, which yielded about a little over 100 bone marrow donors and 108 pints of blood. And because of the outpouring we had to have a second blood drive, which was held on August ninth. We had 32 additional bone marrow samples and 87 blood donations. The reason -- today, thank you to Supervisor Rouse -- superintendent, I'm sorry.

MR. ROUSE:

Don't call me Supervisor in Brookhaven.

(Laughter)

LEG. BROWNING:

Whoops. For allowing the guys to come today. I know that they're all going to get back to work after this. But I'm also joined by Maureen Getchell, the mother of Nora Getchell. She's the

six-year-old little girl and the only cure for Nora is a bone marrow donation and a bone marrow transplant. And also hosting the event was the Mastic Beach Property Owners and the President of the Mastic Beach Property Owners is here also. On July 26th, it was amazing the amount of people that showed up at the drive, and there were people who actually waited four hours to make their donations. We were in awe of what happened.

With that, I had to leave to go a meeting. I stayed pretty much all day because they needed help, you know, to escort the donors back to the table so they can have their snack and whatnot else, and I had to leave, and I walked out the door and I will tell you, you know, the apple doesn't fall far from the tree. And here was Carl Owens. Many of you know of Elsie Owens. Carl Owens is her son. And I said, "What are you guys doing here?" And he said, "We just thought we'd come and see if you needed some help." And I said, "Oh, boy, do we need your help." And I can tell you, those guys stayed right to the end. They also showed up at the second one.

And on top of that, Maureen last year organized a triathlon down at Smith Point Beach, and this was a triathlon and some of the donations raised from that triathlon she wanted to give it to children's organizations for children's diabetes. Little did she know that this year she was going to need help, too. So here we are, Brookhaven Highway Helpers, again, showed up at the triathlon. They were at the National Night Out Against Crime in North Bellport. And I can tell you, I was floored when I seen these guys show up. Nobody called them, nobody asked them, they just came and they said, "Can we help?"

So I don't know what more to say, but the fact that, you know, these guys go to work every day and take time out of their evenings and their weekends and say we want to do more and we want to give back to the community, I think they have to be highly commended. So I do have proclamations for each and every one of them. And I can't say thank you enough to each and every one them for what they did.

(Applause)

Bob, I think you wanted to say something?

MR. DeBONA:

Thank you. When we heard of the blood disease that Nora Getchell had, we -- the property owners jumped into action and we had formed these two blood drives that wouldn't have happened without the help of our Legislator, Kate Browning. We have managed to raise over \$7,000 and paid for the bone marrow testing through a raffle that we're holding. I just want to say that it's a touching thing when you know someone and they have a disease like this, we're going to fight it to the end and I'm sure we'll probably try to do another blood drive.

I did want to thank John Rouse and his people because they were a savior. There was a handful of us there trying to handle this whole thing. The highway guys, highway men and women, came in and jumped right in there and they were there as Kate Browning was when she said I can only stay a little, stayed until midnight on both occasions, both blood drive nights they were there. I was totally amazed to see these people come in. So we have a great community. Mr. Rouse has got a great department and I just want to thank everyone and our hearts go out to Maureen and her husband. Thank you.

(Applause)

LEG. BROWNING:

If you would indulge I'd like to read out the names everyone. Carl Owens, Vickie Owens, who's standing over here, his wife.

(Applause)

Jeff Davis, Keith Roan, Kelly Burke, Nicole Wachter, John Gerig, Kelly Smith, John Redding, Tony Gazzola, Gerard Jamison, Tom Gilbert, Tony Gonzalez, Michael Cotto, Tom MacNamara, Joe Capella and Tom Webb are here today. John?

MR. ROUSE:

Thank you, Legislator Browning, for giving us the honor of appearing before the Legislature and recognizing the good work that the men and women of the Highway Department do, not just on the job, but off of the job. For those of you who don't know, Brookhaven Highway Helps is an organization that we have formed in the past six months at Brookhaven Highway Department. We have come together recognizing that we are a very community oriented workforce. I often say that our workers are every bit as heroic as every emergency service worker in the town, especially during snow storms, because if we're not out doing our job in the middle of the night, nobody else can get their jobs done in the Town of Brookhaven.

We are made up of people who have incredible skills. We have people from the trades, we have people who can do almost any kind of work. And we come together in a time when things are very, very tough in the Town of Brookhaven and in the County of Suffolk, we've come together to form a not-for-profit where we are involved in events just like this. We've done food drives and will continue to do good works to make sure that people around the County and around the town understand there is a human face to our public employees. These folks are not just our public employees, they are our mothers, our fathers, our sisters, our brothers and our sons and daughters. They are here 24/7 on and off the job. So thank you so much for honoring us.

And by the way, Kate, we brought you not just an honorary shirt. I explained to the Legislator in the back that she's getting this shirt because when we are doing work in her district we'll be asking you to join us.

(Laughter and Applause)

LEG. BROWNING:

Thank you. And a last plug. If you're not already a bone marrow -- on the bone marrow registry, I did it years ago. It's very simple. I can't tell enough how important it is. So if you are not already on the registry you can go on line and sign up to be on that bone marrow registry. Thank you.

(Applause)

D.P.O. VILORIA-FISHER:

Thank you, Legislator Browning, and thank you Superintendent Rouse for your leadership in this. Okay. We now go to the public portion. Before we get the first speaker, I would like to mention that there will be an Executive Session at 12 noon. So this is just to let everybody know the schedule. Our first speaker is Nancy Reyer.

MS. REYER:

Good morning, Ladies and Gentlemen. I come before you -- my name is Nancy Reyer, but I'm known these days as Michael's mom. On May 28th, my son was a tragic victim of a fire gel exploding and setting him on fire. I have pictures here which will show you how tragic this thing was and how devastating it is as a mother to watch your son burn and go on fire. I thank Legislator Ed Romaine for coming forward and helping our family be proactive in getting this deadly weapon off

the market. My son, even though he is suffering right now from brain damage, does not know how many victims he has helped save by the recall of this terrible thing that was on the market. So my pledge to you is please take a look at my son, who just turned 15 today, who can't celebrate his birthday. Well, yes he can but he won't know that it is his birthday. He's missed his grandmother's 90th birthday. He's missed so much. He will not go to 10th grade this year, he will be going to a brain rehab center. I just pledge to you to please look at these pictures. It could be one of your children someday, and just do the right thing. Thank you so much.

D.P.O. VILORIA-FISHER:

Thank you, Mrs. Reyer. Our next speaker is Mr. Reyer, I believe, Ed Reyer.

MR. REYER:

I think -- I'm Edward Reyer, Michael's Godfather and first cousin. And I think his mom, Nancy, really got the point across. And I'll just add that with your help and helping your families and other families in Suffolk County, you can go to a Home Depot or other department stores right now and still be able to buy these chemicals. However, they just are sold by a different company, a company that hasn't been recalled by the government as of yet. So these accidents can still happen to anyone who's at a barbecue, at a friend's house. He just happened to be walking by these candles when this can exploded. So I just wanted to add that and thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Reyer. Our next speaker is Vince Taldone.

MR. TALDONE:

Good morning, Presiding Officer Lindsay, Members of the Legislature. My name is Vince Taldone. I'm here representing Five Town Rural Transit, a citizens advocacy organization promoting public transit services. I'm here today to talk to you about a rather urgent matter that I'm certain you think you've dealt with already and have settled, which is the creation of Sunday and holiday bus service on the East End. I'm sure you all recall that you passed a law that instituted Sunday bus service, paid for it by raising the fare 50 cents a ride every day of the week, and directed DPW to implement to the fullest extent possible Sunday and holiday bus service, and I understood that to mean within the framework of the existing revenues that we're generating.

The Sunday bus service has been a huge success. I'm sure you already know that. Commissioner Anderson, I believe, said it exceeded all expectations. On the 755 out of Riverhead to Bridgehampton it was standing room only several Sundays in a row. I have a lot of friends who take that bus. I've taken that bus and I take buses frequently.

So we have a service that's working, it's covering about 80, 85% of the cost, which for a public transit system is astounding. There's no other in the country in suburban United States that could say it pays for 80% of the cost out of the fare box, but we're doing that. And with minor modifications to the schedule, minor reduction in frequency on the S-92 and perhaps the elimination of the 10-C, which runs out to Montauk in the summer, I'm not sure what's needed there; perhaps nothing at all during the winter months. We can bring that service in within the costs that were committed to this Legislature and not impose on the taxpayers of the County to further subsidize the system during tough times.

I just feel that you need to understand that the County is shutting down the service on September third. The posters are already up, after which they're planning to meet, discuss and think about next year's service. Meanwhile, people who have been relying on the service while we are trying to grow the service, get thrown off the bus and told to come back next year. I would not be here saying this if our costs were radically exceeding the revenues, because that was the deal, and I understand it. But we are doing what we said we would. The ridership is there. Again, a minor

tweak. I think we're losing a thousand dollars a week, which is literally bus fare, and with minor modifications to that schedule we really could come in within the revenues that are being generated.

So there really is no reason to shut this down, especially in the first four weeks it's doing so astoundingly well. Can you imagine over time that people make decisions about taking jobs that they can get to now with the bus, but they need to know the bus will be there to get them home throughout the year, not just in July and August. So I ask you to consider that and hopefully direct DPW to comply with the law that you passed. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Sara Gordon.

MS. GORDON:

Good morning. Thank you, Legislature. I am Sara Gordon, speaking on behalf of the Board of Directors of Sylvester Manor Educational Farm in support of I.R. 1673, the first Phase I purchase of development rights at Sylvester Manor. It's an extraordinarily important acquisition for Shelter Island and for this new not-for-profit educational farm. I'd like to read a brief statement from the founder of Sylvester Manor Educational Farm. He is Bennet Konesi, the nephew of the owner, Eben Fiske Ostby, who is donating the land subject to the development rights acquisition to the not-for-profit farm.

Bennet Konesi says, "I am excited and proud to be part of conserving this remarkable field forever. Looking back over 360 years, it has been important to our family that we maintain Sylvester Manor and its stories for future generations. One of the best ways to do that is through programs like the purchase of development rights. And I thank all of the individuals and the institutions that have helped make this possible as we've taken these first steps toward preserving and cultivating Sylvester Manor for the next 360 years. I look forward to working with all of you for years to come. Thank you to Legislator Romaine and the County Executive and for the support of the EPA Committee and today's Legislature".

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Gordon. Cara Loriz.

MS. LORIZ:

Good morning. I'm Cara Loriz. I'm the Executive Director at Sylvester Manor and I want to thank you for considering this resolution. I'm going to ask for your support for it, but I'd also like to invite you to Sylvester Manor to see our 1735 manor house on the beautiful grounds overlooking Gardiners Creek, where archeologists have found frameworks of warehouses that show that Suffolk County has been part of the global economy since the 1650's. I hope you'll come to see our field, which is overflowing with produce and flowers beneath an 1810 traditional Long Island windmill. Just an extraordinary property, and an extraordinary time for us.

I hope you will support this and know that it's not just a vote for land conservation and aquifer protection, but it's a vote to reestablish agriculture on Shelter Island, to support sustainable enterprises in our community that we hope will fuel our economy and to support historic preservation of national significance, as well as our arts and education programs from Shakespeare in the field to next week we're doing a gourd banjo workshop. We really are trying to bring something new by restoring something that's been on Shelter Island since its first days and we appreciate your support. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Loriz. Our next speaker is Hoot Sherman.

MR. SHERMAN:

Good morning. I'm Hoot Sherman, past Supervisor of the Town of Shelter Island. I currently work for the Peconic Land Trust. We are doing most of the land planning for Sylvester Manor. By purchasing the development rights and saving this 240 acre parcel, we will keep probably 100 houses from being built. We will stop the pollution that those hundred houses create that goes into our sole source aquifer.

There are several other advantages for keeping the farm or making the farm a viable farm. We will add much needed employment to Shelter Island. We have run a youth, young farmers program this summer to introduce kids to the art of farming. We are working with the Shelter Island school to introduce organic food, organic produce through the school menu, and overall the people of Shelter Island have embraced the concept. They really want to see the farm flourish, both for the agriculture, for the employment and just for the good of Shelter Island without having an additional 100 houses. Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much, Mr. Sherman. Our next speaker is Kevin Peterman.

MR. PETERMAN:

Good morning. My name is Kevin Peterman. I'm the Executive Vice President of the Faculty Association at Suffolk County Community College, and I'm here this morning to, first of all, thank you for your vote two weeks ago for a College budget. I think it was a win-win not only for the College, but for the students. I'm here to urge you to vote to override the County Exec's veto, and I just want to point out that for the last -- the last time we had an increase from the College -- from the County for the College was the 2007-2008 budget. The following three years we had a zero increase from the County, and two weeks ago you managed to give us a budget with a 1% increase. I just want to urge you, because of your action, tuition was able to be held down under \$4,000.

And I just have a problem with the County Executive asking us to use reserve funds, one shots to do a budget. I found it interesting, June 17th, 2004 there was an article in Newsday that basically said the first community college budget that the County Exec proposed he called for \$1.6 million from the reserve fund to help balance the College's Operating Budget. So it seems to me that some things never change, and I'm glad we didn't do that because we shouldn't be using one shots to do a budget.

And again, I just find it -- I'm not a budget guy but I've been around long enough to know that for Operating Budgets you don't want to use one shots. So I just would urge you to override the County Exec's veto today. Classes start a week from Monday, and we really need to get moving. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you very much. Thank you. Gaynell Stone is our next speaker.

DR. STONE:

Hello. I guess I'm the third one to talk about Sylvester Manor, for a very good reason. It's much more important than any of us realize.

D.P.O. VILORIA-FISHER:

Dr. Stone, can you get as close as you can to the microphone? I'm having a hard time hearing you.

DR. STONE:

Is this better?

D.P.O. VILORIA-FISHER:

Much better. Thank you.

DR. STONE:

Back in 1990, eight years of archaeology started at Sylvester Manor. I think none of us realized what an important story it was, not only in regional history, it basically has rewritten Long Island history but also a national history. The story of Dutch people who fled -- English people who fled to Holland for religious freedom and freedom from persecution. So all the things that we think are important about America today, like freedom of conscience and toleration, actually stem from the Dutch and the Quakers of Long Island, and that story really has not been told by the historians of Long Island.

So the eight years in high tech archeology, the most high tech archeology we have in America today, has resulted in this film, which is called *The Sugar Connection: Holland, Barbados, Shelter Island*, and it really is an important new way of looking at our history. And it was only possible through the help of several County Legislators. The first person to support the film was Vivian-Viloria Fisher. Also had support from Ed Romaine, from Jay Schneiderman, from Kate Browning, Dan Losquandro, who's no longer with us in the Legislature, from Jon Cooper and Cameron Alden, who is no longer here, but his contribution to the film, since each of these contributors have their head shot in the credits, he will live forever. We also had help from Pat Acampora, from Steve Englebright, from Andrew Raia. Again, preserving this site is probably one of the most important things that you'll do in the Land Preservation Program. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Dr. Stone. Thank you for being here. Thanks for your work. Our next speaker is Amy Malave. I believe it's Malave, or Malaye.

MS. MALAVE:

Good morning. My name is Amy Malave and I've been a nurse practitioner for Suffolk County since 1994 and I've spent nine years in the Jail Medical Unit. I'm here today to state that it would be disadvantageous to vote in support for privatization of the Jail Medical Unit, which the County Executive is initiating. I am one of 50 or so civil servants in that unit. We are professionals that value the challenging work with the incarcerated population. Just as you are a civil servant and are sworn to support your district's interest, I and we, at the JMU, are highly cognizant of our role to be frugal in delivering safe health care. Every time I sign an order I consider the taxpayer in this County. A for profit company will not. They are in the business to make money.

The jail population is a highly disingenuous group. Many are repeat offenders in which we have long-term health care relationships with. They're the sickest in overall health, with little or no health care support for their mental health or chronic diseases. We're skilled in dealing with them and are effective in avoiding lawsuits. In fact, many of us thank us for our good work. Which you can imagine these are not the most of polite people.

For profit may cut hours or professional staff to meet their margins. This can only lead to what I fear is poor health, malpractice and lawsuits, for Suffolk County will have to answer to and spend more money, more taxpayer money. For profit will lowball to get in only to charge more later. Please note that Nassau County Correctional Facility had -- excuse me, an inmate die during the first week of their privatization. Let me also remind you that the incarcerated population is laden with great risks of communicable diseases. The Jail Medical Unit is a Department of Health Unit. We are the first stop to diagnose, treat, educate and prevent the spread of diseases to the population at large. These may include HIV, sexually transmitted diseases, hepatitis, tuberculosis, influenza, to name a few. We work for the people of Suffolk County and we want to protect them. A for profit company will not have this as their agenda, not with a minimized or less professional staff.

So in closing I ask you, please, do not support privatization of the Jail Medical Unit. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you very much, Ms. Malave. Our next speaker is Jane Fasullo.

MS. FASULLO:

Yes, good morning. I have a number of issues I would like to address. The first and probably quickest which is I.R. 1719. I want to thank Ed Romaine for the sensible way to save the taxpayers' money. Next, a little bit longer, I.R. 1566. This is the proposal to have the Legislature approve the motions or actions on the part of the Department of Health Services and the Board of Health. One of the purposes of the Legislature is to control cost to the taxpayers. And the purpose of the Department of Health Services and the Board of Health is to protect the residents of the County from unhealthy procedures and practices. In particular, this speaks to the County drinking water. For the Legislature to have oversight of the health issues when they are not experts in the field is clearly illogical.

Things which would protect the health of the people are often quite costly. I can see a day when the Legislature's composed of person's who would only think of ways to save money. At that time, the health of the populous will be in jeopardy if the Legislature can override or influence the decisions of the Department of Health.

I, therefore, strongly advise you to reconsider this law. I think you'd be better off having a third party, a health related organization, as a mediator for those situations where the Legislature feels the Department of Health has created policy in conflict with what the Legislature would like to see. Please do not pass the laws that exist.

I would also like to speak on I.R. 1716. I want to thank Vivian for her continued effort to try to remove the dangerous carry out bags from our environment. They're everywhere. The plastic variety have become a nuisance to drivers as they blow around on the roads and as they rest on roadsides, in trees, along fences, on beaches and even in our private backyards. They also look like food to the larger marine life forms and are consumed as if they were jellyfish with intestinal distress following the act of eating. As they have become a large portion of the plastic vortex of millions of pieces of decomposed plastic found not only in the Pacific Ocean, but more recently another vortex, in the Atlantic Ocean. The plastic islands are in the feeding grounds of many of the fishes and whether they intentionally eat the bags or not, just feeding in the area as if it were plankton results in ingesting large amounts of toxic material. And the minuscule particles of plastic found in these islands contain exceptionally high degrees of toxins, more than just those found in the bags themselves. As you're quite aware I'm sure, these plastic bags easily attach to things because of the high degree of static electricity they contain and as such, it should be no surprise that toxic chemicals from the water do attach to these particles.

And paper bags, while they are not as dangerous to the environment after use, they still damage our environment in that many trees must be cut in order to produce the bags. Trees are carbon sequesters. They convert the carbon from carbon dioxide into the pulp of the tree at the same time they emit oxygen. As such, trees clean our air and help to reduce global warming. Another reason using paper bags is undesirable is the emission of carbon dioxide from the transportation of them to the stores. Due to their increased weight and bulk compared to plastic they require more trucks which add carbon emissions. You should also consider that cutting those trees add carbon to our environment. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Jane. Linda Ogno.

MS. OGNO:

Good morning. My name is Linda Ogno. I've been a resident of Suffolk County my whole life. I wasn't going to speak today, but, you know, watching the news and stuff this morning, you know, they want to raise the taxes on the very rich, the 1% of the country, and some of our politicians have decided that they don't want to have this happen because it may lead to an increase in the middle class having a tax raise, which I really don't mind paying my share of the taxes.

I find the definition of insanity is doing the same thing over and over again and expecting a different result. I've come here many times to speak before you, and I think that my tact is going to become a little different, too. I'm not here to complain anymore and a lot of people do complain and blame you guys, and you're part of the blame. So are we, the taxpayers, because we have a million and a half people in Suffolk County and we can't even get this room full, which I think is a shame. So my job from now on is going to be not only to watch you guys, but I'm also going to try to enlist at least one other person and have them enlist another person, to find out exactly what is going on with our government. And I've been asleep at the wheel, too, but it's time for me to wake up and all your constituents, too. And that's my promise to you guys, that that's what I'm going to do, educate as many people as I can. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Ogno. Our next speaker is Linda Dallaire. I'm sorry, Nanci Dallaire. Sorry. I was looking at Linda's name.

MS. DALLAIRE:

Thank you. Good morning. Thank you for this time. I am a concerned citizen, and although I am concerned at what is happening across the country and around the world, I have homeless and hungry in my neighborhood. How can I worry about things happening so far away when I cannot help those I live near. I am not against spending, I just want commonsense spending. I will be glad to support any entity working for the good of the people. I do not have any problem sponsoring the Vanderbilt Museum. I believe that it has been an asset to our County and we must preserve our history.

I also agree that we have a responsibility to help Suffolk County Community College, but I would like projects to be practical and prioritized. Of course the air-conditioning and ventilation system must be working properly and the roof must be maintained, but why construct new sport and health complexes while the parking at the Selden Campus is so inadequate.

Driving out on the L.I.E. today I passed miles of new wire barriers in the center median. Why was this project so necessary now? I just ask for practical spending necessities now, then other projects can be added when the economy gets stronger.

I fear that we are selling off this County bit by bit, but what is going to be left. We cannot continue to fund a billion dollar wall while our country goes bankrupt. America needs to mend our wounds and heal our land and then maybe we can gain the respect of the world and be the leader that my father fought to defend, but I am here to continue to fight to preserve it.

D.P.O. VILORIA-FISHER:

Thank you, Nanci. Our next speaker is Terri Scofield.

MS. SCOFIELD:

Good morning. I was pleased to see you guys recently take up an ethics bill, but I believe there are

a couple of holes in it here and there. I brought with me one hard copy and I E-mailed Tim Laube the entire motion to an Order to Show Cause by George Guldi, in which he shares many of the details of his proffer to Suffolk County D.A. Tom Spota in June of 2010, in which he lays out myriad bad acts, illegal acts and acts of concealment of illegal acts to the District Attorney's Office, a full eight months before the \$4.1 million Levy/Spota bribe. I'd like to read into the record a brief letter that I adapted by a letter from Larry Gray, a former New York State prosecutor.

"As a fifty-two-year-old lifelong resident of Suffolk County, I am disgusted and outraged at the blatant corruption, patronage, cronyism and bribery that flourishes in many branches of our County government. Suffolk County has a long history of abuse and misuse of the grand jury process and is infamous for its 30-year history of selective and malicious prosecution by our District Attorney's Office.

This latest fiasco, in which our current County Executive, Steve Levy, paid a four million dollar slush fund bribe to Suffolk County DA Tom Spota's office in exchange for not being charged and being permitted to serve out his term, is simply more than I can bear witness to and remain silent.

I, therefore, demand that this Legislature forward a complaint to Governor Cuomo asking him to use his executive powers to force the State Attorney General's Office to appoint a special prosecutor. County Executive Steve Levy and District Attorney Thomas Spota have an illegal agreement; one that is predicated on no legal authority. In return for turning over four million dollars from his political campaign account, District Attorney Thomas Spota will permit Steve Levy to serve out the remainder of his term as Suffolk County's Executive. Neither have any right to give or receive millions of dollars. Election Law Article 14 provides no authorization. Section 14-130 specifically forbids it.

Our Chief Executive and law enforcement officers are not obeying the law. They've made up their own. If Spota has evidence of crimes committed by Levy, his duty is to prosecute him. If he does not, he has no license to accept four million dollars from Levy, none. He has no authority to remove or allow Levy to remain in office. If a quid pro quo agreement exists whereby in return for Levy abjuring reelection and handing Spota four million dollars Levy will not be criminally charged by Spota, but will be allowed by Spota to complete his term of office, it is a criminal agreement.

The present state of affairs in Suffolk County is untenable. Bribery, bribe receiving, conspiracy and other Penal Laws proscribe it. Election Law 17-158 declares it a felony." I'll briefly wrap up. "Article 4, Section 3 of the State Constitution charges the Governor to take care that the laws are faithfully executed. Pursuant to it, Executive Law 63, Subdivision 2, empowers the Governor to require his Attorney General to investigate unlawful acts of persons and suspend and supersede a District Attorney's jurisdiction and authority over all matters specified in his Executive Order of superseder. He is empowered to designate an extraordinary term of the Supreme Court, authorized to empanel an extraordinary Grand Jury, before which the Attorney General may seek indictments. All proceedings are exclusively within the extraordinary terms jurisdiction. Prosecutors are Assistants Attorneys General, the Justice designated as the extraordinary term will come from another region of the State."

I am asking this Legislator -- this Legislature to draft a letter to Governor Cuomo asking that he use his executive power of superseder to appoint a special prosecutor to investigate this \$4.1 million bribe. Tim Laube was gracious enough. I E-mailed him a copy of this. I'm submitting a hard copy to you this morning.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Scofield.

MS. SCOFIELD:

You're welcome.

D.P.O. VILORIA-FISHER:

That concludes the cards that were submitted. Is there anyone else who wishes to address the Legislature? President McKay.

MR. MC KAY:

Good afternoon to the members -- I'm sorry.

LEG. ROMAINE:

I didn't realize. I didn't see you up.

LEG. ROMAINE:

Please.

DR. MC KAY:

Thank you for the courtesy, Legislator Romaine. I just wanted to say briefly that I want to thank you for your past support of Suffolk County Community College. We're here this morning to ask for your support once again. Not only that we are the largest college in the State of New York, but we're also one of the most responsive campuses of all of the 30 campuses in the State of New York, Community Colleges, and other 64 campuses. The value of Suffolk County Community College you know. We are asking you for this one time; we don't know what next year will bring. Next year will require a fund balance reserve for us to get an investment. This year we are asking for you to work with us so that the \$12 million that went out of County will be a gesture on your part working with us. So thank you and I hope that you will override this veto. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Dr. McKay.

P.O. LINDSAY:

Is there anyone else who wishes to address the Legislature? Okay.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Mr. Presiding Officer, I'd like to make a motion to take 1604 out of order.

P.O. LINDSAY:

I have that on my list. I just have to finish the public portion and we have some reports from the Executive, and then I'll be happy to take those resos up. Is there anyone else that wants to address us under public portion? I'll accept a motion to close the public portion by Legislator Eddington, seconded by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

(The following was transcribed by Lucia Braaten, Court Stenographer)

P.O. LINDSAY:

Okay. There is a number of reports from the Executive's Office. The first one is by Mr. Crannell that has to do with the health centers. That has been an ongoing issue. I would ask all Legislators to come to the horseshoe. This is a very important subject that we've talked about for months. So, Mr. Crannell, it's all yours.

MR. CRANNELL:

Thank you, Presiding Officer and Members of the Legislature. As many of you know, I've had the responsibility of being the County's liaison to the State Health Department as we've tried to resolve this dispute over Article 6 reimbursement for the County back to the year 2008. I'm happy to report to you that last evening the County Health Commissioner signed a stipulation, it's pending approval by the courts. But I'd like to talk about -- kind of give you some general highlights today. Like I said, I haven't had a chance to discuss in detail with Legislator Browning or any other member of the Health Committee what's in the agreement, but I'd like to give you some details and have some dialogue on that. I know there's a lot of people concerned about the issue. The 19.6 million dollar impact of the loss of the Article 6 reimbursement -- how's that? Is that better?

LEG. MONTANO:

Speak right into the mic.

MR. CRANNELL:

Sorry about that; a little closer. The 19.6 million dollar reduction that we projected for the years 2008 through 2011 would be reduced by half under this agreement. As part of this agreement, the County has withdrawn its plan of closure for the Elsie Owens Health Center in Coram. We've also agreed not to submit any additional health center closure plan in 2011. So under this agreement, no health centers will close in 2011.

The net impact of this loss, the eventual loss of State Aid to the health centers is about 6.8 million dollars. You know, it's more than any of us would like. But given the flexibility that we've built into this agreement to spread some payments into the next fiscal year, it's our intention to implement an 8.4% reduction to the County health centers this year and then deal with the balance of that reduction as part of the 2012 Operating Budget. You know, the -- so this is something that's gone on for far too long, which I think all of us would agree.

You know, it's important, since I'm speaking on the record, to recognize the folks at the State Health Department, their general counsel and his staff, for all their efforts that were put into this. I'd also like to recognize Leonard G. Kapsalis, who is the Deputy Bureau Chief for our Litigation Bureau, Margaret Bermel and her staff at the County Health Department. They really provided a lot of value to these discussions. And also, I'd like to recognize Craig Freas from the Legislative Budget Review Office. His technical expertise and knowledge of the health center operations was very valuable as we went through this very long process.

So, with that, like I said, the agreement was signed by the County last night. It now has to go back up to the State. It's a settlement of an Article 78, so it needs to be approved by the courts. And, you know, with that, I can answer some questions.

P.O. LINDSAY:

Before I open it up to questions, I know at times, Mr. Crannell, I'm usually critical of maybe yourself and the Executive Branch, but I publicly want to recognize a job well done. We were at the brink of losing our health care delivery system. And nobody's happy about the cuts, but the numbers that you just portrayed to us are certainly manageable and keeps the system alive for another day, which I think was our goal from the very beginning to survive. So I publicly want to thank you for a good job.

MR. CRANNELL:

Thank you, Presiding Officer.

*(*Applause*)*

P.O. LINDSAY:

Does any Legislators have any -- yes, Legislator Kennedy.

LEG. KENNEDY:

Ken, I -- first of all, I echo the sentiments of the Presiding Officer. You did a step up in what was a challenged, sort of, negotiating environment and effectuated a good outcome for us. The Directors of the contract hospitals, have they been made aware of this, and they're in agreement that this keeps us kind of at status quo?

MR. CRANNELL:

We have not notified them yet. I wanted to come before the Legislature and make -- tell you that we've had some progress before we send out letters. But it's our intention to send letters to the contract hospitals to recant the last reduction and put these new numbers in place.

LEG. KENNEDY:

And based on what we had heard from them, this sounds like this will be something that they can work with.

MR. CRANNELL:

This is consistent with the reduction that was originally contemplated for the health centers.

LEG. KENNEDY:

Okay, good. Thank you.

P.O. LINDSAY:

Yeah. I don't know whether you picked that up. The original cuts that were made in June, right?

MR. CRANNELL:

Yes.

P.O. LINDSAY:

They're not going to be increased. The agreement allows us to just get through the rest of the year with those cuts that they've already built in.

MR. CRANNELL:

Presiding --

P.O. LINDSAY:

Legislator Browning.

MR. CRANNELL:

Oh, I'm sorry.

LEG. BROWNING:

I, too, would like to say thank you. I know it's been very problematic. And I have to say, I know I've been a pain in your side on this issue. However, I'm very happy to hear that Elsie Owens Center is not going to close. However, you did say for 2011. You know, the County Executive

hasn't sent his budget to us this year, yet. Can you give us some idea of what's going to happen for 2012?

MR. CRANNELL:

Certainly. I was specific to talk about 2011, because it's important to put on the record that we have tremendous challenges going into the -- into the next year with these health centers. I mean, everybody recognizes the health care that's delivered by Suffolk County to our residents, the needs that we're meeting with these services, yet it's tough to find people that want to provide reimbursement to support that system.

As Legislator Browning knows, you and I worked on a committee together last year to pursue federally qualified health center status as a -- part of a long-term strategy. We submitted a new access point application. There was some funding available through the Affordable Care Act that was adopted by Congress last year to put new FQHCs in place around the country. The Congress eventually significantly cut those resources before they were implemented. We were not selected in our first quest, so now we have to pursue what's called look-alike status. I think there's a lot of agreement. The professionals in our Health Department agree that pursuing the Federally Qualified Health Center designation is part of that long-term strategy. But, like I said, you know, what we've done here is we've cut a deal that's going to preserve our system in the short term, but it would be dishonest if I were to stand here and say that all is well. I mean, we have to relook at our delivery system, look at our structure. We've got to look at what it is that is reimbursable and what we can claim for and make changes going forward. So I can't speak to what's going to be in the 2012 budget, but, as I said, I was very careful to limit my comments to 2011.

LEG. BROWNING:

Also, I'd like to ask you about, there is -- the Article 6 money is not necessarily -- it's not just our health centers, it affects our Medical Examiner's Office, the Crime Lab and also EMS. What is the total amount of money that EMS is losing, and also with the Medical Examiner's and the Crime Lab, and how are we going to continue to fund them?

MR. CRANNELL:

Yeah. There's a unique confluence of things that have happened here. You know, we're dealing with a potential disallowance that we've resolved as part of this agreement. So, you know, dollars that were at risk for 2008, '9 and '10 are settled and finalized for this agreement. It covered a plethora of issues, but primarily it covered chronic care services provided at the health centers, EMS coordination provided by our Health Department, and also the Crime Lab services provided at the Medical Examiner's Office. Those issues are resolved as part of this agreement.

We do have additional challenges. This year's enacted State budget eliminates reimbursement for what the State calls optional services. There are basic core services they provide reimbursement for and optional services. The optional services, it's a long list, but to give you examples, it's reimbursement for not just the crime lab, but the Medical Examiner's Office in total. The State will no longer provide any reimbursement for that, for EMS coordination, for early intervention coordination, for the certified home health care. It's a long list, so, like I said, those challenges we still have to address. That reimbursement was eliminated by the State July 1st going forward, so we still have to deal with that challenge as part of this year's budget.

LEG. BROWNING:

And how much money is that, take away the health centers and all of that?

MR. CRANNELL:

I'll have to provide you with that information, I don't have it in front of me.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Ken, I, too, want to thank you. You and I spent more time together than I ever envisioned.

*(*Laughter*)*

MR. CRANNELL:

I'm not so bad, am I?

D.P.O. VILORIA-FISHER:

No. But you and Len I know worked very, very hard on this and I thank you for your efforts. You did explain to me earlier in the week about looking at the look-alike status. Now, are there any opportunities under that particular umbrella for grant monies or any kind of resources that could come into our health centers?

MR. CRANNELL:

Well, absolutely. One of the main benefits of the Federally Qualified Health Center status, the FQHC status, is that they provide additional Medicaid reimbursement and other uncompensated care provided at the center. So you get a higher reimbursement rate than we normally would otherwise. So, yes, one of the main benefits of that designation is that there's additional reimbursement.

D.P.O. VILORIA-FISHER:

How short is that cycle? When can we apply and expect a response?

MR. CRANNELL:

Well, since -- you know, the fastest way for us to establish ourselves as an FQHC was to be awarded as a new access point. We got notification last week that we were not selected in the current round, so we've directed the Health Department to expeditiously file the application for the look-alike status. A lot of the work that goes into that application was already completed as part of the new access point application, so we're a good ways along. And so when I'm able to share with you the stipulation when the Law Department releases it to me, you'll see in there we had quite a discussion about FQHC as a long-term strategy in the State Health Department, and their approval is required for part of the FQHC. They've agreed to provide technical assistance to us and work with us to try to strengthen our system going forward. So, hopefully, it will be shorter rather than longer to achieve that.

D.P.O. VILORIA-FISHER:

With all the cuts in the Federal budget, in health, what's the likelihood and what kind of numbers are we looking at?

MR. CRANNELL:

The look-alike status can be awarded without additional funding being made available from Congress. And we believe if we, you know, set up our community board, as we've envisioned, and put the proper protocols and procedures in place, there would be no -- nothing hindering us from getting approval to have the look-alike status for the health centers.

D.P.O. VILORIA-FISHER:

Thank you, Ken.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Again, thank you for your work. I wanted to bring up the issue relating to the New York State breast cancer investigation that they did in my district regarding the breast cancer clusters. Now this investigation was done about five years ago and it was part of the unusual disease pattern protocol. I would like for you to possibly see if that issue could be used to secure funds for our area.

The incidence of breast cancer information was from 1993 to 1997. That was a long time ago; it's increasing. By losing health care centers, we're not helping our constituents. And my area has the highest breast cancer rate, according to their information, in New York State. You know, I can say we're not getting our fair share of taxes for our school districts. We need to get our fair share for our area, and that's all of Long Island. So, with that, I'm hoping you can use that information to secure funds.

MR. CRANNELL:

I certainly will take a look at it. I know it's a priority of all of us. And, you know, I'll speak to the Health Department and see if there's an opportunity that maybe we've missed or we can expand upon to provide some additional resources.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Good morning, Ken. Good job. I have this air conditioner over my head, so I didn't hear everything you said. I just want to reiterate so I'm very clear what Bill Lindsay, Legislator Lindsay said. Back sometime in June, I believe, I had a meeting with the Southside Hospital group and they had received a letter which indicated a proposed cut of about 9.1%, I think, approximately \$948,000; am I accurate in that? Do you recall that letter?

MR. CRANNELL:

Just to clarify, the first letter that was received by Southside cuts their current budget by about 8%. The --

LEG. MONTANO:

What was the dollar amount on that, do you remember?

MR. CRANNELL:

I'm sorry. I'd have to get that for you, I don't have it memorized.

LEG. MONTANO:

Okay. So it was --

MR. CRANNELL:

Approximately, about 8%. The -- later on, the Legislature had passed a resolution, you know, stating that as a policy, that we should not have a closure of a health center, and that we should have equitable reductions. The --

LEG. MONTANO:

Well, that was my second question, because I think --

MR. CRANNELL:

Yeah. I believe -- I believe the reduction of -- the reduction will be consistent with the first letter that they had received.

LEG. MONTANO:

Okay. Because the second letter, I think, indicated a cut of 28%, and that would have been on top of the 9% or the 8%?

MR. CRANNELL:

This brings us back to the original targeted reduction level.

LEG. MONTANO:

So what is either the dollar amount or the percentage cut that the -- that Southside Hospital is going to have to suffer as a result of this arrangement?

MR. CRANNELL:

It was based upon the latest information I have. It's 8.4% --

LEG. MONTANO:

Okay.

MR. CRANNELL:

-- in 2011. Like I said, this agreement was just reached last night. I would like the opportunity to meet with the members of the Health Committee and go through the agreement in detail before I expand upon it too much in this forum.

LEG. MONTANO:

Right. Well, that sounds really good. Good job. Thank you very much.

P.O. LINDSAY:

Anybody else want to talk to -- Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Ken, I'm trying to read between the lines a little bit when you talk about 2011, there won't be any closures. And you're specific to not talk about 2012. You're preparing a budget for 2012. We have a law that Legislator Browning sponsored, at least for the non-County-owned health clinics where you can't close one, you have to -- whatever the cuts are, they're across the board, which makes me a little bit nervous about the County-owned ones, because I happen to have two of them in my district. I know the Mary Hibberd Law is in place that would protect them as well. Can you say, are there any plans afoot to try to close any of the County-owned clinics?

MR. CRANNELL:

Like I said, I'm speaking to what this agreement is. You know, like I said, the good news is that any of the reductions that had been targeted will not be there. They were not going to have a closure of a health center in 2011. And, like I said, it would be premature for me to speak to what our plans are for 2012. Then again, as I know, the Operating Budget, that's something done on your side as well. You'll be able to make the ultimate policy decision on what the -- you know, what our health center system looks like and is -- what levels it's funded at going forward.

LEG. SCHNEIDERMAN:

So are you saying that the County Executive's proposed budget, there may be health clinic closures in 2012?

MR. CRANNELL:

Absolutely not. The -- I'm confining my remarks to the agreement that was reached last night and that's all I'm talking about.

LEG. SCHNEIDERMAN:

What you keep saying is there won't be any in 2011. I'm asking specifically about 2012, because we often have to react to budgets that, you know, have all kinds of closures in them and we have to find the money, and etcetera, whereas it's -- you know, it makes our job twice as difficult. I'm asking you a very specific question. Based on anything you know, and I know you've been part of these deliberations, might we expect to see a health clinic closure proposed in the 2012 budget, yes or no?

MR. CRANNELL:

Legislator Schneiderman, my answer is I don't know. Like I said, I'm speaking to what's in the agreement. I'm not speaking about what will -- what may or may not be in the Executive budget when it's released in the middle of September.

LEG. SCHNEIDERMAN:

You're giving me no level of comfort, I just want you to know.

*(*Laughter*)*

P.O. LINDSAY:

Is there anybody else? No? Thank you, Mr. Crannell.

MR. CRANNELL:

Thank you very much, Presiding Officer.

(The following was transcribed by Kim Castiglione, Legislative Secretary)

P.O. LINDSAY:

Yes, we didn't forget you, Mr. Kopp. Mr. Kopp also wants to give a report from The Executive Branch.

MR. KOPP:

I noticed that my colleague got a round of applause. I thought that was kind of unusual. I never seem to get one.

P.O. LINDSAY:

Don't get used to it.

MR. KOPP:

The Resolution 569, adopting the 2011-2012 Operating Budget total for Suffolk County Community College, which the County Executive has vetoed, would increase the County's contribution to the College by \$386,030 in 2011. And since the County is prohibited from providing less next year, also commits an additional \$386,000 next year. The two year impact of over \$772,000 will mean that much less is provided to fund positions in health care, public safety, and other core County services as the 2012 Operating Budget is developed. During the Legislative debate on this measure, it was pointed out that Suffolk Community has a record \$15.6 million surplus, and it was suggested that

using some of those resources to hold down tuition would lessen the pressure on the County's General Fund. Any action taken now to save precious resources will mean there would be more dollars later, and since the 2012 budget will likely include layoffs, saving funds now will lead to the preservation of somebody's job. We strongly recommend this Legislature sustain the County Executive's veto of Resolution 569.

Another measure before you today is I.R. 1556, a Local Law in relation to disposition of auction properties. Adopting this resolution will improve the County's ability to realize revenues from the next property auction and will provide relief from the ongoing maintenance cost associated with homes remaining in our inventory. These two measures will have a collective impact of about one million dollars on our next Operating Budget, which can easily be translated into 15 or so County jobs. We urge the passage of I.R. 1556 and that the County Executive's veto of Resolution 569 be sustained. With the permission of the Chair, I'd like to allow the Director of Real Estate to continue with the report.

P.O. LINDSAY:

Go right ahead.

MR. KOPP:

Thank you.

MS. GREENE:

Thank you, Mr. Chair. Good morning, members of the Legislature. As Mr. Kopp has stated, before you under the Ways and Means portion of your agenda you will see I.R. 1556. What that would do, as many of you are familiar, would eliminate the ten year residency requirement on improved parcels that have been offered at auction twice with the ten year owner occupancy restriction and have not yet received bids. Quite simply, passing that resolution will bring revenue to the County.

Our next auction is scheduled for October 19th. Passing this resolution will allow us to put up four properties that have not sold with that ten year owner occupancy restriction, and allow us an opportunity to see if it is the ten year owner occupancy restriction that is proving to be undesirable and proving to make these properties unmarketable.

There are 54 properties right now with an upset value of 895,000. These homes with the -- to be offered without the ten year owner occupancy requirement would probably have an upset value of approximately \$40,000 each. Again, maintaining them in our inventory continues to increase our costs for maintenance, for taxes, continues to hold them on to inventory making them less desirable, and all of you have had a presentation delivered to you by E-mail that shows the specific test cases. We're asking that you allow the Division to do its job, which is to move the properties out of inventory and bring in revenue for this County.

P.O. LINDSAY:

Miss Greene, Legislator Eddington has a question for you.

LEG. EDDINGTON:

Actually, I had it for the Deputy County Executive.

P.O. LINDSAY:

Now see, if I had a choice, I would rather ask Pam Greene a question than you.

LEG. EDDINGTON:

I'll settle for looking at her.

*(*Laughter*)*

LEG. ROMAINE:

With that, Eric, you're up.

LEG. EDDINGTON:

I'd like to ask you, you mentioned the 2012 budget and you said that could include a layoff of personnel; is that correct?

MR. KOPP:

I think that was -- that message was conveyed in the County Executive's veto message that was sent to you.

LEG. EDDINGTON:

I just want to verify that you said that.

MR. KOPP:

Yes.

LEG. EDDINGTON:

So I guess what I'd like to do is ask what Legislator Schneiderman asked the other Deputy County Executive. Could it also include closing of health centers? I mean, you guys are working on a budget. You're seeing it, and you're telling us some things could be included. I'm asking you straight out, could that be included?

MR. KOPP:

I've not been involved in developing the budget. That's the first thing I can tell you.

LEG. EDDINGTON:

Well, have you heard any whispers in the hallways? I mean, you did hear about layoffs.

MR. KOPP:

I think if we all listened to all the whispers in the halls around here we'd have a lot of trouble, you know?

LEG. EDDINGTON:

You know what, this is a perfect example of giving selective information and asking us to make definite decisions. And we're saying the more information the sooner we get, the better we can work as a team. But if like Legislator Schneiderman said, if you drop it on us, then we got to rush around and try to do prevention rather than proactive language. So, I'm sorry you don't have an answer for that.

LEG. BROWNING:

Bill.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

I have a question for Pam. Pam, you're Director. In your remarks, you had stated -- I was a little confused. You had stated the different upset price depended on the restrictive covenant, the ten-year covenant. I think, one, you said it was an \$800,000 upset price for those properties. I thought I heard that and then you said it was a \$40,000 price or something like that.

MS. GREENE:

All of the properties that are being scheduled for the October 19th auction, the total upset value of all 54 parcels is the \$800,000. Of those include four improved properties, one of which is in your district, which has been put up for bid in the past. It's a lovely home actually. It has a very nice yard. It was put up for auction at \$40,000 last year, received no bids. It has a ten-year owner occupancy requirement. It has been our feedback from the people at the auction and from those going to the home for inspection, that this is an onerous restriction. They are afraid of a reverter clause in a deed that makes it very difficult to obtain outside bank financing, and they're very concerned that they don't know that they'll be employed in two years or five years, not that they'll be able to stay in the home for ten.

LEG. GREGORY:

Okay. Thank you for that answer. Under 1556, the bill doesn't eliminate the ten-year -- the occupancy clause here. I think -- is it two years or five years, I forget.

MS. GREENE:

It's a ten year -- the current law is that improved properties that are able to be habitable are sold with a ten year owner occupancy restriction, and that ten year restriction goes in the deed, so even if the people who are the purchasers of the home sell it, they must sell it with that deed restriction to the next owner, who also must continue out the ten year time period.

LEG. GREGORY:

Right.

MS. GREENE:

So passing this law would merely affect right now four properties because it keeps the ten year owner occupancy requirement in place for the first time the property is sold, the second time the property is sold. It is only upon the third time it's going up for auction and it has not sold that that restriction is removed.

LEG. GREGORY:

Period. There is no restriction at all?

MS. GREENE:

Correct.

LEG. GREGORY:

I know we had talked privately and there were different iterations of what you were looking at doing. So there would be no restriction at all at the third auction. Okay. All right.

MS. GREENE:

Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Good morning, Pam.

MS. GREENE:

Good morning, Legislator Browning.

LEG. BROWNING:

Couple of things. You know, I am the sponsor of the ten-year covenant, and for good reason. And clearly, that the intent of the ten-year covenant has proven to be effective. The issue has been the fact that we have these speculators who come, they buy them up, they turn them into rentals, and then the local municipality gets the phone calls about drug activity, illegal activity, they basically turn into problem homes. I deal with it all the time every day in my district.

We have programs to create first time -- you know, for first time home buyers. We have programs to help military personnel who have served overseas to get homes. We have programs for volunteers for first time homeownership, and I think what our government is supposed to do is to protect our communities, not hurt them. And I see that allowing these auction properties to go up, we're just creating the problems that were created years ago that now I'm tackling. And I don't think this is going to help. I think we're just kind of taking steps backwards instead of forwards.

We do have uninhabitable homes that are 72-h'd, first-time home buyer programs, and I know the auction is yearly, and so now we have these homes that have been sitting now for two years, and here we are in our third year we're going to try and auction them. And if I was a speculator, I'd say, "You know what, I can wait two years," and in the third year I can buy that home with no covenants and be able to buy it.

I think we remember an incident where we had a person who tried to have the covenant removed because the house went on fire, and I know that this Legislature did not approve that. One of my concerns is we're talking -- I thought there was five properties. You're saying now there's only four. There is five.

MS. GREENE:

Four.

LEG. BROWNING:

Three in my district, one in Legislator Gregory's, and I think the other one's in the Huntington area. Am I mistaken?

MS. GREENE:

There are two homes scheduled for auction in Huntington. Both would still have the ten year owner occupancy restriction.

LEG. BROWNING:

Oh, okay.

MS. GREENE:

They have not been offered twice.

LEG. BROWNING:

Well, my question is, is the concern is about making the money, and I understand that we need the revenue. However, it's -- do we sell them to bring in the revenue or do we sell them without the covenant and hurt a community? And I think protecting the community is definitely more important. And why not from the get go start working, and I know that that would require a law change and I'm going to talk to George about it, is taking those habitable homes and doing the 72-h Program with those also?

MS. GREENE:

Two things. One, it is a bit of leap to presume that if the ten-year owner occupancy requirement were removed the only purchasers would be speculative -- to be landlords. We have many young

families who come to the auction who are very interested in purchasing homes, but are turned off by the requirement that they have to have -- that they have to live there for ten years. Again, ten years to a young family is a very long time in this economy.

My second rebuttal, if you may, if I may, would be that in this market there are 20 homes for sale on just about every block on Long Island. The speculators want to purchase homes at distressed values. They have their pick of the litter to do so. They do not have to wait for County auction. In fact, our properties are now competing with that huge inventory and we are now trying to move them through inventory in the face of that economic crisis, if you will.

The 72-h Program has allowed Suffolk County to make a massive investment in the area of affordable housing. We have -- we have in 2009 offered up through 72-h 75 properties for an upset value of over -- of a County investment of more than two million dollars. That was 2009, 2010, 2011. The County's gift, if you will, or investment in the County of Suffolk in the area of affordable housing by the 72-h transfers and forgiving those back taxes and foregoing any upset value at auction, has been in the millions of dollars. And I would just say that we are at a point where we are looking to make money. The taxpayers of Suffolk County have an investment backed expectation that the money they have put in to pay for these properties and continue to keep on the tax rolls, continue to pay for the lawn maintenance, the roof maintenance, the inventory. They deserve to have some chance to recoup that investment.

LEG. BROWNING:

I will tell you based on experience I know of these properties. When you go to the auction you're taking the gamble that it's a first time home buyer versus somebody who's not going to do the right thing.

P.O. LINDSAY:

Legislator Browning, we're going to debate the bill later. This is for questions of the Administration.

LEG. BROWNING:

Okay. Well, I do disagree with their position, and I am talking to George about putting those habitable homes in the 72-h Program also which works very well.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Asked and answered.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Good morning, Pam.

MS. GREENE:

Good morning.

LEG. MONTANO:

Pam, just to reiterate on the 72-h, when we give the properties to the town under 72-h, we forgive the back taxes, do we not?

MS. GREENE:

If they are for affordable housing purposes, yes.

LEG. MONTANO:

Do we give property under 72-h for other than affordable housing purposes?

MS. GREENE:

Yes, we do.

LEG. MONTANO:

Such as?

MS. GREENE:

Municipal purposes such as drainage, parks, open space.

LEG. MONTANO:

In those cases, we also forego the back taxes, and the maintenance, and everything that we've vested into the property?

MS. GREENE:

No. In the municipal purposes we request the towns to make us whole on the County investment.

LEG. MONTANO:

All right. So it's only under the affordable housing component of the 72-h Program do we forgive the taxes.

MS. GREENE:

And transfer for dollar, that's correct.

LEG. MONTANO:

Okay. And that component of the transfers, you said, over the last three years is approximately two million dollars?

MS. GREENE:

Oh, it's far more than that actually. The two million dollars is just 2009.

LEG. MONTANO:

Oh. So what is the -- ballpark. I thought two million was the total. It obviously isn't, it's a lot more.

MS. GREENE:

Yes.

LEG. MONTANO:

All right. Now, this bill that's before us, and we debated this in committee and, you know, it received some publicity. The issue here is, as I see it, is that after the two attempts to sell the property, instead of keeping to the original intent, I mean, we can argue about the ten years. We could make it two years, we could make it three years, we could make it five years, but I think it's fair to say, at least in my mind, that ten years is too long and you've indicated that ten years is a turnoff to many prospective purchasers; is that correct?

MS. GREENE:

Yes.

LEG. MONTANO:

Also, these properties, from what I gather and what I know about real estate, they're not in prime condition when someone purchases them; am I correct?

MS. GREENE:

Yes, you are.

LEG. MONTANO:

They need a lot of rehabilitation, restructuring, etcetera.

MS. GREENE:

It would need investment, yes.

LEG. MONTANO:

And if you have a young couple that is buying this property, how do they mortgage out this property if it's not in prime condition or it's not in habitable condition? How do they qualify and get in there and do the repairs? How does that work?

MS. GREENE:

We have not seen any homes sold with a ten-year owner occupy restriction that have been privately financed through a mortgage.

LEG. MONTANO:

You haven't seen any?

MS. GREENE:

No.

LEG. MONTANO:

Because really they don't qualify is the answer; am I correct?

MS. GREENE:

I can't state that as a fact. We have not seen evidence of that.

LEG. MONTANO:

That's a fair statement. The problem I have with the bill that's before us is that after two attempts under the ten year requirement, we now are defeating the purpose of the original passage of the extension, I think it was from five to ten years, in that now you open up those properties to speculators, because there is no minimum residency requirement whatsoever; am I correct in that?

MS. GREENE:

There will be no residency requirement on the third attempt, correct.

LEG. MONTANO:

So if I'm a speculator I can now look at this house and say I can pick up this house for \$40,000, but theoretically 30,000, 40,000 in repairs. I've got an \$80,000 investment and I can turn around and rent this property for \$1500 a month and basically defeat the purpose of having it owner occupied and maybe being a contributing negative factor to the neighborhood. Am I -- is that a fair statement?

MS. GREENE:

For these homes, yes. However, there are so many other homes available, if they were ready to

make that investment, there's no prohibition from them buying a privately owned home and renting it.

LEG. MONTANO:

But the privately owned -- the other auction properties that they get from the banks in many cases I think the upset price might even be higher than the prices on these properties, because here we're talking about properties that have no outstanding mortgage. We're only looking -- our upset prices are not based on our investment, the back taxes -- let me rephrase the question. How do we determine our upset price in this mortgage or in this auction?

MS. GREENE:

We certainly try to recoup the County investment. However, upon the third time that they've gone to auction, if they have not sold at the upset prices we do try to make them more desirable. We also ask Appraisal Review to give us some marketable sales in the area so that we have some comps to --

LEG. MONTANO:

All right. I'm not sure I understood the answer. The upset price obviously is based on the back taxes. Are there any administrative factor or costs that go into that upset price or is it -- you know, I'm trying to get a handle on what your upset price -- how you determine your upset price at the auction.

MS. GREENE:

We try to determine the upset price based on what we believe the public is willing to pay. In 2008 a home in Mastic Beach had an upset price of \$140,000.

LEG. MONTANO:

So you do base -- you do base it not only on our expenditures, but you add on for what you would consider market value?

MS. GREENE:

Yes, and what it would yield in the marketplace. That home has not sold. In 2011 the upset price was lowered to \$65,000. It still had no bid. The County's investment to date is \$85,000. At this point we will never recover -- should it be sold, we will never recover the County investment and turn a positive yield on that property. Just one example.

LEG. MONTANO:

All right. In your opinion, would it be more feasible to simply lower the residency requirement to a certain point? I know you're smiling. I don't want to put you on -- but I think we had this discussion in committee. What I'm looking to avoid is exactly what Legislator Browning is talking about, and that is having speculators come in and gobble up the properties because I know in my district, even though there are no auction properties on the market in this auction, there are many, and I have friends that also speculate, you know, colleagues and that. There's a lot of that going on, but they're not buying auction property, they're buying properties from the banks, they're buying them in bulk, and they're sitting on them because if they'll buy ten homes in one block they can't renovate ten at one time. So they're one after the other after the other, meanwhile I've got nine properties sitting idle, then eight, then seven, then six, so it is a major problem.

This bill, however, in my opinion, opens up the process after the two failed attempts to speculators and, you know, I'm opposed to that aspect of it. I would be more in favor of lowering the residency requirement to something that's feasible as an alternative. What is your -- you know, what is your position on that considering it's your bill. It's not yours, but the County Executive's.

MS. GREENE:

The Division is looking to move these properties out of inventory, to not continue to have the increased maintenance costs and we're certainly asking the Legislature to partner with us to allow us any attempts we can to not continue to have them offered year after year after year, not be sold, and continue to accrue costs.

LEG. MONTANO:

But if we pass this bill then we do open up these houses to speculators.

MS. GREENE:

I would suggest that if this bill is passed, four homes will be offered on that October 19th auction that will offer an opportunity to see if it works, if it doesn't work, and we certainly can adjust the law as we move forward. We're merely asking please let us move four homes out of inventory this October and make some money for the County.

LEG. MONTANO:

Thank you very much, Pam. Appreciate it.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, hi, Pam. Just very quick, and I think you've answered it already. Involving the banks and the possibility of the young couple going to get a mortgage, small as it may be. Have you gotten any feedback from the banks themselves that the residency requirement is just something that they can't deal with? I mean, it seems to me that that would be something that they would be concerned about.

MS. GREENE:

I haven't. I can just tell you the wording in the deed does say that this deed contains a reverter clause where the property will revert back to Suffolk County should this restriction be broken.

LEG. HORSLEY:

So you're just making the assumption that they banks are going to say hey, you've got to be kidding, I'm going to lose this after ten years or after five years, whatever it may be.

MS. GREENE:

I am.

LEG. HORSLEY:

Okay. I just wanted to get that on the record. I thought that's what your answer would be. Thanks.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Pam, we talked about this a little bit in committee, and I don't want to get into detailed land use terms, but there's actually two areas where I think I'm not comfortable voting today until I've had an opportunity to talk to you about the one issue, habitability, which is actually, I guess, a determining factor as to whether these properties are offered in the first instance to the municipalities or the not-for-profits. And then secondly, what Legislator Horsley just spoke about. When we auction, we offer a bargain and sale or do we just quit claim?

MS. GREENE:

It depends how the notice -- it depends on the property.

LEG. KENNEDY:

Okay. How would these five properties be offered?

MS. GREENE:

I would have to get back to you on that. I believe they would be bargain and sale but I would like to confirm that.

LEG. KENNEDY:

But we're not actually offering fee title absolute then if we have a restriction within the deed. We're not actually conveying full and good title.

MS. GREENE:

We are obtaining full and good title with a reverter clause in the --

LEG. KENNEDY:

Subject to.

MS. GREENE:

Yeah. It's not -- it's on an inhibition on the delivery of the instrument or the property. And may I just answer your question on habitability. It is certainly subjective. It's a difficult standard, but if the Division has evicted people who were formerly living in the home in order for us to get that home ready for auction and to show it, we would determine that that means the home is habitable. It was just being lived in by a family before this.

LEG. KENNEDY:

My point here is, is I think if from the agency's perspective, from your department's perspective, you're limited in your ability to offer these dwellings to the towns or to the proper not-for-profit agencies, because they are now deemed habitable. Maybe I'm misunderstanding. What we talked about in committee was you didn't have the ability to offer these homes because they are now currently deemed habitable properties.

MS. GREENE:

From the Division's standpoint, we want to maintain homes in a habitable state so we can recoup that County's investment. It's our belief that we owe that to the taxpayers of Suffolk County.

LEG. KENNEDY:

I understand the County investment aspect of it and I'm not trying to minimize or speak lightly of that, but I am listening to what my colleagues are talking about as far as their desire to stabilize and to not to perpetuate the absentee nature of properties within their districts. And perhaps that might be some of what the County's commitment might be to assist them in their particular districts, if the homes went over to the towns for the purposes of a 72-h or a first time home buyer or returning vets or other type of assistance program that the towns and/or the not-for-profits administer. So that may be part of the dialogue that still needs to be had.

MS. GREENE:

And for your purposes, understand that there are currently 200 properties that affordable housing has in the pipeline to be transferred to municipalities. So, again, the County's effort of the 72-h transfer of homes has been second to none.

LEG. KENNEDY:

I'm not suggesting that we're not committed to it, but there are thousands and thousands of young people living in expensive rentals or with mom and dad waiting to get into those homes. So trust me, when they hit, they'll get picked up fast. Thank you.

MS. GREENE:

Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Pam, good morning.

MS. GREENE:

Good morning.

LEG. D'AMARO:

I wanted to pick up on a few different aspects of this and ask you a few quick questions. First of all, you know, there's a policy impact if we lift the covenant even on the third auction. I think Legislator Montano pointed out that it doesn't change the policy justification just because we couldn't sell the property two times. And I share Legislator Browning's concern about the impact it's going to have on certain areas, certain communities, where the County even though there are other homes for sale that speculators may purchase for rental, I don't think we should facilitate that or add to that in any way. But I wanted to ask you about the banks. I think you might have answered this already, but do you have any experience or feedback from the banks as far as qualifying for loans with the covenant?

MS. GREENE:

I haven't.

LEG. D'AMARO:

Because I would think that the banks would favor the covenant. Do you disagree with that?

MS. GREENE:

When we offer the homes for sale, we have not had any bidders who have gone on to then apply for and have a mortgage and --

LEG. D'AMARO:

All right, so it's an unanswered question. Okay. And let me tell you why, I mean, owner occupancy is something that lenders look for. They don't discourage that. In fact, when you sign a standard mortgage there are restrictions against rental and, in fact, from the loan application process going forward to the very mortgage and note that you sign at a closing, they require you to be owner occupied.

MS. GREENE:

But they don't say that Suffolk County will take the property back if you fail.

LEG. D'AMARO:

It doesn't matter.

MS. GREENE:

But I would just say that --

LEG. D'AMARO:

It doesn't matter, and let me tell you why. Because if the County gets the property back, okay, it's still subject to the lien. Okay? And, in fact, a lender would be even in a better position because now the lender knows that the property taxes will be paid and it will be maintained.

MS. GREENE:

We're saying that in practice the homes are continuing to stay on the inventory role, on the tax rolls and not be sold and we're just looking to --

LEG. D'AMARO:

Right, I understand that. I'm just speaking to the bank issue, the bank issue. I think that the problem is that home buyers who may be interested in these homes probably don't know that they're for sale. And they don't know going in that they should go to a bank first, pre-qualify and say to the bank, "Look, here's some properties I might go bid on. They're subject to these covenants", which I think the banks would look favorably on, and get some kind of -- get the bank working with them when they go to the auction. That's really the way this needs to happen.

So let me ask you this. When we talked about the 72-h Program I think that's a good idea, but also, if we change the law and gave these properties to brokers that after all have an entire network already in place to advertise the homes, and that's normally where people go if they're looking to buy a home, I mean, we have an entire sales force across Suffolk County ready, willing and able to market these homes for us. Is that something that we could consider?

MS. GREENE:

What do you mean give them to the brokers?

LEG. D'AMARO:

Listings. I mean we'd have to take it out of the auction process.

MS. GREENE:

I don't know how that would work.

LEG. D'AMARO:

Well, I'll tell you how it would work. You'd take the properties, through some mechanism, we'd have to find a way to come up with a list of brokers or whoever we could use. We'd give them the listings for the properties and tell them go and sell them. I mean, that's the way you sell real estate.

MS. GREENE:

I don't know that there's any --

LEG. D'AMARO:

I think the problem is not so much -- I think the problem is the auction. I don't think it's the covenant. I think the problem is that there's not enough outreach, and I don't think we have the capacity to provide the outreach for marketing these homes the way they should be marketed. There are home buyers out there that will buy these homes subject to the covenant and there are banks willing to make those loans. They just don't know about them.

MS. GREENE:

Well, I guess I would offer that in 2009 we were able to fill two ballrooms of a hotel with people who came to purchase and bid on auction properties. We no longer do that. We now have the auction take place in the media room. The market is so repressed, there are so many homes for sale, we are fighting an ever increasing inventory of those homes on the private market.

LEG. D'AMARO:

Right, I agree with you.

MS. GREENE:

Anyone listing a home right now is looking at an 18-month long process to get that home sold.

LEG. D'AMARO:

Right.

MS. GREENE:

We are caught up in that --

LEG. D'AMARO:

But these homes would be more marketable than many other homes because they would be much more affordable.

MS. GREENE:

I'd love to sell them.

LEG. D'AMARO:

Yeah, I agree with you. I mean, I think we all agree we want to get them back on the tax rolls, we want to get them sold. The question is how do you do it and where is the glitch or the roadblock to getting from A to B? And I think the roadblock really is the auction itself.

MS. GREENE:

Again, the website --

LEG. D'AMARO:

Let me just ask you this. Do we -- do we somehow advertise to perspective bidders that perhaps these homes are subject to the covenant and that you are -- it's recommended that you consult with a lender and that kind of thing in advance?

MS. GREENE:

I appreciate the question because it actually answers one that Legislator Browning had as well. The auction brochure is published, it's delivered to every single town hall in Suffolk County, it's delivered to every library, it's delivered to each one of you to your offices. It is posted on the County website for four weeks prior to auction. There are ads placed in Newsday and all other County papers twice that authorizes the auction. The public knows about the auction.

LEG. D'AMARO:

No, I don't agree with that. I don't think the public knows. If I'm looking to buy a house, I decide tomorrow, my family's expanding, I need to buy a home. I'm going to go to a broker. I'm not going to the library, I'm not going to my Legislator's office.

MS. GREENE:

The properties are also posted. Each property is posted.

LEG. D'AMARO:

My point is that there's a much more efficient network in place that I think we should be utilizing to market the homes.

MS. GREENE:

I would love to hear that recommendation.

LEG. D'AMARO:

All right. And again, my only point with the banks is I wouldn't be so convinced that the banks would necessarily see the covenant as an impediment to making a loan. In fact, I think it would encourage the loan even more.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chair. Morning, Pam.

MS. GREENE:

Good morning.

LEG. CILMI:

Question for you. It seems like the biggest problem or question with regard to doing what you're proposing here is the fear that these properties are going to turn into, you know, rental properties and are going to be unmanageable and they're going to be, you know, become blights on the community etcetera. Is there a way that we can put some sort of a covenant in the agreement that would prohibit the rental of these houses and that would require that either, A, they're owner occupied, or B, that they're sold within a certain period of time, you know, by the purchaser?

MS. GREENE:

That is the covenant now, that they are owner occupied for a period of ten years.

LEG. CILMI:

Right. But let's say that we have a speculator who wants to, you know, who wants to invest in these properties. We want to divest ourselves of these properties for obvious reasons and get them back on the tax rolls, to allow that investor to do that, to purchase the property and in turn resell it, fix it up, do whatever it is, you know, and then resell it as opposed to allowing them to rent it. That's not part of our program right now, correct?

MS. GREENE:

The ten year owner occupancy requirement applies to the home for a period of ten years. If someone attends the auction, purchases the property and then, if you will, turns it over to someone else, that owner occupancy requirement stays on that property for a period of ten years. So, in other words, the speculator buys it, fixes it up, sells it to a new family. The owner occupant requirement remains on that property for ten years.

LEG. CILMI:

Okay. So the owner occupancy does not necessarily apply exclusively to the purchaser, but rather to the fact that the house is occupied by an owner.

MS. GREENE:

For ten years, correct.

LEG. CILMI:

For ten years. Okay. Thanks.

MS. GREENE:

Thank you.

P.O. LINDSAY:

Okay. Thank you. Thank you, Ms. Greene. Mr. Kopp, do you have anybody else that you wanted to talk?

MR. KOPP:

No.

P.O. LINDSAY:

Thank you. Okay. We have two bills that I've been asked to take out of order for some relief to people that are here. The first one is by Legislator Viloría-Fisher, I.R. 1681. It's an appointment of Food Policy Council member Donna Boyce. It's on Page 10 under Health and Human Services. Miss Boyce, are you here?

D.P.O. VILORIA-FISHER:

Yes, she is, Mr. Chair.

P.O. LINDSAY:

Okay. Does anybody have any questions of Miss Boyce?

D.P.O. VILORIA-FISHER:

I'll make the motion to take 1681 out of order.

P.O. LINDSAY:

We have a motion by Legislator Viloría-Fisher to take *1681 (To appoint member to the Food Policy Council of Suffolk County (Donna Boyce) (Viloría-Fisher))* out of order; I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Okay. So 1681 is before us, and I'll jump the gun a little bit. Does anybody have any questions? No, I don't see -- oh yeah, it's at the top.

D.P.O. VILORIA-FISHER:

I'll make the motion to approve 1681.

P.O. LINDSAY:

Okay. It's at the top of Page 10. I'll second that motion. On the question? Anybody have any questions?

D.P.O. VILORIA-FISHER:

Is that a real question?

LEG. MONTANO:

Yeah.

D.P.O. VILORIA-FISHER:

Okay, there was a side comment.

LEG. MONTANO:

Could you just ask -- just give a brief explanation of what the Food Policy Council does?

D.P.O. VILORIA-FISHER:

Actually, you know what, may I ask Donna Boyce to give that explanation?

LEG. MONTANO:

Absolutely.

D.P.O. VILORIA-FISHER:

Because she's been a very interested and excited observer so far, and I hope to have her be a member soon of the Food Policy Council. Miss Boyce is a leader in Sustainable Long Island, and Donna, can you just explain what the Food Policy Council does.

MS. BOYCE:

Yes. Very briefly --

D.P.O. VILORIA-FISHER:

And make sure that mic is very, very close to your mouth, otherwise we won't hear you.

MS. BOYCE:

Okay, great. Thank you very much for the opportunity. The Suffolk County Food Policy Council convenes representatives from across the food system from the Long Island Farm Bureau representing farmers, food rescue organizations, Suffolk County Economic Development and Departments of Health to discuss and assess Suffolk County's food system. It also, of course, will look to work regionally. The information gleaned and garnered there will be shared and made public. We have representatives from Stony Brook's Community Gardens Project. Sustainable Long Island, as you may know, has been working on food -- security and food access issues for a couple of years now. We piloted a farmers market in North Bellport last summer, partnering with the Greater Bellport Coalition, Boys and Girls Club of Greater Bellport, Suffolk County United Vets, and the Long Island Farm Bureau, offering fresh, affordable produce that was grown right here on Long Island, mostly in Suffolk County, of course, to the population who has limited access to that opportunity for good health and good living.

D.P.O. VILORIA-FISHER:

To expand on that, right now our current project is getting locally grown food into our schools, into our school cafeterias.

LEG. MONTANO:

Do you deal at all with the distribution of food to needy populations in Suffolk County, such as the food pantries and that, or is that something that you don't deal with in this Council.

MS. BOYCE:

Absolutely. That's a topic that's addressed both -- a number of representatives on the Council, including the Long Island Farm Bureau, we have a representative from J King's own distribution, not to mention Island Harvest, Health and Welfare Council of Long Island and of course Sustainable Long

Island's work on --

LEG. MONTANO:

So they are members of this Council.

MS. BOYCE:

Yes.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second on the appointment of Miss Boyce. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Yeah, I gotcha, I gotcha. Okay. Thank you, congratulations, Ms. Boyce.

D.P.O. VILORIA-FISHER:

Thank you. Thank you, Donna.

P.O. LINDSAY:

I recognize Legislator Romaine for the purpose of taking *I.R. 1604* out of order, *a Local Law to ban the sale of fuel gels in Suffolk County, Michael's Law (Romaine)*.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. 1604 is before us.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, second by Legislator Muratore. On the question? Does anybody have any questions on the bill? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

(*Applause*)

LEG. MONTANO:

Cosponsor. Renee, put me on as a cosponsor.

P.O. LINDSAY:

You want to make a motion, Legislator Montano?

LEG. MONTANO:

Yes. I'd like to make a motion to take the veto of the College out of order.

P.O. LINDSAY:

The veto message is in your Manila folder. It's Resolution No. 569. There's a motion to take it out of order.

LEG. MURATORE:

(Raised his hand)

P.O. LINDSAY:

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

LEG. ROMAINE:

Tim, I'm here.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. So 15 -- the veto is before us, 569. Do I have a motion?

LEG. MONTANO:

I'll make a motion.

LEG. ROMAINE:

Second.

LEG. MONTANO:

To override.

P.O. LINDSAY:

Motion to override; seconded by Legislator Romaine. He said it first. Yes, Legislator Barraga.

LEG. BARRAGA:

On the veto. I certainly understand the position of Suffolk County Community College and the frustration they have with regard to not having any increase from the County in the last several years. This holds true, I guess, for many community colleges throughout the State of New York. And certainly the formula of a third, a third and a third has not been adhered to for many, many years, both at the State and the County level. But by the same token, the last several years from a fiscal perspective has been a disaster for all levels of government.

It is very difficult to give monies to any entity that we really don't have. In this case, \$386,000, which has to be given this year and the following year. Mr. Peterman, who I have known for many, many years, I used to see him in Albany all the time, he talked about one shots. No one likes to

use one shots, but I don't want to give the impression that it's something unique or something that just has come of late. When Mr. Peterman's beard was black and I had a full head of hair, we were doing one shots. And the reason we do them is very simple, we don't like to do them, but we don't want to cut services. There were services that you need at the State or the County level that you must have in place, there isn't a revenue source, so you come up with a one shot. The most infamous that I can remember is Mario Cuomo selling Attica Prison to the State Dormitory Authority one shot. Year after year. And yes, this is a one shot and next year if the revenue picture improves you don't have to do it, but if it doesn't improve you use another one shot to provide services that people really do need. And I could even be convinced giving the College an increase if they didn't have \$15.6 million in the bank. The 386,000, which could come out of that reserve fund, would reduce it to about \$15,200,000. That would have no effect on the quality of education.

My concern is that this coming Operating Budget, and I think there's been enough in the papers to indicate that it will not just be lean or thin, it will be Draconian. For the first time this Legislature may face a budget where we have to do layoffs unless something very dramatic happens with the agreements with different unions. At that point I know I'll be sitting here saying to myself I wish I had that \$386,000 because I have to give it this year and the following year. Because if I had it, maybe fewer people would lose their jobs. And the College budget is done. The ones that will be here four, five, six weeks from now are the different heads of the different unions who will be screaming that if we have to do layoffs it's going to affect their people, their union members, the people in Health Services, or Social Services, or whatever other department there is. And you're going to say, you know, why did we do this? Why did we do this?

I picked up the paper this morning and I was reading about Nassau County and how they used the figure of dramatic increase, I think \$45 million in pension costs for that county. They're getting all the press because of their Comptroller, but we face, over a two year period, an \$80 million increase in pension costs. We face dramatic increases, 35 to 40 million in health care costs, and yet some of the projects that we are still working on we have not finalized yet, which would affect revenue or expenses, like the nursing home or Yaphank. Yet people keep on coming to us, Vanderbilt Museum, give them another \$250,000. One project after another. We just do not have the funding.

I guess bottom line on this is that for the years that I've been here we've always -- you know, even we've moaned and groaned and complained about different budgets, we haven't raised taxes, but we haven't laid off one single person, and that goes to the credit of this Legislature. But when your expenses continue to increase, you don't turn around -- and your revenues decrease, you don't turn around and give \$386,000 to a college that is sitting with \$15.6 million in the bank. It just doesn't make any sense. And after this vote is taken, they'll be gone, they'll be gone.

In October and November and December we'll be sitting here and a whole different group will be here because they're going to see this budget and they're going to be shocked, absolutely shocked. And you're going to wonder, you know, we shouldn't have done that. Because we're going to hear the stories. We're going to hear the stories from the head of the AME and all these other unions. They are going to come in here and they are going to be talking about people that are on the block for losing their jobs. And if we get to a point like I said where we have to do the layoffs, you know, if we had the 386,000 there would be fewer people being laid off. If we give this money away and we have to do, more layoffs there'll be people who will lose their jobs unnecessarily.

Now, Nassau County, in the last three years, you know what their situation is. It's worse than ours, but ours isn't good, but they haven't done any increases to their community college in the last three years, especially this year. If the situation fiscally was different certainly I would support this, But I think at this juncture we should sustain the veto. And it's not about some County Executive, not about an individual. I'm thinking about some people who are not even in this room. They're in Social Services, they're in the Health Department, they are going to get hit and they don't even

know it. You just can't give away any money at this point, especially money we don't have. Thank you.

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

P.O. LINDSAY:

I guess I'm going to speak for the override, and it goes back to my original arguments. There is a little known provision of New York State Law that any of our residents that go to an out-of-county community college, we pick up the tab; that amounted to \$12 million this year. I've said -- as I said before, I've written a letter to the Governor asking that that be put on the list for mandate relief, because I think it's wrong. We're subsidizing FIT, Nassau Community College to the tune of \$12 million and we haven't been able to increase our contribution to our own Community College. And we don't -- we can't make the Trustees dip in to the reserves. They've already voted to increase the tuition to \$250, that would put us \$40 over Nassau. And I think that's dangerous because I think what we're going to do is increase the incentive for our people to go to Nassau Community College because it's a little bit cheaper, especially the ones that live on the border line.

So, you know, I sat down with the President of the college and we started off that they need \$1.8 million in order to stabilize the rates and match Nassau, and we kept sharpening the pencil and he threw some money in and we got it down to \$360,000. I agree with Legislator Barraga, we don't have the money. We don't have the money for anything, and I don't know where to get the money as we go into the budget. But I think that this is a good investment, to spend the \$360,000; in the long run, it might save us money.

The biggest problem we have is most of our revenue comes from sales tax, and sales tax has been down since the 2008 recession and doesn't look like it's picking up. Well, why is that so? Because there's so many people out of work. And the Community College, the correlation is that they're a job producer. What attracts people -- what attracts companies to a locality? A trained work force. Our Community College does a better job at training workers than probably any other college that I know; not only academic training, but actual career training to be nurses and auto technicians and culinary arts people. You know, they're training people for real jobs.

I agree with Legislator Barraga, I just shake my head sometimes at the money that we spent just this year, \$700,000 to relieve the Jewish Y from the Comptroller audit, \$4 million to cap the gasoline tax. And we can't afford \$360,000 for our kids, for not only our kids but our citizens, to train them? I just think that it's -- it's a worthwhile thing. Legislator Cilmi.

LEG. CILMI:

Just sort of tangentially, I just wanted to sort of keep my colleagues in the loop here. I want to thank the Presiding Officer for joining me in my efforts to relieve the County of our obligation as far as the FIT situation goes. As all of you know, I've been dealing with this for I guess about a year or so now, since I've been here really and I found out that this was going on. I do have a meeting scheduled for later this week with some folks from Nassau County to talk specifically about this issue and I look forward to updating you all at our next meeting as far as our progress. That's all.

P.O. LINDSAY:

Anybody else? Yes, Legislator Horsley.

LEG. HORSLEY:

Yeah, Bill, I just wanted to echo your comments about the importance of the roll of the college for economic development in our community. There is no better economic driver than the fact that we are training our young people for a specific jobs that our businesses are requesting, and that's what

they do. They go out and they train -- they look at what the needs of the community are and they go out and they train people, our young people for those jobs. Those are the people who are going to stay in our community; those are the people who are going to be paying taxes into the future.

So I agree with you, Bill. Living as -- living in one of those western areas of the Town of Babylon and Huntington, you're going to have young people saying, "Well, do I go to Nassau or do I go to Suffolk?" We hear the commercials for Nassau Community College, they say they're the best and they're cheaper, they're under \$4,000. I think it is a wise investment, a very wise investment to make sure that our college remains under \$4,000 and that we are affordable and we are affordable and we are building our economy the best way possible and that's through education. So I would -- I stand to override the veto as well.

P.O. LINDSAY:

Anybody else? Roll call.

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

LEG. MONTANO:

Yes to override.

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Hold on, he's going to want to vote on this.

MS. ORTIZ:

Here he comes.

LEG. SCHNEIDERMAN:

Romaine is here now.

LEG. COOPER:

Say yes, Ed.

MR. LAUBE:

Legislator Romaine?

LEG. ROMAINE:

Yes.

*(*Laughter*)*

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Cilmi).

P.O. LINDSAY:

Okay. We have about 25 minutes to get into the agenda and then we're going into Executive Session about some lawsuits that are pending.

If you would go to --

LEG. COOPER:

Bill, before we get to the agenda, I wanted to make a request that we take 1556 out of order so we could get that out of the way.

LEG. BROWNING:

I'll second that.

LEG. MONTANO:

What page?

LEG. STERN:

Where is it, Jon?

P.O. LINDSAY:

I just ask, is there someone in the audience that we need to take it out of order?

LEG. COOPER:

No, I just thought that this might be the last somewhat controversial issue so we can get it out of the way before --

LEG. MONTANO:

1559?

LEG. COOPER:

1556.

LEG. MONTANO:

Oh, I got it. Okay.

LEG. CILMI:

Pam Green is here, so.

P.O. LINDSAY:

What page is it on?

LEG. MONTANO:

It's on page 12, the second one under Ways & Means.

P.O. LINDSAY:

Okay. We have a motion to take 1556, which is the second reso under Ways & Means on page 12, out of order. Is there a second to that motion?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second to take it out of order by Legislator Browning. All in favor? Opposed? Abstentions? It's before us.

1556-11 - Adopting Local Law No. -2011, A Local Law in relation to disposition of auction properties.

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

LEG. COOPER:

I'd like to make a motion to table.

P.O. LINDSAY:

Motion to table.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

You know, we're going to have to address this again in September because the auction is in October. And I would encourage Legislator Browning, or Legislator D'Amaro had a different idea --

LEG. BROWNING:

Bill, on that --

P.O. LINDSAY:

Obviously -- huh?

LEG. BROWNING:

Actually --

P.O. LINDSAY:

Let me just finish what I was going to say.

LEG. BROWNING:

Okay, go ahead.

P.O. LINDSAY:

I would encourage you's to come up with an alternate system, because what we have now isn't working. And as long as those houses remain vacant, they're a blight on the community, we're paying the tab, so come up with a solution. The solutions that we have before us evidently aren't working.

LEG. BROWNING:

I have a solution to get it on the tax rolls. I know that Pam and I both have a meeting with LIBI because I know they're working on a veterans program.

P.O. LINDSAY:

Okay, that's all I say to you, is you have a month --

LEG. BROWNING:

That's what we want to do.

P.O. LINDSAY:

-- to get an alternate in.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

Okay. I'm going to go to the [Consent Calendar](#).

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion to approve the Consent Calendar by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

Page eight, *Resolutions Tabled to August 16th:*

1559-11 - Naming the Veterans Plaza in Raynor Beach County Park in honor of Robert J. Molinari (Kennedy).

LEG. CILMI:

Table subject to call.

P.O. LINDSAY:

Motion to table subject to call by Legislator Cilmi. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Romaine).

P.O. LINDSAY:

2258-10 - Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).

LEG. SCHNEIDERMAN:

Could we just pass over for a minute until Legislator Romaine comes back into the room?

P.O. LINDSAY:

Sure.

1289-11 - Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process (Cilmi).

LEG. CILMI:

Motion to approve.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to approve by Legislator Cilmi. Motion to table by Legislator Cooper.

LEG. KENNEDY:

Second on the approval.

LEG. NOWICK:

Second on the tabling.

P.O. LINDSAY:

Second by Legislator Kennedy on the approval. Second on the table by Legislator Nowick.

LEG. SCHNEIDERMAN:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

This bill has been amended, has it not? Legislator Cilmi, can you explain the amendment?

LEG. CILMI:

Yeah, this is not the bill that was amended. This bill is the bill that would take the Omnibus Working Group process and give it to the Budget & Finance Committee. This is not the bill that was -- that we spoke about earlier.

P.O. LINDSAY:

Anybody else? Tabling goes first. Roll call.

MR. LAUBE:

Legislator Cilmi?

P.O. LINDSAY:

No, to table, to table. Table goes first.

MR. LAUBE:

So that was Cooper and?

P.O. LINDSAY:

Legislator Nowick.

MR. LAUBE:

Nowick; that's what I thought. Thank you.

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

LEG. COOPER:

Yes to table.

LEG. NOWICK:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes to table.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

No to table.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay, 1289 stands tabled.

LEG. SCHNEIDERMAN:

You can go back if you want now, Legislator Romaine is back.

P.O. LINDSAY:

2258-10 - Adopting Local Law No. -2011, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second. I'll make a motion to table.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

LEG. SCHNEIDERMAN:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

No long speeches. You're all familiar with the issue, it's really just an issue of fairness. I think we need to treat all of our County residents the same, particularly when it comes to public safety. This just guarantees that sales tax money is shared equally based on population throughout the County. I ask for an up or down vote. I think it's important that we end the practice that's been particularly unfair to all those communities that maintain their own Police Departments and I ask for your support.

P.O. LINDSAY:

Anybody else? Legislator D'Amaro.

LEG. D'AMARO:

I just wanted to ask, what are the -- what is the breakdown presently and how would this change it?

LEG. SCHNEIDERMAN:

I didn't bring the numbers with me. I could tell you that the areas outside of Suffolk County PD under the current adopted budget are getting about 7% of the monies rather than the 11% they would get based on population, which is a roughly \$2 million difference.

P.O. LINDSAY:

Robert, do you validate that? I thought it was more like \$4 million.

LEG. SCHNEIDERMAN:

That's based on what it could be if you used the full three-eighths.

MR. LIPP:

Right. It would be 2.3 based upon the LIPA population numbers; it would be higher based upon the 2010 Census numbers which are not official yet.

P.O. LINDSAY:

So what is the number?

MR. LIPP:

The number would be in the \$4 million range based upon the 2010 Census.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

What would be -- I'm sorry. What would be in the \$4 million range, the number you would need to correct it? No, that's not correct.

MR. LIPP:

Based upon the 2010 Census, not the 2010 LIPA numbers. So in other words --

LEG. SCHNEIDERMAN:

Go from the 7% to the 11%.

MR. LIPP:

Right. The numbers are unofficial now. The Census numbers are not official yet, so it's not clear if it would apply this year or not.

P.O. LINDSAY:

Okay. The same issue; whether it's two million or four million, where are we going to get the money from?

LEG. D'AMARO:

Well, I wanted to follow-up on that. The two million or four million that we're speaking to, is that additional funding that would be required or is that just divvying up the same pot in a different way?

MR. LIPP:

It would be additional funding to what's in the Police District based upon the 2011 adopted number of sales tax given to the Police.

LEG. D'AMARO:

We're not lowering the areas that are not affected by the bill, we're just bringing the other areas up to the same level; is that what the bill is trying to accomplish? Or Jay, maybe you know the answer to that.

MR. LIPP:

It would do two things. Number one, it would increase the amount going to the Police District over and above the 2011 adopted number, and it would also result in an increase to the village and town Police Districts. I'm sorry, it would result in an increase to village and town Police Districts which would mean, other things being equal, a net loss to the Police District, unless it was made up with higher revenues from the General Fund.

LEG. D'AMARO:

All right. So in order -- if this bill were implemented, in order to meet the requirements of the bill, the Police District would lose revenue unless in the budget we made up the difference.

MR. LIPP:

Correct.

LEG. D'AMARO:

So it is, in effect, additional funding that would be required into the Police District to keep it at its present level going into next year's budget.

MR. LIPP:

Correct. And my understanding is the support for it would be that there would be -- it would be an insurance policy, so to speak, for the Police District in terms of they would be assured of not going below a quarter cent, because in any given budget that number could be less.

LEG. D'AMARO:

But has that happened?

LEG. SCHNEIDERMAN:

Yes.

MR. LIPP:

Yes.

LEG. D'AMARO:

When has that happened?

MR. LIPP:

It's varied, I believe, as low as like five million and change several years ago. I could look up the actual history if you want, I can get back to you in a couple of minutes.

LEG. D'AMARO:

But ultimately we determine that through the budget process.

MR. LIPP:

Correct.

LEG. SCHNEIDERMAN:

If I may. We're allowed to give anywhere between one-eighth and three-eighths to public safety, not specifically Police services. This bill makes it Police services and sets it right in the middle of that one-eighth to three-eighths, which would be two-eighths or one-quarter. And then that pot of money, in the past that goes to the Police District, it's been arbitrary how it gets carved up, that pie, to the various outside districts. So that 7%, somebody is just making up a number. This takes the politics out of it and just says no, we're going to do it by population; not necessarily the fairest distribution, but if that --

LEG. D'AMARO:

Well, okay.

LEG. SCHNEIDERMAN:

But if that -- you have to pick something and that's seems to make the most amount of sense.

LEG. D'AMARO:

But the way it's done now, it's pretty much hashed out in the budget process. I mean, these are policies that we're setting in the budget --

LEG. SCHNEIDERMAN:

Yes and no.

LEG. D'AMARO:

-- when it comes to the allocation of the funding.

LEG. SCHNEIDERMAN:

I mean, there is a law on the books, one that, you know, Ed and I brought an action over, that this was Article C-4-6(J) that says the County Executive's budget is supposed to contain these fair distributions to the villages, towns and villages; it hasn't through the years and that's unfortunate. But instead, we see this arbitrary -- I mean, whatever the County Executive decides to give to the towns and villages, that's what they've ultimately been getting. We haven't been playing with those numbers.

LEG. D'AMARO:

Right, but the Legislature can change that.

LEG. SCHNEIDERMAN:

They can, but in the past we haven't. This would make it -- this would mandate it in the Charter that you would have to divide it based on population and take any guesswork out of it.

LEG. D'AMARO:

And just as the sponsor, Jay, it's going to -- if we want to keep the Police District at the same level, it's going to result in an increase of funding needed; where do you propose we get that funding?

LEG. SCHNEIDERMAN:

Yeah, there's different ways to achieve this. But certainly, if more sales tax is committed to Police services, then more could be cut back to balance that inequity. If sales tax comes back to the General Fund and the towns and villages are left alone, that would also correct the inequity. You know, there are multiple ways to fix it. The fact that we've been doing this year after year at the expense of those towns and villages, it's not an excuse to continue doing it, we should be operating fairly. This just protects those areas going into the future as well as the Police Department, the Police District, knowing that they will get a basic level of funding every year that they can rely upon. I think it's the right thing to do. It really goes back to many, many years of promises, back to the time we got this additional 1% sales tax that we recently reauthorized every two years. We needed support from this Legislative body and that support came with the promise that this money would be used fairly and it hasn't been and it's time to correct it once and for all.

LEG. D'AMARO:

All right. Forgive me for prolonging this, but I really need to understand. What is the target basic number of funding that you're trying to guarantee to the Police District?

LEG. SCHNEIDERMAN:

Again, it's one-quarter.

LEG. D'AMARO:

One-quarter of --

LEG. SCHNEIDERMAN:

So of that, 1%. So when you buy something for a dollar, you're paying basically four cents of that -- of one of those cents, a quarter of that is going to Police services.

LEG. D'AMARO:

But when you buy something for a dollar, it's one penny, it's 1%.

LEG. SCHNEIDERMAN:

It's a quarter of a penny.

LEG. D'AMARO:

Right, so it's -- a quarter of that is going -- this would guarantee a quarter of that going to the Police District.

LEG. SCHNEIDERMAN:

Right. And the current numbers are roughly around that.

LEG. D'AMARO:

Sales tax.

LEG. SCHNEIDERMAN:

We're actually giving a little bit more than that to the Police District. But that becomes a threshold; you can go above it, but you can't go below it. A quarter becomes the bottom limit.

MR. LIPP:

If you like, I could give you the exact numbers now.

LEG. D'AMARO:

Yeah, go ahead.

MR. LIPP:

Okay. Right now the Police District gets a little over \$84 million, a quarter would give them approximately 66 million as a minimum. If you go back as far as 2002, they received 5.2 million. So the bottom line is they would be assured of at least 66 million.

LEG. D'AMARO:

Right. But in years where we've given more, like last year; or this year?

MR. LIPP:

This year, 84 million.

LEG. D'AMARO:

It almost would be an incentive to just give the quarter.

LEG. SCHNEIDERMAN:

And you couldn't fall below it; you can go above it, but you can't fall below it.

LEG. D'AMARO:

Right, I understand.

LEG. SCHNEIDERMAN:

It protects them from a large fall-off in revenue.

LEG. D'AMARO:

Right. All right, so I understand that.

LEG. SCHNEIDERMAN:

And of course, you know, the PBA is supporting that.

LEG. D'AMARO:

So is it the revenue sharing, then, comes out of that quarter percent? Okay, and the present breakdown right now is that the towns and villages that are addressed in this bill are getting roughly 7% of the quarter percent?

MR. LIPP:

They're getting -- it works out to -- they're getting approximately \$6.6 million flat, which happens to work out to 7.8% currently. It would go up to close to \$10 million --

LEG. D'AMARO:

If it goes to what, as proposed, eleven?

MR. LIPP:

About 11%, yes.

LEG. D'AMARO:

All right. But wouldn't that then reduce the funds available to the Police District?

MR. LIPP:

It could depending upon, as you said, the vagaries of the budget, the support for it from the Police Department. And my understanding is that it would at least assure them, as an insurance policy, that they wouldn't go below the quarter cent --

LEG. D'AMARO:

Right, I understand.

MR. LIPP:

-- which is roughly 66 million.

LEG. D'AMARO:

So, you know, Jay, the problem I have is that it seems like we're trying to legislate future decisions that we need to make when we do our budget.

LEG. SCHNEIDERMAN:

In a sense, we are, we're trying to establish fairness so that areas --

LEG. D'AMARO:

Well, you keep saying we're not fair, but we do vote on and pass the budget; in fact, you voted for it. So if it wasn't fair --

LEG. SCHNEIDERMAN:

I have registered that protest, though, often on the floor --

LEG. D'AMARO:

Okay.

LEG. SCHNEIDERMAN:

-- that this is not fair. We're voting on an entire budget, there's things that I disagree with and things that I agree with.

LEG. D'AMARO:

Well, that's why we shouldn't vote on an entire budget.

LEG. SCHNEIDERMAN:

Well, that's a debate I'm sure we're going to have in the future.
But this ends --

*(*Laughter*)*

LEG. ROMAINE:

I'm with you on that.

LEG. SCHNEIDERMAN:

This ends the unfairness. We no longer have to argue, we can save some time because we will have a budget that is inherently fair to all Police Departments within the County.

LEG. D'AMARO:

My only point is that I understand what you're trying to do, I think it somewhat handcuffs us. And as far -- you use the word "fairness", I use the word "budget process". This is what results from the budget process and, you know, you want to label it this portion of the budget is unfair, you have a right to do that. But the fact of the matter is that was the consensus of the Legislature, just like on every other item that's in the budget. So you have a population-based formula. I'm not sure that that's fair either, you know, but my biggest concern is if we pass this bill, in order to keep the Police District where it's at right now in this tough economy, we'd have to come up with two to \$4 million going into the budget next year.

LEG. SCHNEIDERMAN:

If I could just respond. Just because the Police District has been benefitting for all these years by getting more than their fair share doesn't mean we should continue to do that. I think we really have to look at the County as a whole. And of course, you know, I'm a Legislator from an area that's largely outside the Police District, but I think, you know, we need to do what's right by the entire County.

And in terms of fairness, look, this is based on population. In my area, my summer population is probably two-to-four times higher; I'm not asking for that. Of course those Police Departments have to provide services to a much greater population in the summer-time. Between Legislator Romaine and I, we're half the geography of the County; we're not asking for half. Between sales tax and property taxes, we're about a third of the collection; we're not asking for a third. A tenth or eleventh, you know -- well, not eleven; 10%, roughly, or 11% which is what we're asking for, that's fair.

And to continue doing this knowing that -- yes, we're outnumbered population wise. This ends that. This ends the inequity permanently by saying that the budget will treat everybody fairly. It's the

right thing to do. I think most people recognize this is the right thing to do. We haven't been doing the right thing, it's time we get started. I'm sorry that we have to legislate it, but year after year we fight this battle based on broken promises from years ago, we shouldn't have to be fighting this battle. This is a fair way to deal with sales tax and I just ask you to support it.

LEG. D'AMARO:

All right, I appreciate that. Just one final point. I don't think that I was put here to put set formulas in place to replace our collective judgment on how we allocate these funds. So to now say that, you know, we're here to look at what are the pressing needs, where are they, what are our priorities when it comes to public safety money or Police District money, you know, and then I come in and find out, "Well, no, you can't make that decision based on the times, you have to meet a formula instead." I think that's -- it doesn't --

LEG. SCHNEIDERMAN:

I don't know where -- you started with the PSAP money, but I think we also said based on 911 calls, that money would be distributed. I don't know, Robert, there might be other places for formulas or within the budget, but I doubt this is the only place.

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

A long debate, I'll make some few short remarks. Twenty-five, 26 years ago when I was a member of this County Legislature, I didn't have to deal with this. We didn't have this problem. You know why? We didn't use sales tax for our Police District. Put that aside, we now do.

Everyone in Suffolk County pays sales tax. So while Robert has given us a lot of numbers, this isn't about the numbers. We talked about the budget; this isn't about the budget. What this is about is a decision that this County has made to use its sales tax to subsidize their Police District. Unfortunately, the Police District is not the County, it only represents five towns within the County, the five western towns. The five eastern towns and nine villages -- four of which are on the west end, five of which are on the east end -- have their own police forces.

Look at the sales tax, more than a quarter of the sales tax comes from the East End, from the five eastern towns. More than a third of the property tax comes from the East End. So how are you going to -- once you take sales tax from outside the Police District, if you only oppose the sales tax, the quarter penny, on the Police District you'd solve your problem, but you haven't done that. You've made the whole County pay. Yet the whole County requires Police services. Unfortunately, they're not all provided by our Suffolk County Police.

So what way should we divide the sales tax? We haven't asked for based on collection, because more than a quarter of it comes from the East End, we haven't asked for that. What we've asked for is for the nine villages and the five towns that aren't in the Police District, based on population and not on the summer population -- I mean, Shelter Island will triple, quadruple in the summer -- not on summer population but on year-round population; that's 11%. If you're going to tax people and not provide the services, you are setting a very dangerous precedent, particularly in the terms of Police services, because the first obligation of any government is public safety. This goes right to the heart of the issue. It has nothing to do with numbers or the budget, it has to do with the principal of fairness.

I represent a group of people, as does Jay, between us that really, given a choice, if they knew about this debate, would be even stronger in their desire to succeed from Suffolk County, which has

been expressed repeatedly over the years. I want to keep them in Suffolk County. I want to make Suffolk County work for them. But when someone says, "Well, we don't have the money"; when we don't have the money to be fair is the day this government should pack up and shut the doors. This is an issue of fairness, this is an issue of how this money gets distributed. I think Jay has a good bill. I also think it's a bill that helps the Police Department, because at the end of the day the Executive is given the discretion whether to do an eighth, a quarter or three-eighths. At least this guarantees our Suffolk County Police a bottom line that they know they can get year after year after year of that quarter penny is going to be guaranteed to the Police Department. So for those reasons, I would urge your support for this bill. Thank you.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

Bill, just to --

P.O. LINDSAY:

Come on.

LEG. SCHNEIDERMAN:

Again, I just want to ask for an up or down vote, not a table.

P.O. LINDSAY:

No. There's two motions on the floor, one to table, one to approve. You can't change the rules of how we work here.

LEG. SCHNEIDERMAN:

I'm not saying -- I'm just saying, I'd rather --

P.O. LINDSAY:

I know what you asked for.

LEG. SCHNEIDERMAN:

I would like an up or down vote because we're getting in -- the County Executive is preparing his budget.

P.O. LINDSAY:

I know what -- I heard what you asked for. There's still a motion --

LEG. SCHNEIDERMAN:

It's time sensitive.

P.O. LINDSAY:

There's still a motion to table on the floor.

LEG. SCHNEIDERMAN:

I understand that.

P.O. LINDSAY:

I understand it, too. We heard you, three times.

Just as far as the bill is concerned, what the bill does, it -- those that are not in the Police District, it

divides the money by population. Those that are in the Police District are divided by a formula that goes from a quarter as a minimum up to the maximum of three-eighths. If the quarter is instituted by this bill, it will be \$18 million less to go to the Police District. And what Legislator Schneiderman's scenario is, that that can be made up by taking money out of the General Fund. I ask the same question; where are we going to get the money? We went through four months of negotiations with the State over \$10 million to keep our health centers open. So in order to pass this bill, what are we going to do? Are we going to close the whole health center system that we fought for? I mean, that would be one solution. I just don't know where to get the money, folks. And I don't want to argue the fairness issue, I just don't know where to get the money.

LEG. SCHNEIDERMAN:

Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just those numbers just are not right. This is --

P.O. LINDSAY:

They have --

LEG. SCHNEIDERMAN:

Hold on, you can go to BRO, okay? The whole thing is by population. The entire allotment for public safety is by population. So the Police District, with their 89% of the population, gets 89% of that money.

P.O. LINDSAY:

Does your bill say a minimum of a quarter and a maximum of three-eighths?

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

For public safety.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

And including the Police District and outside the Police District.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

But this \$18 million that you just came up with, I don't know where you came up with that.

P.O. LINDSAY:

Well, the difference between what we gave the Police District this year and the quarter is \$18 million.

LEG. SCHNEIDERMAN:

That becomes the bottom threshold. Right now --

P.O. LINDSAY:

Exactly. Exactly.

LEG. SCHNEIDERMAN:

Excuse me, but right now the bottom threshold is one-eighth, significantly more. So you could say without this bill the Police District could get, what, \$50 million less? That wouldn't be fair. This bill guarantees that they can't get less than 18 million.

P.O. LINDSAY:

Fairness --

LEG. SCHNEIDERMAN:

And there's been years where they've lost 35 million, the one year --

P.O. LINDSAY:

Fairness is a wonderful thing. How do you pay for it?

LEG. SCHNEIDERMAN:

Just don't misrepresent what the bill is.

P.O. LINDSAY:

I'm not misrepresenting it. That's your opinion, that's my opinion. That's the way I view the bill.

LEG. SCHNEIDERMAN:

Right. The bill doesn't take \$18 million away.

P.O. LINDSAY:

So you view it the way you want to, I'll view it the way I want to view it. Anybody else? Roll call; tabling first.

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

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

No to table.

LEG. D'AMARO:

Yes to table.

LEG. STERN:

No.

LEG. GREGORY:

No to table.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

MR. LAUBE:

Eight.

P.O. LINDSAY:

Okay. To approve.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Pass.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

No.

LEG. D'AMARO:

No.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay, it fails.

Actually, we have to break for Executive Session now. So I make a motion to go into Executive Session to discuss litigation. Do I have a second?

LEG. KENNEDY:

Yes, second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We're in Executive Session. Would you please clear the auditorium? Thank you.

*(*Executive Session: 12:05 PM - 12:38 P.M. *)*

P.O. LINDSAY:

We're back on the record. We're out of Executive Session and I'll accept a motion to recess for lunch from Legislator Eddington.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions? We stand recessed.

*(*The meeting was recessed at 12:38 P.M. *)*

*(*The meeting was reconvened at 2:27 P.M. *)*

P.O. LINDSAY:

Okay. Can I have all Legislators to the horseshoe, please?

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

(Not present).

LEG. ANKER:
(Not present).

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Not present).

LEG. CILMI:
Yes.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
Yeah.

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
(Not present).

LEG. D'AMARO:
(Not present).

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

LEG. STERN:
Here.

MR. LAUBE:
Thirteen (Not Present: Legislators Browning, Muratore, Anker, Montano & D'Amaro).

P.O. LINDSAY:
Okay, we have a whole host of public hearings this afternoon. First up is ***Public Hearing on Procedural Motion No. 21-2011 - To set a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Outfall - Final Effluent Pumping Station) (CP 8108) (Presiding Officer Lindsay)***. I have no cards on this

subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, would someone like to make a motion?

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion to close?

LEG. HORSLEY:

Yes.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (ACTUAL VOTE: Thirteen - Not Present: Legislators Browning, Muratore, Anker, Kennedy & D'Amaro).

P.O. LINDSAY:

Okay, ***Public Hearing on Procedural Motion No. 22-2011 - To set a public hearing for the purpose of considering the increase and improvement of facilities for Sewer District No. 3 - Southwest (Infiltration/Inflow Study/Sewer Rehabilitation) (CP 8181) (Presiding Officer Lindsay)***. Again, I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none --

LEG. HORSLEY:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Anker, Kennedy & D'Amaro)

P.O. LINDSAY:

Next up, ***Public Hearing on IR No. 1228-11 - Adopting Local Law No. -2011, A Charter Law to establish a 2% Discretionary spending cap in Suffolk County (Cooper)***. I have no cards. Is there anyone in the audience who would like to speak on this subject? Seeing none --

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Anker, Kennedy & D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1247-11 - Adopting Local Law No. -2011, A Charter Law limiting annual growth of the County Operating Budget and tax levy to no more than 2% (County Executive). I have no cards. Is there anybody in the audience that would like to speak on this subject? Seeing none --

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Cooper. I'll second that.
All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen (Not Present: Legislators Browning, Muratore, Anker, Kennedy & D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1314-11 - Adopting Local Law No. -2011, A Charter Law to establish a truth and honesty zone for clean campaign practices in Suffolk County by banning improper fundraising (Romaine). I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, do I have a motion?

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (ACTUAL VOTE: Fifteen - Not Present: Legislators Browning, Muratore & D'Amaro)

P.O. LINDSAY:

Public Hearing on IR No. 1414-11 - Adopting Local Law No. -2011, A Charter Law to require timely submission of budget amendments (Cilmi). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cilmi.

LEG. CILMI:

Motion to close, please.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Browning, Muratore & D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1468-11 - Adopting Local Law No. -2011, A Charter Law creating a program for public financing of County campaigns and the banning of certain donations to curb potential conflicts of interest (County Executive). I have no cards on this subject. Is

there anyone in the audience who would like to speak on this subject? Seeing none --

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Romaine.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen (Not Present: Legislators Browning, Muratore & D'Amaro).

P.O. LINDSAY:

It stands recessed.

Public Hearing on IR No. 1487-11 - Authorizing public hearing for authorization of approval to alter rates for North Ferry Co., Inc. (Presiding Officer Lindsay). I have a couple of cards. First up is Julie Ben-Susan.

MS. BEN-SUSAN:

Good afternoon, Ladies and Gentlemen of the Legislature.

P.O. LINDSAY:

Quiet. Go ahead.

MS. BEN-SUSAN:

I'm Julie Ben-Susan, General Manager of North Ferry. I'm here about IR 1487. We are petitioning you to approve an increase in our vehicle fares as we're in financial trouble. We've been losing money since 2008. More recently, we've exhausted our cash reserves and have had to borrow \$250,000 to fund our day-to-day operations. As I explained on August 2nd, our revenues have been declining since '08. We have reduced our expenses every place that we can, but the ones that are beyond our control continue to climb, especially fuel costs. We now have no choice but to request a rate -- request a rate relief.

As you know, we modernized our fleet starting in 2002 and now we have three large vessels and two remaining small ones. This gives us just the right lift capacity and granularity to serve our customers well, but it also adds considerable debt load to our cost structure. We're asking for increases in our vehicle fares. Every one of these increases is below the rate of inflation since these car rates were last set in 2004. The cornerstone of our request is parity for all Shelter Islanders, regardless of the purpose of their travel, as well as a few changes in definition that we believe will make our overall fares simpler, more fair and add to the good will with our customers.

Since last we met, there's been another local public hearing in Greenport. Notably, much like the public meeting that was held on Shelter Island, no one from the public spoke against our request. A Trustee of the village did make an impassioned plea for additional relief from Greenporters and we heard her well. We restated our commitment to continuously approving our relationship with the Village of Greenport. We've worked closely with the Office of Budget Review and shared detailed

information about our operations, our traffic volumes and, of course, our GAP audited financials. As you know from their report, they've recommended that the petition be approved as is. We need your support and we thank you for your attention. Good afternoon.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

Okay. Yes, Legislator Romaine, go ahead.

LEG. ROMAINE:

At the point of seeming repetitious, all of your financials were reviewed by the Budget Review Office and they recommended in favor of this rate increase?

MS. BEN-SUSAN:

Yes.

LEG. ROMAINE:

Thank you.

MS. BEN-SUSAN:

Including an on-site visit.

LEG. ROMAINE:

Thank you. I know they were there. And actually they came to one of the public hearings on Shelter Island as well, for which I want to thank the Budget Review Office for having someone in attendance. Thank you.

MS. BEN-SUSAN:

Thank you.

P.O. LINDSAY:

Okay, thank you very much. We have another card on this subject, Linda Holmes.

MS. HOLMES:

Thank you. Good afternoon. And I want to thank Legislator Romaine for coming to the Shelter Island Ferry Committee meeting. He's incredible, he shows up at everything on Shelter Island. I just am here to --

P.O. LINDSAY:

We think he's incredible, too.

*(*Laughter*)*

MS. HOLMES:

-- let you all know, because I think most, if not all of you, are new to the Legislature since 20 years ago when we were able to get the resident discount, and I know periodically some of you wonder why we have a resident discount for those people living on Shelter Island. I just want to tell you that for ten years we were told, through the 70's and 80's we were repeatedly told by North Ferry Management and their attorneys that, "Oh, no, we couldn't have a resident discount, that would be illegal. We can't do that." So I got tired of hearing that and, using my own dimes -- you should have seen my phone bill -- I called every ferry company from Maine to Florida, and what I found was that the Shelter Island Ferry companies at that time were the only ones on the entire east coast that

did not have a resident discount. So I gave that information to Fred Thiele, who was our Legislator at that time from our district, and he immediately contacted both ferry company managements. And to his credit, Hoot Sherman, who was manager of the North Ferry at that time, immediately agreed to a resident discount; it took a little longer for Mr. Clark of South Ferry to finally agree, but he did. And what we were asking at that time was only a discount for those of us who live year-round on Shelter Island, because we must go to the mainland for eyeglass repair, dry cleaner, movies, many of our medical appointments and dental specialists, and we just felt we needed that very much and we still do.

And Fred was able to get the Legislature to approve a resident discount. And then, to my surprise, a few years later Mr. Clark of South Ferry expanded the resident discount to include even those people who owned property on Shelter Island but only are here part of the year, but he expanded it and then North Ferry followed suit. But I just want to let you know that the residents of Shelter Island very much need that discount and we always will. Thank you very much for listening. Ed?

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, I want to say if anyone ever needed that discount it's Linda Holmes, because Linda is a member of our Suffolk County Planning Commission and she makes numerous trips off-Island to serve the good as a volunteer, unpaid volunteer on our Planning Commission and does a great job for Suffolk County and represents Shelter Island very, very well. It's always a pleasure to work with you, Linda. Thank you.

MS. HOLMES:

Thank you, Ed. Thank you.

P.O. LINDSAY:

Thank you, Ms. Homes. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak to us about this subject? Seeing none, Legislator Romaine, what is your wish on this?

LEG. ROMAINE:

I'd make a motion to close this. We've had two public hearings, one in Hauppauge, now one in Riverhead, so that it can proceed eventually to a vote.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legislators Muratore and D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1544-11 - Adopting Local Law No. -2011, A Local Law amending financial disclosure requirements for Farmland Committee members (Romaine). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Yeah, I'd like to close this public hearing.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 1586-11 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 3 – Southwest (CP 8170)

(County Executive). I have no cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing none, 1586, motion to close. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Who made the motion? I'm sorry.

P.O. LINDSAY:

Legislator Horsley.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

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

P.O. LINDSAY:

Public Hearing IR No. 1605-11 - Adopting Local Law No. -2011, A Local Law to extend prompt payment policy to attorneys providing services pursuant to Article 18-B of New York County Law (Montano). I have one card on this subject, Steven Flaumenhaft.

MR. FLAUMENHAFT:

Good afternoon. My name is Steve Flaumenhaft. I'm an attorney and I'm also -- I'm a member of the 18-B Panels for Family Court and Misdemeanor Panel and Domestic Violence. I was previously a member of the Felony Panel. The way it works is that after we get done with our services, with our work on a particular case, a voucher gets submitted to a judge who signs it and then it get sent to an administrative office before it gets sent to the County for payment.

My personal experience has been that it takes on average from six to nine months to get paid for services already rendered on any particular case; oftentimes it takes longer than that. And what we've also been experiencing is that oftentimes vouchers get sent back many months after they have already been submitted, they get sent back not for substantive reasons but oftentimes for alleged procedural defects that are really often times based on somewhat arbitrary rules promulgated by the Administrator's office.

For instance, there was a rule that was put forth that we all got an e-mail on that said that we couldn't submit more than one voucher for any given client in a given year. And what happens oftentimes in Family Court is you complete work on a given case, you submit a voucher, but then the case comes back not too long after that, so you're in need of submitting a further voucher. And what happened was a couple of months ago the Administrator called a meeting and at that meeting we were told that we -- that that actually wasn't the rule. He didn't really know anything about that rule, that we were able to submit more than one voucher in a given year. And then shortly

after that, my own personal experience, a couple of days after that meeting, I got two vouchers returned to me for the same client because I was told that they were submitted too closely together, which the Administrator had just said a couple of days earlier wasn't a problem. So I was required to combine those two vouchers into one and send it back in and start all over again seeking payment.

One of the -- one other quick example would be there's one voucher that I've submitted that I haven't gotten paid on in two years now, and it was for a case on -- it was for a felony case that I handled, that I completed, and I submitted the voucher and I was told several months later that I wasn't eligible to get paid because I wasn't an east end attorney. I was assigned to the case, to the Felony case in County Court which is where they hear felony cases post-indictment. I explained that to the Administrator and they said, "Okay, we'll put it through." Again, several months later when I hadn't gotten paid I got the same reason for not being paid and I had to explain this again. I still haven't -- two years later, over two years later now -- gotten paid for this particular voucher. And now they're not really -- they're not responding to any of my inquiries. So it doesn't look like I'm actually ever going to get paid on this particular case.

Personally, I'm not sure what the need is for to have the Administrative Office involved in the payment process, because the vouchers get sent to a judge who knows everything about the case, they know about our work on the case. They authorize it, they sign the voucher and it then gets sent to this sort of -- you know, this middleman, if you will, and it lingers there for a very long time, apparently, before it gets sent to the County for payment.

Now, assuming that the Administrative Office is still going to be involved for, you know, at this time, I do -- I think that the bill that is before us is urgently needed, it's fair, and I urge you all to pass it. And I want to thank Legislator Montano for introducing that legislation and I believe Legislator Romaine as well, and I thank you all. Thank you for your time.

P.O. LINDSAY:

Before you go, there's a couple of questions. And before my colleagues go, I have a question.

MR. FLAUMENHAFT:

Sure.

P.O. LINDSAY:

What is -- the instances that you've described seems that the obstacles in getting paid are non-County obstacles, it's mostly in the judicial system.

MR. FLAUMENHAFT:

Well, it's my --

P.O. LINDSAY:

So how would this bill -- this bill is put in under the assumption that we're holding up the payment, right?

MR. FLAUMENHAFT:

I don't -- I don't necessarily believe that. I think it's -- my experience has been that the delay is -- it seems to be in the Administrative Office.

P.O. LINDSAY:

Okay, but County Administrative or the Courts?

MR. FLAUMENHAFT:

No, it gets -- there's a separate office, David Besso is the Administrator of the --

LEG. MONTANO:

You want me to explain that?

P.O. LINDSAY:

Yeah. Go ahead, Legislator Montano.

LEG. MONTANO:

If I may explain. I think, Steve -- you didn't testify at the first hearing, did you?

MR. FLAUMENHAFT:

I didn't.

LEG. MONTANO:

All right. Well, just let me explain that. I agree with what Legislator Lindsay said. And as we find out more about this, the original bill was to make it that the 18-B attorneys get paid in a timely fashion. And on the presumption that part of the reason that you were not being paid was a County issue, but that doesn't appear to be the main issue. There may be some delays in the County, but before the County can process the vouchers, they must go from the attorney to the judge who approves the time and then the judge sends the voucher to a person who is called the Administrator, which is David Besso from a law firm in Brentwood, and he reviews the vouchers, he goes over them, he submits them to the County Attorney and then the County Attorney reviews them for accuracy and submits them to the Comptroller.

So all the testimony that we've heard to date leads me to the conclusion that the main problem is between the Administrator and the attorneys. And also, what was expressed at the last meeting was that the County Attorney has a contract with the Administrator, the County pays this Administrator \$75,000 a year to administer the 18-B Program to review the vouchers and send them in on a timely basis, but the County does not pick the Administrator. The Administrator is actually chosen by the Bar Association, the Suffolk County Bar Association, and we, in fact -- the County Attorney, in fact, contracts and pays the money. So it seems convoluted.

More importantly, though, this issue brought to light some factors, but what came out last -- at the last meeting, which is even, I think, more critical, is not so much that you're not getting paid on time, is that I think in September we're going to run out of money to pay the 18-B attorneys. So we won't have any money. I don't care how many vouchers you submit, how quickly you get them in, if we don't allocate money to pay the attorneys, they're simply not going to get paid, period. And that becomes a real, you know, constitutional crisis, because the County is mandated by law to provide attorneys for indigents under this 18-B panel. So that's where I think this is going.

P.O. LINDSAY:

Just to continue that dialogue.

LEG. MONTANO:

Go ahead.

P.O. LINDSAY:

The 18-B Section of the County Attorney's budget is one section.

I mean, it's going to be --

LEG. MONTANO:

18-B is --

P.O. LINDSAY:

No, but my point is she's going to have to move money around within her budget to pay this mandated cost.

LEG. MONTANO:

Assuming she has money in other parts of her budget.

P.O. LINDSAY:

Well --

LEG. MONTANO:

We're going to have to put money into --

P.O. LINDSAY:

Well, she's going to have to come back to us --

LEG. MONTANO:

Right.

P.O. LINDSAY:

-- if that's the fact. All right?

LEG. MONTANO:

Yes. And if she doesn't have the money within her department, then we are going to be obligated to come up with some budget amendment to ensure that we appropriately fund the 18-B attorneys till the end of the year.

P.O. LINDSAY:

But getting back to the original problem, it seems like there has to be some dialogue, whether it's with the Bar Association --

LEG. MONTANO:

Yes.

P.O. LINDSAY:

-- or the judiciary. For us to spend \$75,000 for somebody to look at these vouchers for a second and third time --

LEG. MONTANO:

I totally agree with that.

P.O. LINDSAY:

And then to not have the vouchers passed through efficiently --

LEG. MONTANO:

Right.

P.O. LINDSAY:

-- is crazy.

LEG. MONTANO:

If I may point out, I just had a side-bar conversation with Legislator Cilmi and he's already contacted the Comptroller and asked for a report on this process; am I correct, Legislator Cilmi.

LEG. CILMI:

Yes.

LEG. MONTANO:

So we are actually looking into that. Our main objective is, number one, to make sure that on our part the attorneys get paid appropriately and promptly. And number two, now that this issue has come to light, we also want to make sure that we have sufficient resources to meet our obligations under the 18-B law which simply says that where there's a conflict and there's an indigent defendant, the County has to provide legal representation, and that's you guys.

MR. FLAUMENHAFT:

Right.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, Legislator Montano did an excellent job of explaining the situation. And I think from listening to all the testimony and meeting with people, that the problem does reside in the Administrator's Office, who right now is I understand Mr. Besso, the former President of The Bar Association that was selected by The Bar Association.

I think we could save a great deal of money, and I would put this to Legislator Montano, by reforming the system and seeing if the Comptroller's Office would conduct that if we gave them the \$75,000. Because I think you'd see an expedition -- expeditious movement of these vouchers from the judge's chambers to the Administrator to the County Attorney to finally to getting these gentlemen paid, ladies and gentlemen paid. 18-B is the way we represent people that need legal representation that can't afford it. It discourages attorneys from taking these cases if there isn't money there for them, or if payment is delayed. In this case, he mentioned a criminal case in which could have been considerable legal representation, I'm not going to ask you about that, but clearly to be delayed and not even have any hope of getting paid after two years. If I'm an attorney, I don't know if I want to take on too many 18-B cases; even if the courts assign me that, I'm going to try to recuse myself and not get involved.

That's my concern. My concern is make the system work. So possibly the Comptroller's Office as opposed to a separate Administrator could be the ones to review these vouchers after they're sent over from the judges, and then the Comptroller can expeditiously get them to the County Attorney so that the ladies and gentlemen of the bar who do take on 18-B cases can get paid. Thank you.

P.O. LINDSAY:

And it would free up \$75,000 to pay them. Thank you very much.

MR. FLAUMENHAFT:

Legislator Lindsay, another member of the 18-B Panel, Susan DiNatali, couldn't be here today and she asked me if I could read a statement into the record, or I could just leave the statement.

P.O. LINDSAY:

Yeah. Well, I don't know, I think you probably had a little time when we started questioning you. But how long is it?

MR. FLAUMENHAFT:

It's just a couple of double-spaced pages.

P.O. LINDSAY:

Why don't you give it to the Clerk. Thanks.

MR. FLAUMENHAFT:

All right.

LEG. ROMAINE:

Would the Clerk please -- if I could get a copy of that as well? Ms. DiNatali is a constituent of mine and I have spoken with her on this issue.

MR. FLAUMENHAFT:

It's handwritten because she just expected to read this.

P.O. LINDSAY:

Thank you very much for your input.

MR. FLAUMENHAFT:

Thank you very much.

MR. LAUBE:

I'll e-mail it right to you.

P.O. LINDSAY:

Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak to us on 1605? Seeing none --

LEG. MONTANO:

Motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 1625-11 - Adopting Local Law No. -2011, A Local Law to amend Resolution No. 395-2011, A Local Law to protect animals in Suffolk County from abuse (Cooper). And we have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? You're sure there's nobody that wants to speak on this subject?

D.P.O. VILORIA-FISHER:

Oh, please, don't push it. Legislator Cooper, what would you like to do with this?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. EDDINGTON:

Second,

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

Public Hearing on IR No. 1652-11 - A Local Law amending Res. No. 440-11, a Local Law to ban the sale and use of coal tar sealers in Suffolk County (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

No, this is an amendment. I had an agreement with the Executive Branch that they would sign it if I backed up the implementation date until next year to give the suppliers time to get rid of their stock, which I agreed to.

Eighteen -- ***Public Hearing on IR No. 1686-11 - A Charter Law amending the Charter of Suffolk County (Presiding Officer Lindsay).*** I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1687-11 - A Local Law amending the Administrative Code of Suffolk County (Presiding Officer Lindsay). Again, I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1688-11 - A Local Law to provide for the codification of the Local Laws and certain Resolutions of the County of Suffolk into a Municipal Code to be designated the "Code of Suffolk County." (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1689-11 - A Local Law mandating prompt reporting of children missing in Suffolk County ("Caylee's Law") (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1703-11 - A Local Law to establish the Gabreski Airport Conservation and Assessment Committee. (Schneiderman). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Please come forward, sir?

MR. SIEGEL:

Good afternoon. Thank you. Jamie Segal, Quogue, New York. As you know, ACAP, the Airport Conservation & Assessment Panel was established as an effort to unite County government and representatives of the people of the East End communities surrounding Gabreski Airport. After a

lengthy period of contention over proposed development of the airport at a time when there was a prevailing sense by the community that the entrance -- interesting concerns of the people were not being listened to, much less addressed. And we can all agree that it has been a success. Once ACAP went to work and the community was being represented by well-known and trusted leaders, a new spirit of cooperation prevailed and progress was made toward meeting mutually agreed upon goals. There can't be anyone in this room who would advocate for an end to what has become a model of a cooperative working arrangement between officials in the community and a return to days past. But with all due respect, that is what will result if the proposal as presented today by Mr. Schneiderman is adopted.

The effort to codify ACAP by Mr. Schneiderman is well intended and appreciated. However, as the proposal has been drafted, it will effectively silence the voice of the community. And if it were to occur, all indications are that ACAP would no longer be perceived by the public as a well-balanced blend of trusted representatives and County officials working toward meeting common goals.

We respectfully ask that the resolution calling for adopting a Local Law to establish a Gabreski Airport Conservation and Assessment Panel be tabled at this time so we can further our comments with Mr. Schneiderman and perfect this to make it a working document.

Thank you.

P.O. LINDSAY:

Sir, if you would just -- Legislator Schneiderman has a question.

LEG. SCHNEIDERMAN:

Yeah. Hey, Jamie. Thank you for coming out. So this was done to take a committee that was created by Executive Order that had no statutory existence and give it some, to give it some authority. So all I did was I basically to the Executive Order and converted it to legislation.

MR. SIEGEL:

Understood, but there's some fine-tuning --

LEG. SCHNEIDERMAN:

Okay. So --

MR. SIEGEL:

Just some fine-tuning.

LEG. SCHNEIDERMAN:

Okay. So what you're actually saying is you'd like to change ACAP from what it is. Because this is basically what ACAP is, it just --

MR. SIEGEL:

Understood, but there's --

LEG. SCHNEIDERMAN:

See, because one of the things -- ACAP was created to act almost like a SEORA entity, to basically advise this body on matters that the airport, in terms of their environmental impact, community impacts, but by Executive Order, they can't really advise this body. Only the Legislature could create a committee to advise this body, so that's what this attempts to do. And I tried this a couple of years ago and I was told, "Well, why don't you wait and see how ACAP goes," and I did and it's been successful, so I just kind of want to make it permanent so it's not just a creation of the County Executive.

MR. SIEGEL:

I agree with you and --

LEG. SCHNEIDERMAN:

So I'm open -- I'm supposed to be asking a question. I'm open to changing it. I have no problem with changing it, but I need to know how. So how would you change it?

MR. SIEGEL:

I have a list of notes that I'll send over to Jackie that just -- we've got from some of the community groups. We tried getting to you before this, but we didn't know about the exact wording until I got it off the County site last week, so we've been working backwards on it. But Beecher, who's going to be talking after me, has a little more specifics into some of the things we were hoping to change, and we would get you the notes on it. We're just asking to get a little more input on it, just to fine-tune what we've seen is ways that we can make it a little better. And that as long as it's being codified to the long run, we want to make sure that it's something that everybody can live with at that point.

LEG. SCHNEIDERMAN:

Right. Because this would --

MR. SIEGEL:

It's a great idea and we appreciate the effort.

LEG. SCHNEIDERMAN:

It gives a lot more teeth to the recommendations.

MR. SIEGEL:

Exactly, and we're all for it.

LEG. SCHNEIDERMAN:

It must be considered.

MR. SIEGEL:

We just want to fine-tune it to make it -- as long as we're doing it, let's spend the time and do it right and get it together.

LEG. SCHNEIDERMAN:

That's fair. I'll look forward to seeing your suggestions.

MR. SIEGEL:

Thanks, Jay. Thank you.

P.O. LINDSAY:

Thank you, Legislator Schneiderman, for finally getting to the question and listening to the man's answers. Thank you.

*(*Laughter*)*

Is there anybody else in the audience that would like to address us? Please come forward, sir.

MR. HALSEY:

Good afternoon. I'm Beecher Halsey, I'm currently Chairman of the ACAP and I want to thank

Legislator Schneiderman for his efforts and this is certainly a step in the right direction to create a formal statutory authority for ACAP.

Also, to better --

LEG. SCHNEIDERMAN:

Beech, you may have to press a button.

("No" said in unison*)*

No, you don't have to press a button? Just talk more into the mic, then.

MR. HALSEY:

Can you hear me? Define the scope of ACAP where there was some question before whether it was just environmental or just community. You know, I just want to commend my fellow community representatives in that they've become quite knowledgeable in, you know, the needs of the County to generate revenue, the workings of the airport, FAA regulations, the realities of the aviation business and not the least, you know, the environmental impacts, particularly as it pertains to the Pine Barrens and, you know, also the impact on the community which is quite significant.

Even though this is a community-based group, it's shown that it's in no way obstructionist, which sometimes happens. And, you know, really in the past few years, more progress has been made at Gabreski than in the previous 40 years, so -- and that's through working together. But there is some concern that all the members are appointed by the County directly, and in order, you know, for a community group to be meaningful, there really, I think, needs to be some local input into those appointments, whether it comes from the villages, say Westhampton and Quoque, from an environmental group, perhaps the Group for the East End, you know, aviation interests, business interests, you know, for the local Chamber of Commerce. And of course, you know, the County is a big stakeholder here, too. I mean, the County Legislature should continue to serve on it, obviously, and people from the economic development area, too. So I think, you know, that with that, we can all continue, you know, to work together very nicely.

Another concern, and not to go into too much detail but, you know, at this point the County is able to put an application in front of ACAP and we have to act in 45 days, but there's really nothing to determine that that application is complete, other than they say it is. And there is the potential for something to come along where there is a glaring omission in the application and ACAP has very little to do but act on an incomplete application. And we think that there needs to be some way that that ACAP can send back an application that doesn't meet, you know, the criteria.

I have to back up for a minute, I forgot one thing. As far as the appointments are concerned, the legislation doesn't talk about, you know, what the term of the appointment is, you know, kind of the condition, things like that, and I think that really needs to be defined.

So, you know, overall, you know, I think this is a good piece of legislation. I'm pleased that Legislator Schneiderman is open to suggestions and hopefully we can, you know, sit down with him and offer some suggestions to, you know, continue to make this thing work.

So thank you very much.

LEG. SCHNEIDERMAN:

Thanks for coming out.

P.O. LINDSAY:

Thank you. Is there anyone else that wants to speak? Please come forward, sir.

MR. BECK:

Hi. My name is Hank Beck and I've been a member of the ACAP Board and the Gabreski Air board before that since as long as it's been in existence. And Beecher echoed the -- and Jamie both echoed the great strong points of it in that it was community-based and it changed our perception that had existed in all the years, 35 or 40 years before that, that the airport was run by people in Hauppauge who had nothing to do with the local community. These boards are constructed of local people and all with similar interests yet different points of view. They worked together for I'd say six months to a year with fire and lightening until everything calmed down and we produced the working committees that we have today that really produced everything that's happened.

My first response to Jay's legislation was it ain't broke, don't fix it, because it works. And Jay, you know, you've been at the meetings many times, he's a member, ex-officio or direct, but it works and everything has worked well. What we don't want to do is return. I think the major concern about the nature of Jay's bill is in how the appointments are made and how they're approved. No one wants this to be a perspective to change and to shift back to be run by Hauppauge rather than being run by local community interest people. There are people from the local residential groups, the school board, environmental groups. The one big change, by the way, I notice that Jay made in the legislation was to make Mr. DeLuca, or put on an environmental representative which I think is a critically important point. And the prior authorization, Mr. DeLuca, was simply advisory to the panel and did not have a vote. It puts us in a different, difficult position of having eight members of a board, so you nearly need I think an odd number, so you're going to have to find a ninth member of the board, Jay, to make it work.

But I'm in great support of keeping the board as it is because it works. And if we can find a way to work out these differences with Jamie and Beecher, who have been around and are very active in this, I'm happy to participate in that, too. And Jay knows that I worked with him on many projects and we can work things out, usually. So, Jay, do you have any questions for me?

LEG. SCHNEIDERMAN:

Well, just, you know, currently the appointments are really -- because it's an Executive Order, the County Executive laid out who's on it. We're not actually even following the original Executive Order that had certain individuals, they somehow have been replaced by other individuals. But as an Executive Order, and maybe this is a question for Counsel -- I guess it expires when the County Executive leaves and a new Executive is there -- this makes it permanent and it does give this Legislative body some say in who serves as well. And again, I'm open to whatever suggestions you have.

MR. BECK:

Well, I asked that same question, whether the Executive Order dissolves at the end of the current Executive's term. I don't believe it does but, again, Counsel will have to rule on that.

But the second point about succession is also provided for and there have been a number of people who have to move on and be replaced. And while the original Executive Order was a direct order for individuals, the succession was, I believe, promptly applied. But yes, that can be codified, too, and made -- and the term is three years for a member. I think that's a fine term to do it and I think we -- there's other things that Beecher mentioned briefly like the 45-day trigger that begins the moment we receive an application that we have to respond and that we have no way back in case something has to be returned. I was at a conference last night, a SEQRA conference, where I learned that on a DEIS or GEIS or FEIS, there's no penalty for false or misleading information in any of those documents. So they can literally write whatever they want and claim that it's true, so there's no SEQRA Police, I guess you would say (laughter) to go after it.

So this is the kind of thing I'd like to see us have. We don't have statutory authority, but we would

like to be able to make sure that when it goes through our hands it goes through correctly.

P.O. LINDSAY:

Mr. Beck, Legislator Viloría-Fisher has a question for you.

MR. BECK:

Sure.

D.P.O. VILORIA-FISHER:

Hi. Thanks for being here. Earlier, Legislator Schneiderman, in his questioning of the previous speaker, spoke of input from the board regarding the Legislature, but I have seen a lot of important testimony.

*(*Beeper Sounded*)*

MR. BECK:

Thank you.

D.P.O. VILORIA-FISHER:

-- coming before CEQ from members that have given us a lot of very important insights, which in then -- which in turn provided information to the Legislature regarding SEQRA issues. So I didn't see that there was a problem with the advisory committee not being able to communicate its findings to the Legislature. Is this new law that's before us simply going to make it a more direct line, is that how you see it?

MR. BECK:

No, it doesn't give us any authority more than we have already, which is simply recommend. We're advisory in nature, totally. And while we don't advise the Legislature directly, we advise the CEQ.

D.P.O. VILORIA-FISHER:

Yes.

MR. BECK:

Who then takes that into account when they make their recommendations to the full Legislature. I have not seen any problems with this. I don't --

D.P.O. VILORIA-FISHER:

No, I've seen it work very well. And so my question actually was do you -- Legislator Schneiderman had spoken of the fact that you couldn't do direct recommendations to the Legislature.

MR. BECK:

Yeah. I don't --

D.P.O. VILORIA-FISHER:

But I saw you doing that indirectly through CEQ, which is the body that advises the Legislature on issues regarding -- on SEQRA issues.

MR. BECK:

And that's why I think this should continue to go. I don't think we should advise directly to the Legislature. I think we should still be advisory to the CEQ. The establishment of us as a statutory committee giving us real permanence I think is what Jay's argument is and position on this, rather than a County Executive's order which can be rescinded, you know, with a stroke of a pen, literally.

D.P.O. VILORIA-FISHER:

Okay. When we debate the bill, then I'll ask Legislator Schneiderman that directly, because I may have misheard him earlier.

LEG. SCHNEIDERMAN:

If I may --

D.P.O. VILORIA-FISHER:

We'll do it when we talk among ourselves, rather than keeping --

LEG. SCHNEIDERMAN:

Just one second, because I think it will help clarify it. We once had an Airport Lease Screening Committee that was created by this body. It had some powers, it had to vote unanimously; before this body could even see a lease at the airport, it was abolished. And this new committee was set up by Executive Order to advise CEQ and the Legislature and, you know, Executive Order, it's a very hard to make it so this body must consider the recommendations or CEQ when it's by Executive Order. It ought to be created by this body to advise CEQ which is a creation of this body. And that's what it does, it really just codifies something that's working and makes it permanent, and I think it gives their recommendations a little bit more weight by having it in the Charter.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Beck.

MR. BECK:

My pleasure.

P.O. LINDSAY:

Thank you, Mr. Beck. Is there anyone else in the audience who would like to address us on 1703? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'll make a motion to recess.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Public Hearing on IR No. 1704-11 - A Local Law to prohibit elected officials from publishing or allowing the publication of their names in advertisements for any County funded or sponsored program or event. (County Executive). I don't have any cards on this subject. Is there anybody in the audience who would like to address us on this subject? Seeing none, do we have a motion?

LEG. MONTANO:

Yes, to recess.

P.O. LINDSAY:

Motion to recess.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Who was the motion?

P.O. LINDSAY:

Legislator Montano.

MR. LAUBE:

Thank you. Seventeen (Not Present: Legislator D'Amaro).

P.O. LINDSAY:

Okay. *Public Hearing on IR No. 1716-11 - A Local Law to reduce the use of disposable bags by retail stores (Viloria-Fisher)*, and I've got several cards. First is Michael Watt.

MR. WATT:

Good afternoon. Thank you for having me here today allowing me to speak. Good afternoon. My name is Michael Watt, I'm here to speak on behalf of the 500 plus members of the Long Island Gasoline Retailers Association, most of whom conduct their business in Suffolk County, regarding IR 1716, a proposal that would require the collection of a fee, some might say a tax, of five cents per plastic bag used in the purchase of goods at retail stores.

Once again, the Suffolk County Legislature has a commendable goal in mind but wants to accomplish it on the backs of the small business operator as well as the Suffolk County consumer. Business is so bad these days and competition is so stiff that retailers at every level constantly explore ways in which they can keep costs down in order to survive. Every penny matters, especially in high volume operations such as convenience stores. Therefore, it is in the store operator's best interest to use as few bags as possible when a purchase is made or to forgo the bag completely when the consumer is only buying one item or an item that can easily be carried on its own, such as a gallon of milk.

Speak with any of our members and you will learn that their customers are coming in less frequently and spending less when they do. Money is tight. Coupon sites such as Groupon are flourishing because more and more shoppers are looking for big bargains, more out of necessity than parsimony. With money so tight on both ends of the spectrum, then, we must question the wisdom of adding more costs to the purchase process. The Legislature is also cautioned to consider the elderly shopper who's limited to how many items she can carry in one bag. Is my 80-year old mother, for instance, going to be punished and made to pay extra because she can't lug as much stuff as I can? This is not to say that my mother does not share your desire to limit the amount of plastic bags in circulation, like an increasing number of environmentally conscience consumers, she brings her own canvas bags when she can and she recycles or finds other uses for whatever plastic bags she does take home. What she can't afford is more taxes and more fees.

The small business operator on Long Island can't swing more expenses either. Profit margins continue to get squeezed by a tough economy, higher costs of doing business and across the board increases in government fees and higher fuel costs. This one cent per bag to be kept by the shopkeeper does not even begin to cover the cost of the burden of keeping track of the extra monies to be collected, and requiring the smaller stores to give a nickel to the consumer for every canvass bag the shopper shows up with could be a real back-breaker. More paperwork, more fees, more fears of fines for infractions that may not be avoidable given the randomness with which this law

would have to be enforced; more costs, more chaos and confusion at the cash register.

I don't know if there's a good time to inflict all this on small business, but I do know that with the country on the cusp of a second dip in -- a second dip in the double-dip recession, now is not a good time for this measure to pass. On behalf of the members of the Long Island Gasoline Retailers Association, I strongly urge the Suffolk County Legislature to reject this measure. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Watt. Legislator Viloría-Fisher has a question for you.

D.P.O. VILORIA-FISHER:

Michael, there is no requirement of giving the nickel back if a person brings their own -- his or her own bag.

MR. WATT:

I understand there's no --

D.P.O. VILORIA-FISHER:

That's not a requirement.

MR. WATT:

I understand that, but --

D.P.O. VILORIA-FISHER:

But that's what you said on the record; you said that we are requiring a nickel.

MR. WATT:

No, I said the possibility of having to give back a nickel, when the competition can do that because they can absorb it, the bigger stores, the Stop & Shops, the big-box stores, they can make that refund. Now the convenience store can't.

D.P.O. VILORIA-FISHER:

They're doing that now, aren't they?

MR. WATT:

Yes, they are.

D.P.O. VILORIA-FISHER:

So --

MR. WATT:

And it's not helping the cause.

D.P.O. VILORIA-FISHER:

But we're not changing that. We're not changing that.

MR. WATT:

You're giving --

D.P.O. VILORIA-FISHER:

That's occurring now, we're not forcing that.

MR. WATT:

I understand that.

D.P.O. VILORIA-FISHER:

But I don't want to debate with you, you just made an incorrect statement and I wanted to correct it on the record, that this law does not require that the store give anyone a nickel when they bring a reusable -- when they bring their own bags.

Secondly, you actually -- your statement, you made some very important points that are part and parcel of the Legislative Intent here. Didn't you say that when people carry their items by hand, a container of milk or not use a bag at all or bring their own bag, would be advantageous?

MR. WATT:

Yes.

D.P.O. VILORIA-FISHER:

Okay, that is the intent of this particular piece of legislation.

MR. WATT:

Right, but they're doing it already. To run the risk of the store getting hit with a fine because somebody didn't give a -- didn't charge a nickel for the bag, these are legitimate concerns on the part of the small business operator.

D.P.O. VILORIA-FISHER:

Okay.

MR. WATT:

I mean, it's already happened voluntarily. I don't know why we necessarily have to legislate it.

D.P.O. VILORIA-FISHER:

Actually, unfortunately it's not; it's not happening voluntarily.

MR. WATT:

I would respectfully disagree.

D.P.O. VILORIA-FISHER:

Okay, we disagree. And I wouldn't have introduced this legislation if it -- if the data wasn't out there that we see a lot of plastic bags in our litter, in our waste stream. The one cent per bag you're saying doesn't cover the cost; do you have an estimate of the kind of cost that this would incur?

MR. WATT:

No, we just got wind of this last week, so we have not had a chance to research that, but I can get those numbers to you.

D.P.O. VILORIA-FISHER:

Michael, I'd be happy to meet with your association to discuss this bill and go over what the benefits are. So if you would call my office, I would be happy to meet with your association.

MR. WATT:

That would be terrific and we greatly appreciate the gesture.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Mr. Watt, Legislator Eddington.

LEG. EDDINGTON:

Yes. You know, we had a bill like this last year, it was five cents at that time, and I don't support a tax on the people that come shopping. But at that time, I was hoping that there would be some meetings and instead of you coming here and saying that you're against it, have you reached out to try to solve the problem, too? Because it's not going away, Legislator Viloría-Fisher has done a lot of research on it. And if you just come here and say, "I don't like it," I mean, will you meet with her? Will the industry look at an alternative or some education program or -- otherwise, next year we'll be here again if it doesn't pass.

MR. WATT:

Absolutely. And again, I want to repeat that, you know, these bags are expensive, and it behooves the shop owner to give out as few of these bags as possible. So we're looking for any ways that we can save money, we're just concerned when it becomes a Legislative requirement.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Okay, Legislator Cilmi.

LEG. CILMI:

Thank you. So you sort of answered my question, Michael, but I had something to follow-up with, but just to reiterate. So you have no idea how much these bags are costing, one of the major supermarket chains, for example? I mean, it's got to be less than a penny a piece, I would imagine.

MR. WATT:

Right. I don't have a specific cost in mind here, but it's -- you know, one bag, sure, but you're talking about -- the concern is it's another attempt, it's another regulation and it's another burden on the small business owner who's barely getting by as it is and now there's one more thing that we have to file, one more thing that we have to watch out for, one more thing we have to train our workers for, and it's an extremely tough environment and the shop owners are at the breaking point as it is.

LEG. CILMI:

And just to sort of reinforce your statement, and I certainly would not argue that this is happening across the board, it's probably not happening enough. But there's a new grocer in the Bay Shore area, actually, I was fortunate enough to go to a grand opening of their store recently, and they -- a store called Aldi, A-L-D-I, they opened their first store on Long Island just recently in Bay Shore, and they actually do not offer plastic bags or any bags.

MR. WATT:

Right.

LEG. CILMI:

You have to bring in your own bags, which I think is a brilliant idea, but it's something that they came up with and it's working in their business model. So anyway, I look forward to the debate.

MR. WATT:

Well, you know, the point, though, that seems to get lost in all this, I mean, Costco is the same thing, there's no bags there, and that just shows you how hard they work to shave costs whenever they can. But we also have a constituency that we have to respond to, and if the customer is standing there with a quart of milk and then he or she wants a bag for it, you know, we say no, they don't think, "Wow, this guy's really pro-environment," they think, "Wow, this guy doesn't know how to service the customer," and we lose that customer. And we have to respond to a constituency that is very demanding and it becomes problematic in our case.

P.O. LINDSAY:

Thank you, Mr. Watt.

MR. WATT:

Thank you.

P.O. LINDSAY:

Bonny Betancourt.

MS. BETANCOURT:

Good afternoon, Chairman Lindsay and Members of the Legislature. My name is Bonny Betancourt, I am here today on behalf of the American Chemistry Council, and more specifically on behalf of our plastic bag manufacturing group, Progressive Bag Affiliates. And I wanted to just remind you that I've actually appeared before you on plastic bag issues several times in the past, the debate has changed over the last several years from bans to recycling and now to taxes here today. And we have spoken on the tax issue in the past and just wanted to reiterate that respectfully our position on a tax has not changed, we do oppose a tax on plastic shopping bags. I'm here to speak specifically on plastic bags and not paper bags.

So on resolution 1716, we do respectfully oppose, and our opposition really rests on our very serious concern over what a tax would do to the current recycling programs and rates in the County. Back in 2008, as you know, the State passed a Statewide law mandating that retail stores over a certain size have to collect plastic bags for recycling. I'm not here to speak on behalf of retailers in particular, but I do know that the larger stores that have very robust collection programs today, they're doing a very good job collecting and recycling not just plastic shopping bags but plastic films, and that's a very important point to make.

In the testimony that I passed out for each of you to receive, on the back page there's what I call a pictorial of the different types of plastic films that are recyclable. So we're not just talking about plastic shopping bags, we're actually talking about other types of plastic wrap and packaging. I did bring some examples that I wanted to show to you, and I state for the record that in the examples that I brought, we make no endorsement of any particular brand, these are just for demonstration only. But this obviously is a plastic shopping bag that is in question, and inside that bag, the other types of films that consumers now can recycle is a bread bag; a bagel bag; this is toilet paper wrap; this is the wrap that came with a package of paper towels for the kitchen; this actually is the plastic bag that is inside cereal boxes, this is also recyclable, so you can pull those out of your cereal boxes and put it in a recycling bin in your local store; the newspaper sleeve; dry cleaning bags. And also, my daughter went shopping recently at the local mall and went to a popular store for teens and bought a party dress and this is the plastic bag that they used to cover her dress and this bag is also recycling. So all these are plastic films, they are all recyclable, and many, many of these stores, the retail stores that have collection bins will take these films, in addition to the plastic shopping bags, and they will recycle all of it.

I did note that in the Legislative Intent section of the proposal that it states that that the purpose

behind the legislation is not only to reduce the number of bags but -- and this is from, quoting, "To strengthen current recycling efforts." And we wanted to submit for your consideration that actually that would have the opposite effect. Recycling and taxes are not complimentary to each other, they are mutually exclusive. The reason for that is that a tax is intended to actually reduce consumers accepting the plastic bags at checkout.

When you reduce the overall volume of plastic bags that are out there, you're going to reduce the volume that is available for recycling.

Our concern is right now the stores that are taking other types of plastic film for recycling, if they lose a significant volume of plastic shopping bags, the ones -- and I wanted to make this point. The Statewide law, retail stores over 10,000 square feet are mandated to recycle, they have to collect the plastic shopping bags. Well, it's my understanding that in addition to the bags, along with the film, they have enough of a volume that it reduces their solid waste disposal costs and they also are able to sell -- they bail that recyclable material and they sell it back to recyclers. So while it may not be -- it may or may not be profitable for them, but at least they break even on their cost of collection.

If the plastic shopping bags drop enough so that only the plastic film is left, there's no provision in the Statewide law that allows the store to not recycle anymore. So the large ones may experience a point where it becomes a negative return on their efforts to collect the material.

*(*Beeper Sounded*)*

The other point I want to make quickly is that a lot of stores that fall underneath the State mandate to recycle, they actually voluntarily offer the recycling bins and they collect from their customers the plastic films that are brought in, because people want to recycle. We've heard it many times said that not enough material is recyclable, that people don't recycle. I can tell you anecdotally, on my own behalf, I do recycle everything I can get my hands on, not just plastic but metal, glass and paper as well. Every time I take my bags and my film back to my local retail store, the plastic recycling bins are full to overflowing; I have never seen them empty. People do bring back their plastic bags and they do care. So we are just concerned that if you tax something --

P.O. LINDSAY:

Ms. Betancourt, you're out of time, but I have a number of Legislators that want to ask you a question.

MS. BETANCOURT:

Okay.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, hi. Thanks for coming. The variety of bags that you just showed us, are they made of all different types of plastics, or are they essentially the same type of plastic? And how do they differ, if at all, from the plastic material that's used or the film that's used in the bags that -- such as you carried them in.

MS. BETANCOURT:

Right, right. The plastic shopping bags themselves are made from polyethylene, there are two types, there's low density polyethylene and high density polyethylene. Sometimes you'll see it marked on the bag either a 2 or a 4. So all of the films that I showed you are either made from a 2 or a 4 and those are all recyclable.

LEG. CILMI:

And are they all recyclable in the same way? Are they all recycled in the same fashion?

MS. BETANCOURT:

Yes, yes. They're all collected and bailed together and they're all processed by the same method and the same machinery that the recyclers use.

LEG. CILMI:

Are there any byproducts to the recycling process that you know of?

MS. BETANCOURT:

That I can't speak to, unfortunately. I don't -- I'm not with the recycling industry itself, so I couldn't tell you.

LEG. CILMI:

What about in terms of many of the towns have recycling programs, I know I put out my newspapers on one day, my cans and bottles on another day. Do they -- they don't -- do they not take these plastic bags?

D.P.O. VILORIA-FISHER:

No.

LEG. CILMI:

I mean, has there been any effort, does anyone know if there's been any effort to get the towns to accept these plastic bags?

D.P.O. VILORIA-FISHER:

It clogs up their machine.

LEG. CILMI:

It clogs up their machine. Okay. All right, thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Good to see you again, Ms. Betancourt. And thanks for bringing that bag, because I have one at home that's exactly like it because I recycle every bit of plastic that comes into our home, and people don't often think of the bread bags that you get the bread in as something that you can recycle. But I want to look at that definition of recycling, because that's one way of recycling where you're allowing the stores to do the recycling. But when I get a plastic bag and I bring it back to the store and use it again, I'm recycling it. So it does encourage recycling. If I had to pay a nickel for that bag to get it again, I would rather use the one that I already have and recycle it for my own use. So when you look at the Legislative Intent, that's exactly what that piece of the legislation is referring to. I just wanted to clarify that so that it's clear to everyone.

The second thing is do you pay tax? Do you pay income tax, personal income tax?

MS. BETANCOURT:

Sure I do.

D.P.O. VILORIA-FISHER:

Does the Federal Government give you a choice as to whether or not you're going to pay that tax?

MS. BETANCOURT:

Nope.

D.P.O. VILORIA-FISHER:

No. And yet you're very freely calling this nickel a tax, and I agree that it can be named a tax because it's government collecting, requiring people to pay. However, the term "require" is used very loosely. Do you know that under this law, one of the pieces of Legislative Intent is to give people an option. They can take a bag for a nickel or recycle a bag that they have previously been given at the store or bought at the store, or they can bring their own tote. Are you aware that that's an important piece of this legislation?

MS. BETANCOURT:

Yes.

D.P.O. VILORIA-FISHER:

Okay. So, in fact, when you equate it to other taxes, it's really quite different, because the constituent, the customer, the client has a choice here. This is a law that was put together because I've seen too many laws banning too much in this County, and I want to treat my constituents as equal partners in trying to clean-up our environment. And so we're helping them to educate themselves and to change their behavior and this is one way to do it.

So thank you again for coming down. And thank you for reminding everyone that recycling -- by the way, reducing is the first R, the second one is recycling and then reusing, right?

MS. BETANCOURT:

Yep.

D.P.O. VILORIA-FISHER:

So reducing is what we're trying to do here.

P.O. LINDSAY:

Legislator Muratore.

LEG. MURATORE:

My question's for Counsel, so I need to --

P.O. LINDSAY:

Oh, okay.

LEG. MURATORE:

Mr. Nolan is not here.

P.O. LINDSAY:

Legislator Cilmi. Oh, wait a minute, I've got Legislator Horsley and then I'll go to Legislator Cilmi.

LEG. HORSLEY:

Yes, hi. Good afternoon. Just a couple of quick questions. But first of all, the answer to the question of Legislator Cilmi, going back a couple of years ago, it was less than one-half of -- one-half of a cent to produce a plastic bag.

LEG. CILMI:

Less than one half.

LEG. HORSLEY:

About a half a cent, give or take, and that was a couple of years ago. Secondly, just so you know, that State law that you referred to was written here by this Legislature.

MS. BETANCOURT:

I know and then they took it over.

LEG. HORSLEY:

Then they took it over, which is fine. That was good, that was a great thing. So just so you know that this is where it starts, so you should be concerned that when we start talking about something that it may be the future.

My question to you is one of the -- when we first started talking about plastic bags going back several years ago, we were saying, "Well, you know, really the first thing to do is to develop a program that is incremental. You know, maybe the first thing is to, of course, recycle. And I'm not sure that we're there yet as far as taxing or banning or whatever, but one of the things I would like to know is how successful are we becoming in recycling plastics? I mean, do you have any statistics? Do you have -- because we don't know. I mean, that was one of the things, the recycling program went viral but I never know exactly what was ever created from it. Going back to Legislator Cilmi's question before about what was actually made, they can remake plastic bags so it's very difficult. They can also make other plastic products such as decking and things like that that could be used for this. But anyway, do you have any facts and figures of how successful recycling is?

MS. BETANCOURT:

I do not with me today, but I'm very glad that you brought that up, actually, because I wanted to just raise one quick thing for the Legislature's consideration. It also states in the Legislative Intent that approximately only 1% of plastic bags are recycled. I don't know where that 1% figure came from, but I began thinking about a way to try and get an idea of how much recycling of plastic bags is going on in the County. The Statewide law requires the stores that are mandated to collect and recycle to report by weight the plastic bags that they're collecting and recycling, and they have to submit those reports every year to the State Department of Environmental Conservation.

I would imagine that the County would be able to ask the State DEC, it's public information, get the reports from the stores that are reporting from Suffolk County for the last three years and see -- try and get a baseline of the first year that was reported, that would have been figures from 2009, and then look at 2010 and 2011 and see if there's -- you know, if there was an increase, whether it remains stable or whether there's been a decrease. And that's one way to --

LEG. HORSLEY:

Yeah, and that's probably what we'll do. But it would seem to me, on behalf of your industry, that if you're coming here to tell us that recycling is the greatest thing since sliced bread and that we're making big steps forward, you should also have those facts and figures so that you could substantiate your comments other than just telling us that recycling is wonderful and they're out in front of barrels -- they're in barrels in front of stores of over 10,000 square foot. I mean, that's great, tell us how successful they are, tell us what industries we've produced, tell us where the businesses are that we've created; I'd like to know and I'm sure others would as well.

MS. BETANCOURT:

We do collect it; unfortunately, we haven't broken it down by jurisdiction. We basically commission a research firm every year, but it's a national level. So I can quote you, you know, 850 million pounds, so we're approaching a billion pounds of plastic films, but that's nationwide, I can't pull out Suffolk County from that collection. But that's why I'm suggesting that the State DEC would be able to give you a much better picture here of what's going on.

LEG. HORSLEY:

Thank you.

P.O. LINDSAY:

Okay. Legislator Muratore, Counsel is back.

LEG. MURATORE:

Yes, for Counsel. Can we legally impose this surcharge on the taxpayers or the people in Suffolk County?

MR. NOLAN:

I think we would need State authorization to do it.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Well, that's a bit of news that throws a monkey wrench into the conversation, I think. But be that as it may, I do have a couple of substantive questions to follow-up. So who do you represent again?

MS. BETANCOURT:

Specifically, the Progressive Bag Affiliate, it's an industry group representing some of the largest plastic bag manufacturers in the country.

LEG. CILMI:

Okay.

MS. BETANCOURT:

They are a group underneath the American Chemistry Council which is the umbrella association.

LEG. CILMI:

Do we have any of those manufacturers in our region, that you're aware of?

MS. BETANCOURT:

I don't know if they're a member of the PBA. I do know that there's at least one plastic bag manufacturer, I believe, in Suffolk County, but I don't want to speak under their behalf today, they're not here.

LEG. CILMI:

Any idea collectively, I mean, how many jobs we're talking about?

MS. BETANCOURT:

No, I don't have that information today.

LEG. CILMI:

They tell me that -- one of our Budget Review folks sent me an e-mail that says that those bags can be purchased for approximately one-third of a penny a piece. Would you be at all concerned that

this might lead to supermarket chains or whoever, you know, uses these bags, for them to overuse the bags in an attempt to sort of over charge? I mean, they could actually profit from this law.

MS. BETANCOURT:

That would be utter speculation on my part.

LEG. CILMI:

If I'm following the logic properly, which may not be the case.

MS. BETANCOURT:

I could not speak on behalf of the retail stores.

LEG. MONTANO:

We can't hear you.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Thank you very much. Oh, wait a minute, Legislator D'Amaro.

LEG. D'AMARO:

Hi.

MS. BETANCOURT:

Hello.

LEG. D'AMARO:

I wanted to ask you -- so is your organization taking the position that the bags are not a source of pollution?

MS. BETANCOURT:

They are one source of pollution, they are not the only source.

LEG. D'AMARO:

Okay. And so what's the impact on pollution, what's the impact on the environment that the bags have?

MS. BETANCOURT:

I think that's pretty well-known, but we are also making efforts to combat litter. We work with anti-litter organizations and that's why we are promoting recycling in an effort to keep that out of the environment.

LEG. D'AMARO:

I have information that across the country we use 102 billion plastic bags a year; does that sound about right?

MS. BETANCOURT:

I would have to ask you where that came from, because we always here -- we hear of varying figures; many millions, many billions. I don't know where that comes from, so I don't -- I would have to wonder where that figure came from.

LEG. D'AMARO:

And your organization believes that the solution to the pollution problem is to recycle the bags; is

that correct?

MS. BETANCOURT:

We think it's the best approach.

LEG. D'AMARO:

The best. Now, isn't it -- is it true that the bags are so ultra thin that they tend to clog the recycling facility?

MS. BETANCOURT:

Again, I'm not a recycler and I can't speak on behalf of the recycling industry.

LEG. D'AMARO:

Well, wait a minute. Wait a minute. You don't have any information about the fact that these ultra thin bags are clogging up recycling facilities?

MS. BETANCOURT:

Not directly and not specifically.

LEG. D'AMARO:

Really?

MS. BETANCOURT:

No, because I'm not a recycler and I don't speak for the recycling industry.

LEG. D'AMARO:

Uh-huh.

MS. BETANCOURT:

I do know that there are recyclers that they collect the --

LEG. D'AMARO:

But how can you advocate for recycling if you don't know the impact on the recyclers?

MS. BETANCOURT:

Because it works.

LEG. D'AMARO:

How do you know it -- how do you know it's working if you don't have any information?

MS. BETANCOURT:

Because we hear from them if they are asking for the material; they wouldn't ask for it if they weren't using it.

LEG. D'AMARO:

They are asking for the material.

MS. BETANCOURT:

Yes, the recycling industry.

LEG. D'AMARO:

Okay. But you don't know if it's true or not that the fact is that the bags tend to clog the recycling machinery and facilities and that only 9% of the bags are actually recycled?

MS. BETANCOURT:

Again, I'm not a recycler, I can't speak on behalf of the recycling industry.

LEG. D'AMARO:

Uh-huh. Okay. So you don't really know to what extent recycling is successful.

MS. BETANCOURT:

Again, we basically track national figures, and I quoted that we -- in 2009, almost 850 million pounds of plastic film was collected for recycling.

LEG. D'AMARO:

Right.

MS. BETANCOURT:

And there were five recyclers across the country.

LEG. D'AMARO:

And what percent of the total is that?

MS. BETANCOURT:

That's anybody's guess, seriously. Because unless you're going to survey every single retailer, whoever has purchased a plastic bag, and some of them -- I mean, many do not respond with the information, so it's anyone's guess how many total bags there are in the entire environment.

LEG. D'AMARO:

Well, it's not --

MS. BETANCOURT:

I mean the country.

LEG. D'AMARO:

Uh-huh. I don't think it's a guess, I think there are some -- there are ways to estimate that type of figure. I just find it interesting that you have the information that benefits you, but it's anyone's guess for the information that may not.

MS. BETANCOURT:

That charge could be leveled against the other side.

LEG. D'AMARO:

All right. So just to make it clear, though, you feel that recycling is the answer, but you don't know how successful the program is. You don't know anything about the fact that these bags don't really get recycled, and that maybe eight to 10% of them across the country really get through a recycling facility; you have no knowledge about that?

MS. BETANCOURT:

I know that that 9% figure comes from the United States Environmental Protection Agency, I do not know how they collect it or how they estimate it, so I cannot speak to it.

LEG. D'AMARO:

Okay. All right, thank you.

P.O. LINDSAY:

Okay. Legislator Muratore.

LEG. MURATORE:

If we can't do this, why are we still debating it?

P.O. LINDSAY:

I --

LEG. NOWICK:

That's a good question.

D.P.O. VILORIA-FISHER:

Well, that's not a question for her.

P.O. LINDSAY:

It's a public hearing.

D.P.O. VILORIA-FISHER:

It's a public hearing.

LEG. MURATORE:

But we can't do this so it's a moot point, isn't it? I mean, it's --

D.P.O. VILORIA-FISHER:

Who said we can't do it?

P.O. LINDSAY:

Wait a minute.

LEG. MURATORE:

The attorney.

P.O. LINDSAY:

He's asking the Chair.

LEG. MURATORE:

He said it's improper, we can't enact this legislation. The State has to do this.

D.P.O. VILORIA-FISHER:

Well, it didn't say that.

P.O. LINDSAY:

But --

LEG. MURATORE:

Well, then can you clarify what George -- George, can you clarify what you said to me?

MR. NOLAN:

I said in order to do it, we would need to get State authority first.

LEG. MURATORE:

Well, then why aren't we working with the State then? Why aren't we bringing this to an Assembly person or the Senate?

D.P.O. VILORIA-FISHER:

I have been talking with the State, Tom. But whenever we pass any law where we collect money from people, we need the State-enabling legislation. We just voted on something a few weeks ago where we had to extend the tax, the penny tax, remember? We need the State-enabling legislation for us to go ahead and do something. It doesn't mean that we can't discuss this and know whether or not we're going to pass it here. But I have requested a State sponsor in the Assembly and the Senate to carry the enabling legislation.

P.O. LINDSAY:

Okay. Legislator Kennedy, a question.

LEG. KENNEDY:

Thank you, Mr. Chair. Yes. Thank you for coming. My question goes to the industry, the American -- I don't have it in front of me, the American Chemical Council?

MS. BETANCOURT:

Chemistry Council.

LEG. KENNEDY:

Chemistry. Chemistry Council. Most plastic bags that we find in any retail grocery store I think don't have an ability to naturally degrade; I'm not a chemist. Hence, we look -- you know, we promote the recycling. Is your association doing anything to research whether or not there is a composition that will naturally degrade? Is there something that's a substitute that might go through the normal breakdown process that we have with many other things that just get land-filled?

MS. BETANCOURT:

There are, there are what's called compostable plastic bags. And I'm sorry to say, as with anything, there are always considerations to using those. You could mandate those, the problem with compostable bags is that you actually need -- well, Senator -- Legislator Viloría-Fisher is shaking her head. With compostable plastic bags, you need an industrial composting facility to actually get them to break down. There's a misconception that they be land-filled and because it's a landfill process, it will naturally degrade. Landfills are actually engineered to contain solid waste, not to break it down, so these bags will get compacted under layers of accumulating trash and they would still be there.

LEG. KENNEDY:

Okay. So the answer, then, is even though something's deemed compostable, it's only compostable --

MS. BETANCOURT:

Under certain --

LEG. KENNEDY:

-- in a proper type of operated compost facility.

MS. BETANCOURT:

Yes.

LEG. KENNEDY:

What is the cost comparison for a compostable bag to the current -- to this?

MS. BETANCOURT:

It's been a while since I looked at the figures. The last time I researched this was probably at least a good three years ago I spoke on that, so my memory has been three years ago. At the time that I looked into that, compostable bags -- and this is, again, just an average estimate -- compostable bags were about 18 cents per unit, and a traditional plastic shopping bag was one to two pennies per bag.

So compostables are considerably more expensive.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Betancourt. Thank you. Tara Bono.

MS. BONO:

Good afternoon, Legislators. Thank you for the opportunity to speak today. My name is Tara Bono, I am the Program Coordinator for Citizens Campaign for the Environment, supported by over 80,000 members between New York and Connecticut.

CCE empowers communities and advocates solutions to protect our public health and shared environment. CCE strongly believes that single-use disposable bags are harmful and completely unnecessary. CCE strongly supports Suffolk County adopting legislation to institute a five cent surcharge on disposable bags and paper shopping bags at grocery stores County-wide. The ultimate goal is to change consumer behavior and incentivize shoppers to bring their own bag. These incentives help to reduce pollution of single-use bags which litter our beaches, clog our streams, infrastructure, waterways and endanger our wildlife.

By including both paper and plastic bags, this legislation expands the environmental benefits because shopping bags produced of paper also use sensitive environment materials. The goal is to not switch the environmental benefits from one to the other.

Several other states have -- and municipalities nationwide have implemented bans and surcharges to do away with this wasteful habit. Bag legislation implemented across the country, and of course the across the globe, has proven to be immensely effective to educate and change consumer behavior to switch to reusable shopping bags. Examples of this successful legislation can be found right across the sound in Westport, Connecticut, as well as in Washington D.C. where disposable bags were reduced by over 80% in just the first year.

Consumers have recently started to rely on plastic shopping bags because they are convenient and they appear to be free, but the news is plastic bags and disposable bags are not free. Giving away disposable bags fails to account for the cost borne at many levels. Retailers pay for the bags then pass these costs on to consumers. Shopping bags are unsustainably produced with natural resources and fossil fuels, and of course communities pay for the damages and clean-up when disposable bags clog storm drains and litter roadways which, according to this Sunday's Newsday, Suffolk County knows very well. So also, of course, disposable bag pollution costs even more when you consider the impacts on our wildlife and natural environment.

Some retailers, especially here on Long Island, have recognized this hidden cost and started offering consumers money back for bringing their own bag; these include Stop & Shop and Shop-Rite who give five cents back and Whole Foods who even gives ten cents back. On Long Island, the only

major grocery store chain who does not offer money back is King Kullen.

We all know that plastic bags pose deadly threats to marine wildlife. Bags are often mistaken for jellyfish and consumed by sea turtles, starving these already endangered creatures. They become tangled around the necks of birds, fish, dolphins, strangling them to death. Plastic pollution is conveyed by ocean currents that are concentrated in the Great Pacific garbage patch, a congregation of floating debris spanning thousands of miles. Ocean currents transport the debris from all over the world and deposit it in the huge dryers causing problems exponentially. Experts now say that there are more plastics in the Pacific Ocean than there is algae. It is estimated now that in the North Pacific, fish ingest as much as 24,000 plastic -- tons of plastic debris every year. This is because plastic doesn't go away, it doesn't break down or biodegrade, it simply photodegrades and breaks down into smaller pieces which, again, looks just like food to aquatic animals.

On Long Island, we rely heavily on our surrounding waterways for tourism, recreation and fishing industries. Science now points to exposure to plastics and other toxic materials as a major contributor to the failure of lobster fisheries which were once a staple of our maritime economy. Ending the giveaway of shopping bags is a commonsense effort that creates an economic incentive to change consumer behavior.

Reusable bags are readily available. They hold twice as many items as conventional shopping bags and do not break as easily. They can be washed and used for years instead of just for one day or a few minutes. A plastic bag only has a use of 12 minutes, but a reusable bag can prevent the use of hundreds of plastic bags. Suffolk County now has an opportunity to stand out as a leader in sustainability while protecting our precious marine sources, conserving fossil fuels and reducing {unsightly} water. CCE urges the Legislators to adopt a surcharge on all disposal check-out bags. I look forward to working with you on this issue. Thank you.

P.O. LINDSAY:

Thank you very much, Tara. Okay, Legislator Viloria-Fisher and then Legislator D'Amaro.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. Thank you for coming down, Tara. Washington, D.C. did impose a surcharge on plastic bags, and I believe that you said that the reduction in the use of bags at point of sale was 80%.

MS. BONO:

Yes.

D.P.O. VILORIA-FISHER:

Has there been, to your knowledge, an 80% reduction in the use of bags since the recycling programs here have begun?

MS. BONO:

Are you speaking of the recycling programs in New York State?

D.P.O. VILORIA-FISHER:

In Suffolk County.

MS. BONO:

I'm not aware of that now.

D.P.O. VILORIA-FISHER:

Okay. I don't think that there's been an 80% reduction in the plastic bag waste stream here in Suffolk County since we've been recycling; that would really be a very ambitious goal. Since there has been an 80% reduction in the use of bags at point of sale, then what has been the reduction in monies collected from the people in Washington D.C.?

MS. BONO:

In Washington D.C., they actually projected an estimated amount and after the first year they didn't actually reach the amount of money generated. This money was supposed to go to the Anacostia River Clean-Up, so some folks said that, you know, these funds -- it failed. But, in fact, it was proven a success because more consumers changed their behavior and started bringing reusable bags on a more regular basis, so they weren't, in fact, paying the five cent surcharge.

D.P.O. VILORIA-FISHER:

Well, most people say that once you impose a tax, it's a tax forever. This, in fact, doesn't act like a tax, because that surcharge was imposed, the revenue stream came in the first year. But you're saying that the data has shown that after that first year, as the intent of that -- of that surcharge occurred which was to educate people and change their behavior, what happened to the revenue stream?

MS. BONO:

It didn't reach what they projected.

D.P.O. VILORIA-FISHER:

So people were not -- they chose not to tax themselves.

MS. BONO:

Exactly. It has proven immensely effective. The goal here is really to just change consumer culture. This after a while becomes second nature to people, just as they would get out their keys and bring their shopping list and the car keys, they're bringing their reusable bags as well. It becomes a habit.

D.P.O. VILORIA-FISHER:

Thank you, Tara.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, and just to follow-up on that. Some entire countries have banned the use of plastic bags.

MS. BONO:

Absolutely.

LEG. D'AMARO:

Italy, Ireland, Chian. In Ireland, in the first three months, I think they imposed a 15 cent fee and you saw a 90% reduction in the use of plastic bags in the first three months.

MS. BONO:

Uh-huh.

LEG. D'AMARO:

Which means that people are not paying the 15 cents, they're just using a reusable bag.

MS. BONO:

Right.

LEG. D'AMARO:

Do you -- I want to ask you, do you have any familiarity with the American Chemistry Council.

MS. BONO:

I do not.

LEG. D'AMARO:

You don't know who they are?

MS. BONO:

Well, I know what they do.

LEG. D'AMARO:

You know, you have a major uphill battle on your hands. They are supported by Dow Chemical and Exxon/Mobile, for obvious reasons. Because I think the bags are a byproduct of natural gas and fossil fuels and oil, right? So you've never run into them before?

MS. BONO:

Well, I've seen them at, of course, many of these hearings.

LEG. D'AMARO:

Well, they have 125 people working for this council and their budget for lobbying is over \$8 million. So just so you know, you know, it's not -- it's very difficult to take on an industry group. You know, what's interesting here is that the producers themselves and the industry and the companies behind them don't want to be as visible, so they formed something called the American Chemistry Council which has nothing to do with chemistry. It's just a fascinating study.

But you make a very good case, the -- so it starts from an oil by-product. There is a cost to consumers to the bag because the cost of the bags are being passed on.

MS. BONO:

Absolutely; it's in the cost of their groceries.

LEG. D'AMARO:

Right. Then you get to a point, the point I was trying to make before, that you can't really recycle them, and then, of course, there's the impact to the environment, so. You know, I'm not sure if the five cents makes sense or if it should be more or if they should be banned, but this American Chemistry Council doesn't seem to have any answers. Are they proposing -- do you know, are they proposing anything at all other than recycling, which doesn't seem to work?

MS. BONO:

I'm not sure of the Chemistry Council's specific policy suggestions.

LEG. D'AMARO:

All right. Thank you.

P.O. LINDSAY:

Legislator Muratore.

*(*The Following Testimony Was Taken And Transcribed By
Lucia Braaten - Court Reporter*)*

LEG. MURATORE:

For the sponsor. Vivian, do you have a sponsor in the Assembly and the State Senate for this legislation you might need -- that we need?

D.P.O. VILORIA-FISHER:

I have an Assembly sponsor, I don't have a Senate sponsor yet.

P.O. LINDSAY:

Okay, okay.

D.P.O. VILORIA-FISHER:

But this is for asking questions of the speakers?

P.O. LINDSAY:

Okay. Thank you very much. Tarid Khan.

MR. KHAN:

Good afternoon, everyone. Thank you for allowing me to speak. I'm not a lobbyist, I'm not a lawyer, and I certainly don't have a lot of experience attending such meetings, but I am a retailer. I own seven stores, retail stores, in Long Island, Suffolk and Nassau. And when I heard yesterday about this bill, I was not thinking all the things I heard over here, what are -- what are you trying to do, but all I was thinking was what additional burden it will impose upon me as a seven store owner, and then also representing 7-Eleven Franchise Owners Association of Long Island, New York, with the 325 stores. It will put additional burden to our store owners and their employees to impose additional law, which has been -- legislative body have passed.

We have right now -- for the last three years our business is in the toilet. A lot of us who have gasoline, they have lost about 25 to 30% of their business. Those of us who sell coffee, it went from \$1.80 a pound to now over \$3, and I cannot raise my coffee prices more than a nickel, because many of you who shop at our stores certainly will be thinking hard going to your office or going to your home and make a cup of coffee. So it's cost us -- many of the legislation have passed for the last few years, it increased our cost of doing business such as S-corporation, raising from \$100 to \$3,000. I know it's not caused by you folks here, but it's caused by the -- somebody in the State of New York. A cigarette license fee from 100 to \$300; a food processing license from 100 to \$400. Flowers, which I sell probably per location, maybe a dozen-and-a-half from \$50 to \$250, and such I can go on with a dozen other items. All it does is add on additional burden on myself and my fellow business owners.

I think what I am here to talk about is that when you are implementing or passing a legislation, just be careful it don't cost us or it should not be passed at the back of the small business owners. I hear a lot of talk about the small business and how they are trying to make our life easier. I'm a store owner for 32 years and I've been in Long Island in over 25 years. I have yet to see any legislation made my life easier as a tax. I pay thousands and thousands of dollars of taxes. I collect sales tax probably four to \$500 a day and more per location. So all those things have not made my life any easier or my fellow owners' life any easier. Adding on this nickel, that will be additional burden upon us. So that means I don't have to answer what you guys are dealing with, but all I look for is the issue which will cause a further problem in the operation of my store, and that is -- certainly, a big box continue to take away part of our business.

If you walk into the Main Street, from any Main Street, U.S.A., in Long Island, Suffolk County,

Nassau County, you see a good 20% of the stores empty. They are empty not because all such legislation, but they are empty because big businesses continue to grow at the expense of the small business. I own some of the -- a little shopping center, three four, stores. Half of them you cannot find a shoemaker, you cannot find a guy who's a small shop owner. All those guys are disappearing, and more and more legislation is coming at the backs of a small business owner.

So I employ 51 employees. The 325 stores I represent, they employ several thousand of them. We have over 125 7-Eleven stores in Suffolk County, and it will impact all of them and their customer. And I think it will also add on further some of those customers who comes to our stores and here is a customer bringing 50 bags and my customer -- my clerk, who is supposed to be serving you, getting you in and out of my store, now he's counting one, two, three, four, five. Just imagine the next customer waiting and skipping and further hurting our business. I am asking all of you to think hard before you pass a legislation at the expense of a small business owner. That's my message to all of you.

P.O. LINDSAY:

Thank you, Mr. Khan, I appreciate it.

MR. KHAN:

You're welcome.

P.O. LINDSAY:

Adrienne --

D.P.O. VILORIA-FISHER:

Mr. Khan, you've mentioned several times how this is going to burden you financially. I'd like to reach out to you to sit with me and we can go over how you envision that this is -- rather than taking anymore time during this hearing, we'll go over how -- you can explain to me specifically how it will add --

MR. KHAN:

I'd be delighted to.

D.P.O. VILORIA-FISHER:

-- to your costs.

MR. KHAN:

I'd be delighted.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Adrienne Esposito.

D.P.O. VILORIA-FISHER:

Okay. That's all. Thank you.

MR. KHAN:

You're welcome. Thank you.

MS. ESPOSITO:

Good afternoon, Members of the Legislature. My name is Adrienne Esposito. I'm the Executive

Director of Citizens Campaign for the Environment. I'm not going to repeat anything you've already heard, but I just want to clear up a couple of things that there was a little bit of misinformation put out there on.

Number one, this is not a tax, let's be clear. This is a program to change public behavior. It's not new. We're not reinventing the wheel here, it's been done, hold onto your hats, around the globe. It's not breaking ground. Have we seen when this has been implemented, as you have heard, chaos and confusion at the register? Have we seen people running from 7-Eleven with the milk saying, "That's it, no more milk for me without the plastic bag"? Have we seen, you know, people stop buying groceries? No. I want you to rest easy. This has not been the case. Grocery sales have been maintained across the nation and across the globe. Italy is not starving. Ireland is still eating. So I want you to know where they have imposed the fee or imposed the ban, things are still working. Starvation is not rampant among the public. Why is that? Because the public is smart. Again, news that you may want to consider in evaluating your answer here.

The public gets it. If I do the thing -- I know, this is crazy -- I bring my own bag. I pay seventy-nine cents, and then I bring it and I get five cents every time I use it. Wait, let me do the math. I save money and I make money when I go grocery shopping. Wait, I get it. This is the better choice. Therefore, as the consumer, I can bring my own bag. That's the thought behind this. And that, in fact, is what happened literally across America, from San Francisco to Westport, Connecticut, where they're now saving 600,000 plastic bags per year, to Washington D.C. where you've already heard they reduced between 75 and 80% reduction in Washington D.C. per year for plastic bag use in the first year of implementation, in the first year.

You know why China banned them? China banned the bag because they got sick of white pollution. Not only does China own us financially, but they got smarter than us on plastic bags. They got sick of white pollution, they banned plastic bags.

There is a hidden cost, as Tara Bono testified. It's not only in your groceries, it's in litter cleanup. Has anybody seen the highways after the snow melts? You know what's recycled? I want to answer Legislator D'Amaro's question. Six to 7% are recycled. Where do the rest go? Answer: All over. That's why they're all over the highways, that's why they're all over the trees, that's why they're dangling from fences, that's why they're all over Long Island, because they're light. They -- for the same reasons that plastic is valuable, it's light-weight, it's durable, it's lasting, that's the same reason it's problematic, because it's lightweight, it's durable and it's lasting.

I was warmed right down to the very cells of my body to hear the overwhelming support from the American Chemistry Council on their support for recycling. It was reassuring to me as a member of the human race. I was a little, however, confused by their position, that it's better to reduce the waste product, so we can keep it in the recycle stream, so we can reuse it. Again, Members of the Legislature, I want you to rest easy tonight, do not lose sleep. There's plenty of other plastic to go into the waste stream other than plastic bags. We can still have our plastic manufactures reuse plastic to make children's playground equipment and to make decking and other materials. We'll be okay.

Do not be confused by the waiving of the inside of a cereal box and toilet paper wrappers. Okay? We can still recycle that material. This program has nothing to do with that program. I get the argument she was saying, is that if we reduce plastic bags, we won't have enough of that stuff to recycle. Saying we need to create a waste stream so we can continue to recycle a waste stream is bad public policy, not one I think this Legislature wants to engage in.

The other -- last thing I just want to say about this is we agree there should be recycling. I mean, we agree there should be education. We'll work with you. We have lots of BYOB brochures, "Bring

Your Own Bag". We have four-page educational, public friendly educational materials, we have public service announcements, we've got it all. So what you need, we have it. We'd like to be a resource. Again, changing public behavior means public education. It starts with that, but government has to help. And it's a proven track record, again, happened across the globe.

One last thing. The cost of plastic bag is in question. Some say it's a third of a penny. Manufacturers have told us it's as much as one-and-a-half cents per plastic bag. Those big paper bags at Trader Joe's are eleven-and-a-half cents per paper bag. So you bet it costs money, but whatever it is, even if it's just a third of a cent, if grocery stores don't have to buy them and don't have to store them, which is what we're told is happening in Westport, Connecticut, they save store space and they save money.

So it's a save all around. I know it's a big change. We're asking you to consider it. Be thoughtful about this. And if you have questions, we'll be in the back.

P.O. LINDSAY:

Thank you, Adrienne. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Adrienne, when you described the bag that was demonstrated for us by the American Chemistry Council, Ms. Betancourt, how many of the items in her bag were bags that she would have paid a nickel for at the point of sale?

MS. ESPOSITO:

Only one.

D.P.O. VILORIA-FISHER:

The bag that was holding all of the other items.

MS. ESPOSITO:

Correct.

D.P.O. VILORIA-FISHER:

So all of that plastic in the bag was incidental plastic that she would have gotten at the cleaners, on the bread bag, at the fruit counter. By the way, those plastic bags aren't going to cost people a nickel --

MS. ESPOSITO:

Right.

D.P.O. VILORIA-FISHER:

-- when you're putting your fruit in a bag.

MS. ESPOSITO:

Right.

D.P.O. VILORIA-FISHER:

So it was just important to point that out.

MS. ESPOSITO:

And that the idea, that she's going to continue to recycle those particular materials, that's exactly right.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yes, thank you. Good afternoon, Adrienne. How are you today?

MS. ESPOSITO:
Good. How are you?

LEG. CILMI:
I'm doing great. I have two distinct questions for you, in lines of discussion, I guess. First of all, and probably the simplest to answer would be we talked briefly about the inability of towns to recycle these bag products. Would you help us in terms of advocating at the towns to encourage them to find ways to deal with this product?

MS. ESPOSITO:
Yes. And actually I'm glad you raised that, too. As the organization that put out the recycling report card for towns across Long Island two consecutive years in a row, 2009 and 2010, we can tell you, we interviewed every single town. We went to town facilities and we know what they're doing. Yes, whoever asked the question, do they clog town facility recycling, you know, programs. Yes, they are a different film. They cannot recycle them in the regular recycling, which is why it's a good thing that the grocery stores have those recycle bins. That's a good thing. We get them out of the regular waste stream, they don't clog the municipal -- the municipality's recycling plant. But, yes, we can do more about that, and the fact that only 6 or 7% are recycled is pathetic. I mean, it's insignificant and it's not meaningful enough. So the answer to your question is yes.

LEG. CILMI:
Because I think, ultimately, I mean, you know, many folks sort of had resistance to the recycling of newspapers and then the recycling of plastic bottles, and glass bottles, and cans and such, but once it becomes sort of ingrained in the --

MS. ESPOSITO:
Yes.

LEG. CILMI:
-- in the experience, then it's second nature. So if -- rather than, and I'm not suggesting one way or the other here, but rather than banning or charging a fee, or a tax, or a cost, or whatever it is, couldn't we find a way to again get the towns to encourage the recycling of these products, so that not only -- not only are we punishing consumers or -- so that we're not punishing consumers.

MS. ESPOSITO:
You're not punishing consumers, you're helping them.

LEG. CILMI:
Hang on. Let me finish, let me finish. So that we're not charging people money for these plastic bags, but, rather, we're using the plastic bags that people are disposing of in a productive way.

MS. ESPOSITO:
Okay. Let me answer that question. There's a practical answer and a philosophical answer. The philosophical answer is then you're still promoting the use of them. And what we're saying is let's not use them, and the way to not use them is by bringing your own bag. So we want to take them out of the waste stream, because it is reduce, recycle, reuse. So this is the reduce portion of the three "R's". But, if there are still used, because, in particular, in Washington D.C., for instance,

there's 10 to 20% are still used. But then, yes, we should be encouraging them to recycle. But from our humble perspective, as an environmental group, we prefer reduction as first and then reuse comes second, or recycle comes second.

LEG. CILMI:

Okay. So that sort of leads me into my next and last --

MS. ESPOSITO:

Oh, it's a trap. Oh, no.

LEG. CILMI:

-- question. So you hold up that bag again. You told us a story of how they pay you five cents a visit, or something, to use that bag.

MS. ESPOSITO:

Yes.

LEG. CILMI:

Which brings me to my next point, is that there's a difference between administering -- administering a certain level of pain versus a certain level of pleasure. In other words, you can either -- you can either -- you can either inflict pain by charging customers five cents a piece to purchase these bags, or in the case that you brought up with your bag there, you can -- you can use pleasure in terms of you getting paid --

MS. ESPOSITO:

Right.

LEG. CILMI:

-- to use that bag, which you're recycling with every time you bring it to the store. So my question is this, and your colleague brought up this situation -- this circumstance where people are getting paid to use these recycled, or recyclable, or reusable bags. Have you had experience and do you know of any government entities that, rather than inflicting the pain, are enabling the pleasure? In other words, we're allowing -- we're helping you get paid for the bag.

MS. ESPOSITO:

No. But let me say this. This conversation is taking a turn, but as a consumer who prefers pleasure over pain, I have the choice. I can either go to the grocery store and get charged -- you know, if I'm in Washington D.C., or I can go to the grocery store and get my nickel -- nickels, because I usually bring more than one. So it's my choice, my choice. Am I going to go and pay for my bags, or am I going to bring my own bag? You know, again not a rocket scientist choice. Do I know of municipalities? No, I do not. I do not know of the ones that are just mandating that grocery stores give. We know what's happening all over. We even actually, because, you know, we like doing this --

LEG. CILMI:

I'm not suggesting -- can I interrupt you just for a second, Adrienne? I'm sorry.

MS. ESPOSITO:

Oh, by all means.

LEG. CILMI:

I'm not suggesting that we mandate --

MS. ESPOSITO:

Oh, okay.

LEG. CILMI:

-- you know, stores to pay for your rebate, or whatever, you know, your -- but what I am suggesting is that maybe there's a way that we can incentivize the stores at the same time that the stores are incentivizing you. For example, and again, I'm not necessarily suggesting this, but, for an example, what if you gave stores a tax break for offering you that -- you know, your five cents to use those bags?

D.P.O. VILORIA-FISHER:

My bill does that.

LEG. CILMI:

Your bill does that?

D.P.O. VILORIA-FISHER:

Yeah, my bill does that.

LEG. CILMI:

Well, I'll look forward to hearing about that, but go ahead.

MS. ESPOSITO:

I'll defer to the sponsor.

P.O. LINDSAY:

Let's get to that. Ask a question and let's get this over with instead of discussing the bill.

MS. ESPOSITO:

So you explain it, since you're -- well, go ahead.

P.O. LINDSAY:

Go ahead, answer the question, Adrienne, if you can. If you can't, that's fine.

D.P.O. VILORIA-FISHER:

My bill's --

MS. ESPOSITO:

I really can't. I would prefer that the -- Legislator Vivian --

LEG. CILMI:

We'll save it for the debate.

P.O. LINDSAY:

We'll do that during debate.

LEG. CILMI:

I'll defer.

MS. ESPOSITO:

Okay.

P.O. LINDSAY:

Thank you very much. Legislator D'Amaro.

LEG. D'AMARO:

Okay. So I take it, then, you favor this legislation.

MS. ESPOSITO:

Yes, that is correct. You're a very perceptive Legislator.

*(*Laughter*)*

LEG. D'AMARO:

Let me ask you a question, not to debate the bill, but to ask you, in your opinion, and we do rely on your opinion, I know you're an expert environmentalist and I appreciate your advice, what's the impact? What do you foresee the impact being should we enact this legislation?

MS. ESPOSITO:

Honestly, we believe the impact will be very similar to the Washington, D.C. impact, and we say that because the demographics are similar. We are suburbia here. We have every reason to believe that there is a parody or analogy to be drawn between their experience and our experience. We've also -- I can tell you very honestly, we've analyzed the impact of these fees literally across America and across the nation, we've looked at all of them. But we think the one that's most reasonable to expect us to replicate would be the D.C. experience. We might not be San Francisco, we might not be San Diego, we might not be, you know, Westport, Connecticut, but I think we could be Washington D.C.

LEG. D'AMARO:

What was the amount imposed in D.C.?

MS. ESPOSITO:

A nickel.

LEG. D'AMARO:

Same thing?

MS. ESPOSITO:

Yes.

LEG. D'AMARO:

And you wound up with a -- what was it, a 70% reduction in the use of the bags?

MS. ESPOSITO:

It's between 74 and 80, depending on which of the reports you listen to, but they're pretty close, statistically speaking.

LEG. D'AMARO:

When you say a reduction, in other words, 70 to 80% of the shoppers are now bringing their own reusable bag, or not using a bag at all, or --

MS. ESPOSITO:

It was that 74% less plastic bags --

LEG. D'AMARO:

Okay.

MS. ESPOSITO:

-- were being used by the grocery stores.

LEG. D'AMARO:

Okay.

MS. ESPOSITO:

And they actually thought that equated to 80% of shoppers bringing their own bags.

LEG. D'AMARO:

And that's directly correlated to the fact that --

MS. ESPOSITO:

Oh, absolutely.

LEG. D'AMARO:

-- the consumers do not want to pay the nickel a bag?

MS. ESPOSITO:

Yes, yes, yes.

LEG. D'AMARO:

Right?

MS. ESPOSITO:

Absolutely.

LEG. D'AMARO:

So it changed behavior.

MS. ESPOSITO:

This is the --

LEG. D'AMARO:

Cleaned up the environment, helps to clean up the environment, right?

MS. ESPOSITO:

Yes. The hardest thing to do is to change public behavior, but it's worthwhile doing, and that's what the fee does. And, you know, we never said that protecting the environment and saving money was going to be convenient, but we believe it's worth doing. So that's what this bill reflects and does.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you. Adrienne, there are some jurisdictions across the country and around the world that

impose the fee, there are some that have imposed bans.

MS. ESPOSITO:

Yes.

LEG. STERN:

So I'm wondering, in your experience, do you have any idea those jurisdictions that have taken these initiatives? Are there a lot more bans than fees, are there more fees than bans; how does that line up?

MS. ESPOSITO:

I would say that -- I'm referring to my expert in the back who spent a year studying it. There are more bans than fees, actually. Italy implemented a ban, for instance. China implemented a ban. Ireland went with the fee. They started at a nickel. I think they're up to 30 cents now a bag. So there's various -- Westport, Connecticut has a ban. So there's a great variety out there of the amount of money that is the fee, but bans are more prevalent.

LEG. STERN:

And did they ultimately enact the ban in the Town of Southampton?

MS. ESPOSITO:

Yes. And I wanted to say, we know who the American Chemical Society is. We beat them in Westport, Connecticut, we beat them in the Village of Southampton, we beat them in the Village of East Hampton, and we don't want you guys to spoil our record. So, yes, they did do that, and both of those will be implemented shortly.

LEG. STERN:

Do you know if during the course of the debate in Southampton, did they at any time consider the fee as opposed to the ban, or was it a ban initially and they never considered the fee?

MS. ESPOSITO:

The latter thing. It was a ban initially and they did not consider a fee; same in East Hampton.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Hi, Adrienne.

MS. ESPOSITO:

Hi.

LEG. ANKER:

I just wanted to again thank you for all the work that you've done. And I'll be quick here, but I know the main point of changing -- of trying to create this legislation is changing behavior, that's one of the most important things. Now we were on a roll before, and I'm very supportive of reducing and eliminating plastic bags, but we were on a roll until they found lead in the ink. What's the status of that right now?

MS. ESPOSITO:

That was a report really sponsored by the industry, the chemical industry. Look, reusable bags are like any other product, there's going to be some that are great and some that are not so great. There's not lead in this bag. If you buy the canvas bags, there's not lead. There's some that were

made very cheaply in China. China banned them, but then they started making them and sending it to us. They have to keep the market up. So, you know, we have to have discretion and we'll learn as we go here. But, you know, mostly, to be honest with you, you know, when this gets chicken juice in it, I wipe it out. You know, you have to clean them, you have to be cognizant of what you're doing. It's just like anything else.

LEG. ANKER:

But that's been pretty much cleared up.

MS. ESPOSITO:

Yes.

LEG. ANKER:

Okay. That's the question I wanted to ask you. And the other question is, again, weighing the pros and cons, to me, you know it's about, you know, money and then it goes down to health. Okay, money. How much money is it to actually create the process? Have you -- do you have research from grocery stores to see what the cost is of implementing this program?

MS. ESPOSITO:

I don't know that off the top of my head. I do not believe there was a cost in implementing it. It was very minimal and they -- you know, I'd have to look into it. Let me look into it before I answer.

LEG. ANKER:

Okay. And just one other quick question. The cost, what is the cost of the health issues? Now this is a -- the actual product -- the plastic is made from a toxic product? What is the bag made from, and what are the health costs and financial costs in creating these bags?

MS. ESPOSITO:

Well, I don't know if anybody can answer that, but, really, plastic bags in America are really made from an energy source of both oil and natural gas. So we know for a -- and then there's the transportation cost. So there's a manufacturing cost associated by using the chemicals of plastic, but also of using natural resources, and then there's a transportation cost for the bags as well. So all of that adds up to a saving. I don't know if that saving's been quantified by any particular entity. I actually don't believe it has, but if it has, I will bring it back here.

LEG. ANKER:

Okay. Thank you very much.

MS. ESPOSITO:

Thank you.

P.O. LINDSAY:

Thank you, Adrienne.

MS. ESPOSITO:

Thank you.

P.O. LINDSAY:

Okay. I'm almost afraid to ask this. I don't have anymore cards on this subject. Is there anyone else in the audience that would like to address us on this subject? Seeing none, Legislator Vilorio-Fisher, what is your pleasure?

D.P.O. VILORIA-FISHER:

Well, I'm listening to some amendments, so I'm going to recess.

P.O. LINDSAY:

Motion to recess. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen. (Not Present: Legs. Schneiderman, Muratore, Eddington, Montano and Cooper)

P.O. LINDSAY:

1719 - A Local Law to save taxpayer dollars on County signs and printed publications (Romaine). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen -- 14. (Not Present: Legs. Schneiderman, Muratore, Montano and Cooper)

P.O. LINDSAY:

1720 - A Local Law to increase the number of residents eligible for First Time Homebuyer Auctions in Suffolk County (Browning). I have no cards on this subject. Is there anyone in the audience who would like to speak to this subject? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

Motion to close; second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen. (Not Present: Legs. Schneiderman, Muratore and Cooper)

P.O. LINDSAY:

I.R. 1723 - A Charter Law to update and strengthen Ethics and Disclosure Rules (Lindsay). I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I am going to make a motion to recess.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded by Legislator Montano. I should explain to everybody this is such an important bill that I do want to have another hearing in Hauppauge about it, and it's evolving. We're getting a lot of suggestions and we are tweaking the bill as it moves forward. So I make a motion to recess. Do I have a second?

LEG. MONTANO:

Yeah, second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Vote Amended to 18)

P.O. LINDSAY:

1724 - A Charter Law establishing a new Board of Ethics (Lindsay). I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, again, I will make a motion to recess, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And that completes our Public Hearings for today. Oh, no, wait, I'm sorry. 2012 Operating Budget. Oh, we're setting the date for the following Public Hearings, September 15th, 2011, 2:30, Rose Caracappa Auditorium, Hauppauge:

The 2012 Operating Budget.

The Southwest Sewer District Assessment Roll

I.R. 1729 - A Charter law to amend the Drinking Water Program to fund remediation of contaminated commercial sites (Cilmi).

I.R. 1730 - A Local Law amending Local Law No. 5-2011, a Local Law to register nonprofit veterans' organizations in Suffolk County (Cilmi).

And 1731 - A Charter Law to increase Legislative oversight of RFP process (Romaine).

Before I make a motion of setting those hearings, I have a technical question for Counsel. Later on in your packet you will see a Procedural Motion giving me the power to change the location of our next meeting. And the reason for that is our parking lots, the solar project is going to start on the north campus. And I think we'll be okay, but I want to see when they close down the parking lots the availability, how much parking we have. And if I think it's overwhelming, I'm going to move -- I'm asking you guys for authority to move the meeting.

LEG. ROMAINE:

To Riverhead.

LEG. MONTANO:

Here?

P.O. LINDSAY:

Yeah.

LEG. MONTANO:

I'm not voting for that.

P.O. LINDSAY:

Okay. But, Counsel, if we're setting a public hearing for Hauppauge, how do we do this?

MR. NOLAN:

Well, I think the key is going to be the public notice, the advertising. So I think if you're going to move the meeting, you're going to have to make your decision relatively quickly so we can advertise the particular place. I think the better motion might be to set the date of the Public Hearing and the time, leave the location open until we make that determination as to where the hearing is going to be.

P.O. LINDSAY:

Okay.

MR. NOLAN:

Because I don't think we know yet where the next meeting is going to be.

P.O. LINDSAY:

Okay. Then I will amend that motion. I fully intend to try and have the meeting in Hauppauge. I just don't know how bad it will be until we see the parking lots physically closed. Okay. So with that, do I have a second to that amended motion?

LEG. CILMI:

Second.

P.O. LINDSAY:

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

Okay. We are --

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

-- into the agenda. But before I get to the agenda, I've seen all day one of our Police Officers sitting here. Sergeant, you're here for a CN; is that correct?

SERGEANT MALLIN:

Yes, sir.

P.O. LINDSAY:

Is it 16 -- 1765? No?

SERGEANT MALLIN:

I don't know.

LEG. STERN:

I think it's 1764, Mr. Presiding Officer.

P.O. LINDSAY:

1764. I'd like to take them out of order, if it's okay. It's acceptance of a grant.

LEG. STERN:

Second.

P.O. LINDSAY:

And I would -- and I hate to see our Sergeant sitting here all day. I know this is enthralling for you and highly educational, but I'm sure you have better things to do. So I'm going to make a motion that we take 1764 out of order.

LEG. STERN:

Second.

P.O. LINDSAY:

It's *(1764) accepting and appropriating grant funds in the amount of \$267,985 from the United States Department of Transportation* -- is that it?

SERGEANT MALLIN:

Yes, sir.

P.O. LINDSAY:

Okay. *For a dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% support (Co. Exec.)*. Do I have a second to that motion?

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. **1764** is before us. I'll make a motion to approve, second by Legislator Muratore. Any discussion? Do you have to say anything about this, Sergeant?

SERGEANT MALLIN:

No, sir. Just that it's a home run, no cost to the County.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. BARRAGA:

Can I just make one comment?

P.O. LINDSAY:

Well, I've got one more. You're 1765 as well?

SERGEANT MALLIN:

Somebody else is.

P.O. LINDSAY:

Oh, someone else is. Okay. So good-bye, Sergeant.

SERGEANT MALLIN:

You're welcome.

P.O. LINDSAY:

Wait, a minute. Wait a minute. Legislator Barraga has a question. I'm sorry.

LEG. BARRAGA:

Before Sergeant Mallin leaves, earlier this afternoon Legislator Muratore came up and introduced Sergeant Mallin to me, and Sergeant Mallin and I crossed our lives, I guess, about ten years ago. He was wearing a different uniform and so was I, and he was part of the 42nd Infantry Division, part of the 42nd Rainbow Hope that was activated after 9/11, and he served on -- in that capacity on active duty for three months. At that time he was Major Mallin, and afterwards he went on to attain a number of command positions between -- in the 42nd Infantry Division, and in 2008 served a tour in Afghanistan. So it's a pleasure seeing him again, Colonel. He's in the reserve status now, he's a Colonel. And I'm glad you came up to say hello.

SERGEANT MALLIN:

Thank you, sir.

*(*Applause*)*

P.O. LINDSAY:

Okay. The next one is ***1765 - Accepting and appropriating a grant in the amount of \$580,249 from the New York State Division of Homeland Security and Emergency Services for the State Law Enforcement Terrorism Prevention Program (SLETPP) (FFY2010) with 100% support.*** I make a motion to take it out of order, second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. It's now before us. I make a motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Sir, would you -- do you have anything you have to say or --

MR. COYNE:

No, sir.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Is that -- does that conclude you fellas' business? Anybody else waiting? Nobody else is waiting? I apologize. If I was made aware of it earlier in the day, I would have tried to get you out of here earlier in the day. All right? Okay. It's been suggested to me there's one other CN, so we might as well -- Brendan, we don't have any other CNs coming that you know of, do you?

MR. CHAMBERLAIN:

We have the Public Works guys in the back. We could bring them up or we can wait. It's your -- whatever you --

P.O. LINDSAY:

No, no. I was going to do the other CN now.

MR. CHAMBERLAIN:

Okay. We'll have Mr. Hillman come up.

P.O. LINDSAY:

Do you have anymore coming over?

MR. CHAMBERLAIN:

No, sir.

P.O. LINDSAY:

Okay. Then let's do this. And I -- is that why -- was Mr. Anderson here?

LEG. KENNEDY:

Bill Hillman's here.

P.O. LINDSAY:

Mr. Hillman is here? Okay. Again, I wasn't made aware you guys were hanging around for this purpose. I would have done this earlier.

I'll make a motion to take *I.R. 1766* out of order, *amending Resolution No. 239-(2011) and amending the 2011 Capital Budget and Program to increase funding in connection with the reconstruction of CR 11, Pulaski Road from Larkfield Road to New York State Route 25A, Towns of Huntington and Smithtown (CP5095) (Co. Exec.)*. Motion and seconded by Legislator Cilmi to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It is now before us. Same motion, same second to approve okay?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. No, I didn't call the vote yet, I just -- motion and a second. Mr. Hillman, do you have to say anything about this?

MR. HILLMAN:

No.

P.O. LINDSAY:

No. Okay? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution, 1766A, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. CILMI:

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. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. We're on a roll now. *I.R. 1315 - Adopting a Local Law* -- we're on Page 8. We're still under resolutions tabled. *A Local Law to limit the restraint of pets outdoors (Romaine, Stern).*

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. CILMI:

Question.

P.O. LINDSAY:

Question, Legislator Cilmi.

LEG. CILMI:

Yeah, through the Chair to the sponsor. I seem to recall their talking about there possibly being an amendment to this, that you were going to -- can you just -- can we describe the latest version of this bill?

LEG. ROMAINE:

Sure, absolutely. Just going to pull that up so I can read the exact wording so that you have it right there for you.

LEG. COOPER:

I thought we had to reopen the Public Hearing on this.

D.P.O. VILORIA-FISHER:

I thought so, too.

LEG. COOPER:

So it isn't eligible.

MR. NOLAN:

No, it's eligible.

P.O. LINDSAY:

Counsel is saying that it was reopened.

MR. NOLAN:

And closed.

P.O. LINDSAY:

And closed.

LEG. ROMAINE:

Okay. It -- Prohibitions: It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors, or cause a dog to be restrained in such a manner that, one, endangers such a dog's health, safety or well-being; two, restricts such dog access as suitable and sufficient food and water; three, does not provide such dog with shelter appropriate to its breed, physical condition and climate, as defined by Section 333-b (sic) of New York State Agriculture and Markets Law; or four, unreasonably limits the movement of such dog because it is too short for the dog to move around or the dog to urinate or defecate in a separate area from the area in which it must eat, drink or lie down. It's a very simple bill. It talks about some basic conditions that all of us would want to see our pets, our dogs taken care of. And believe me, lunch hour, I thought about lunch, but I got in my car and drove home so I could walk my dog.

("Aw" Said in Unison By Legislators)

*(*Laughter*)*

LEG. ROMAINE:

It's true.

LEG. SCHNEIDERMAN:

He was tied up outside.

LEG. ROMAINE:

No, he wasn't.

LEG. CILMI:

So, if I could -- Legislator Romaine, if I could just follow up. The previous bill I said I think put a time limit. Does this have that still in place or no?

LEG. ROMAINE:

That does not have a time limit, nor does it apply to vets or groomers, or anyone like that, because they don't do their work outdoors. There was a lot of issues that were raised, and as we looked at it and we made some of the changes, these changes are so generic that I think most people would agree these are some basic conditions you want an animal kept in. I'm sure we've all got the calls from people who said, "You know, the guy next door left this morning, tied his dog up on a short leash, there's no food or water, it's 32 degrees out, the dog's been barking all day; is there anything you guys can do about it?" We all get those types of calls. This sets some basic standards on how we should treat our pets or animals. I don't think any of this is onerous. I think all of this goes to the issue of being humane.

P.O. LINDSAY:

Legislator Cooper, did you have --

LEG. COOPER:

I just wanted to clarify, what was the major amendment that you made between this and the --

LEG. ROMAINE:

Time, there was no time factor in this, and which is -- it was generic enough so if there was something that someone did that was specific, it would be general enough to say, "Are you treating the doing well?"

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second -- did you have a question, Legislator Montano?

LEG. MONTANO:

Yeah. Just, first of all, like you, I'm a pet lover, so -- but just reading this, the penalty is 500. How does it get enforced?

LEG. ROMAINE:

Be enforced through the SPCA.

LEG. MONTANO:

Oh, the SPCA.

LEG. ROMAINE:

And they do an excellent job. As you know, they try to stay on top of it. They probably get more calls than they can handle, but with what they get, they investigate the more serious issues, and I'm sure they would in this particular case.

LEG. MONTANO:

And do they hold hearings within the SPCA? How does --

LEG. ROMAINE:

No, I'm not --

LEG. MONTANO:

Does Counsel know that?

LEG. ROMAINE:

I'm not familiar with their operation.

LEG. MONTANO:

George. No, I'm serious about that. You know, I'm just reading the bill and it just seems kind of vague, the language. So I'm just wondering, you know, about its enforceability.

MR. NOLAN:

But it would have to go -- it's a violation, so it would have to go to a court, because, you know, the --

LEG. MONTANO:

So does the Police Officer issue a fine, or is it --

MR. NOLAN:

Somebody would have to issue a summons --

LEG. MONTANO:

Right, but --

MR. NOLAN:

-- of some kind. That's how it would work, and, you know, that's --

LEG. MONTANO:

Well, could I issue a summons?

MR. NOLAN:

What's that?

LEG. MONTANO:

I can't issue a summons.

MR. NOLAN:

Yeah, I know, it would have to be the cops.

LEG. MONTANO:

You have to call the SPCA?

MR. NOLAN:

I think you --

LEG. ROMAINE:

SPCA, Police Department.

MR. NOLAN:

The cops may call the SPCA.

LEG. ROMAINE:

Local Police Department, depending on where you live in Suffolk.

LEG. MONTANO:

All right. It just seems a little --

LEG. ROMAINE:

Dog wardens, animal control wardens.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. *1414 - Adopting a Local Law, a Charter Law to require timely submission of budget amendments (Cilmi).*

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cilmi.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

I would just ask my colleagues, this is a bill that simply allows the Legislature as a whole, the public, anybody who is impacted by changes that may occur to the Operating Budget, to have enough time to be able to see those changes and comment on those changes, be it to us as a Legislature or through some other means.

There was questions initially about -- we didn't want to give up any time in our portion of the

process, which I understood, and made accommodations so that this bill requires that the County Executive submit his budget or her budget, as the case may be, five days sooner.

Furthermore, this bill is not in force until January of 2012, because there was some concern that we weren't sure as to how the 2% tax cap was going to impact our budget, and, therefore, we didn't want to have to worry about this this year. So I made that change.

The last obstacle, I thought, to this bill being passed was that I had removed the ability to waive the rule. Right now we have a two-day, and that rule can be waived at the request of Budget Review through the Presiding Officer. I put that back in in the form of the five-day rule can be waived, again, at the request of Budget Review, with the signature or authority of 12 members of this Legislature. So that even on the floor of the Legislature, if something came up that we needed to address in a budgetary way that we hadn't addressed within that five-day parameter, that we could do so.

So I have tried my best to cover all bases. This bill offers a very simple level of transparency to our budgeting process, and I can't imagine any reason to oppose it, other than a preference of secrecy. I would encourage all of my colleagues to support this bill, to support open government, to support transparency, and I appreciate your time. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I happen to agree with Legislator Cilmi, but that's not my reason for speaking. I have just one question for Legislator Cilmi. Do you want a yes or no vote on this, an up or down vote?

LEG. CILMI:

Yes.

LEG. ROMAINE:

Considering the work that you've done on this, out of respect, I would ask this Legislature to give this Legislator a yes or no vote. I'm not asking you to agree with him, but give him the courtesy of a yes or no vote on this. Thank you.

P.O. LINDSAY:

Anybody else? Okay. We have two motions before us, one to table, one to approve. The tabling goes first. Roll call.

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

LEG. COOPER:

Yes to table.

LEG. GREGORY:

Yes to table.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes. It fails.

MR. LAUBE:

Nine.

P.O. LINDSAY:

The approve, roll call.

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

LEG. CILMI:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

No.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay. It fails. *1453 - Establishing a central phone number for SCAT bus service (Cilmi).*
Legislator Cilmi, do you want to make a motion? It's your bill.

LEG. CILMI:

Motion to table, please.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1466 - A Charter Law to ensure workable, common sense reapportionment process (Kennedy).

LEG. KENNEDY:

Motion to approve, Mr. Chair.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. KENNEDY:

This would do some extension, Mr. Chair, on the time frame for our Redistricting Committee. Later on you will have as a late-starter some additional elements associated with the functions of the group and the qualifications, and I think it will allow this important process to go forward. But this bill is important for us to pass today so that we get some important extension on the time frames associated with that committee to meet its deadlines.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Yes, Mr. Chair. Originally, I intended to either table this resolution or recommit it to committee, but George Nolan explained that we really needed to take action on this today because of the time constraints. That, coupled with an assurance by Legislator Kennedy that he is going to be laying on the table today a separate resolution addressing some mutual concerns, is sufficient for me to support approving this.

P.O. LINDSAY:

Anybody else?

LEG. MONTANO:

Yeah, question.

P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:

I'm trying to pull up the bill, but, Counsel, in the original bill that was passed back in 2006 that formed this committee, one of the sections, Section 4-A, dealt with the time frame in which we needed to complete the redistricting process. Is that being extended by this new -- this bill that's on the table now? And I'm talking about the 180 days after the language. It that says after certification and publication of the results of a regular census, Federal census. Is that being extended or that's not dealt with here?

MR. NOLAN:

Well, the law stated -- with the amendments, the proposed law continues to provide -- the County Attorney will seek the appointment of a Special Master if the Legislature does not adopt a reapportionment plan recommended by the Commission. However, under this law, the County Attorney is directed to make such an application only after the Legislature fails to act on the revised plan; not the original plan put forth by the Commission, but the revised plan.

You're right, under the existing law, the County Attorney is authorized to seek the appointment if a reapportionment plan isn't adopted within 180 days of the publication and certification of the results. So, yeah, it does impact that deadline.

LEG. MONTANO:

So it essentially moves that deadline back?

MR. NOLAN:

Right. There's different components, different deadlines within the bill, but the point where the County Attorney would go to Special Master now is only after we've worked through that process of the commission coming forth with a plan, us not adopting it, the Commission coming back with a revised plan, and then us failing to adopt. At that point, then the County Attorney would go to a Special Master.

LEG. MONTANO:

And how much time are we extending under this new proposed law? How much further are we extending the process?

MR. NOLAN:

Well --

LEG. MONTANO:

I apologize, I'm trying to pull up the bill.

MR. NOLAN:

Well, firstly, it moves back the date that the Commission is required to give us a plan. Under the current law, the Commission is required to recommend a plan within 45 days of the publication and certification of the results. The results were published some time ago. Certainly, we're past that deadline. Under this bill, the Commission would give us a plan no later than February 1st of 2012, next year. As you know, the Commission just had their first meeting I think a couple of weeks ago.

LEG. MONTANO:

So we're in August. That's six months from now?

LEG. KENNEDY:

February 1.

MR. NOLAN:

February 1st.

LEG. KENNEDY:

I think February 1.

MR. NOLAN:

It's going to be -- give them four or five months to put together a plan, yeah.

LEG. MONTANO:

Okay. My concern is on this bill, you know, I agree that we need to extend the time frame. The original bill that was passed in 2003, 2004 that preceded this committee really pushed the process forward so that we would have something in effect 180 days after the census was certified. As Counsel said, I don't think we certify the census anymore, but it was published, I believe, on April 1st or April 15th, there about. So by pushing this back to February, I have -- now, Counsel, just so I'm clear, the February date we must have a plan or we must have voted on a plan by February --

MR. NOLAN:

That's when the commission gives us their proposed plan.

LEG. MONTANO:

And then we have 60 days to reject it or approve it. So I think we're kicking it back more than I'd like to see, so I can't support that kind of extension on this. I would prefer to have the time limits moved up so that you have time to do your work, but not delay it to the point that we're into the process a year-and-a-half down the road. You understand what I'm saying, John, where I'm at on this?

LEG. KENNEDY:

I do, Legislator Montano. And through the Chair, if I can just go ahead and share a couple of comments. I think you're right to talk about a desire and a sense of urgency to have the Commission get at its work, make the recommendations, so that we address what maybe whatever the new boundaries are going to be for our particular districts. That being said, some of the elements that were put into this when it was brought forward, and you recall this was the County Executive's bill --

LEG. MONTANO:

Which I voted against, yes, I recall clearly.

LEG. KENNEDY:

As did I. But -- I did. But, nevertheless, charged with the ability to go ahead and implement, it has been next to impossible to find judges that fit the category of ten years off the bench. As you know, it's not uncommon for a Supreme Court Judge to serve until age 76. Our pool, then, of eligibles --

*(*Laughter*)*

We're not working with a whole lot of folks right now. So, from a pragmatic perspective, it has been a bit of a challenge to try to come to a group of eligibles. And I know Legislator Cooper also worked diligently to find eligibles as well, so --

LEG. MONTANO:

Yeah, and I agree with you, and we pointed that out when the bill was originally debated and ultimately passed. But the concern that I have has to do with if we're unable to come up with a plan, or a plan that is acceptable and that meets the guidelines of the Federal Voting Rights Act, then the objective really is to get this -- or if something is going to be contested, we don't want to be in the position that Nassau is in right now. And, as a matter of fact, the first thing I did when I got back from -- got off the plane was read the decision in Nassau, which is now going to the Court of Appeals, and, quite frankly, it's a mess over there.

LEG. KENNEDY:

No doubt, no doubt.

LEG. MONTANO:

And, you know, I'm concerned that by delaying, not the time frames in which the committee can do its work, because, really, redistricting could be done in -- you know, doing a map could take a week, you don't need more time than that.

LEG. KENNEDY:

No.

LEG. MONTANO:

So what I'm concerned about, though, is pushing back the date by which the process starts the time clock to commence either litigation or to have the County Attorney move, which was the original intent, move the Federal Court for the appointment of a Special Master to make sure that we got our work done, because nobody wants the appointment of a Special Master. And that's really the only -- the only whip that we have to make sure that this committee gets its work done on time. So, if we're moving back that aspect of the time frame, I do have problems with the bill.

P.O. LINDSAY:

Can I just jump in here?

LEG. KENNEDY:

I'll yield, sure.

P.O. LINDSAY:

Unlike Nassau, you know, the majority party isn't trying to force something down anybody's throat and rush this thing through. We're doing it pretty -- in a pretty unique manner. I agree with you, when the original bill came up, I had serious problems with it because I agreed, I didn't know how you could find any judges that fit the criteria. I thought the criteria for putting people on this board was way too rigid. And now we're here, but we don't have an election until '13. This is going to affect the '13 election, thank God, so we have some time to get it right.

And I'm very happy that the Majority Leader and the Minority Leader are working together to tweak the original legislation and to come up with what I hope is realistic benchmarks of when we're going to do this.

LEG. KENNEDY:

I can tell you, Mr. Chair, that --

P.O. LINDSAY:

But is -- this is not ready to go, it is ready to -- it is ready to go.

LEG. KENNEDY:

The one that I've just made the motion on, yes, it's ready to go. And, as I said --

P.O. LINDSAY:

And what this really does is just delay the time frames.

LEG. KENNEDY:

Correct.

P.O. LINDSAY:

And the bill you're putting in is to change the criteria for the people on the board?

LEG. KENNEDY:

Narrow down the qualification for the judges.

P.O. LINDSAY:

And to find someone that's alive that can sit on this board.

LEG. KENNEDY:

There you go, that's it. That always a good thing, Mr. Chair.

P.O. LINDSAY:

Yes, yes, it is.

LEG. KENNEDY:

And co-chairs and technical support for the committee.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

So that is -- so that's, with your permission, will be a late-starter today.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Just one last thing, then.

P.O. LINDSAY:

Go ahead, Legislator Montano.

LEG. MONTANO:

George -- excuse me?

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

George, just so I'm clear, in this -- and I do have the bill in front of me -- Section 4-A, it moves the date from the 180 days back 90 days from the filing, which would be no later than February 1st; is that what we're dealing with?

MR. NOLAN:

The February 1st date is the date that this commission has to present us with a plan.

LEG. MONTANO:

So that's the filing date?

MR. NOLAN:

That's the day they have to bring -- present us with a plan, and then we will consider it, and we have a certain amount of time to act on that. And if we don't adopt a plan, then the commission is given an opportunity to develop a revised plan, and then that revised plan will be sent back to us, and, again, we'll have a certain amount of time to act on it. And if we are unsuccessful in passing it timely, then the County Attorney is going to go to a Special Master, to seek the appointment of a Special Master to draw the boundaries.

LEG. MONTANO:

Right. But the amendment says, "In the event the County Legislature fails to approve the Local Law contained in the revised proposal of the commission within 90 days of its filing." And what I'm asking is, when is that date? Is that 90 days after February, or is it 90 days after we reject the plan and it goes back for revision, and then it comes back to us and then we have to wait 90 days?

MR. NOLAN:

The way it's laid out, I'm just going to -- I'll just go through the time frames.

LEG. MONTANO:

Go ahead.

MR. NOLAN:

The commission has to bring a plan to us by February 1st. We are required to approve or disapprove the Commission's proposal within 90 days after a Local Law is filed to adopt that plan. In the event we fail to act by that day, the Commission's required to submit a revised plan within 45 days. Then we're required to act on a revised plan within 90 days. That's when we have to act by. And if at that point we haven't acted, we haven't adopted a plan, then the County Attorney is directed to make an application to the court for the appointment of a Special Master. So it would be sometime, you know, late 2012 when that would happen.

LEG. MONTANO:

And we don't run until June.

MR. NOLAN:

We're not running until the following year. And I say -- I don't mean we, I mean you. You don't run until --

LEG. MONTANO:

The Legislature. When I say we, the Legislature, the time clock doesn't start, petitions don't start until June of the following year.

P.O. LINDSAY:

That's the critical point, yeah.

LEG. MONTANO:

Yes, okay.

MR. NOLAN:

So in drafting that, we believe, Legislator Kennedy believes, Legislator Cooper believes we've left enough time to work, and then if there are legal challenges, for those to be -- to be litigated.

LEG. MONTANO:

Okay. Thank you very much.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Just a very quick question. So at the end of the day, if this commission can't make a decision that we can agree to as a body, the end of the day, the overlying threat hanging over us is that the County Attorney would make a petition to Federal District Court, and a Federal District Court Judge would appoint a Special Master who would draw the lines and those lines would be the definitive lines; is that correct?

LEG. MONTANO:

Unless we stepped in.

MR. NOLAN:

Yeah, that's the way it's -- that's the way the law was designed to work from the get-go.

LEG. ROMAINE:

Motivation. Motivation.

(*Laughter*)

P.O. LINDSAY:

Okay. We have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. We're all done? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1491 - Authorizing a custodial license agreement with Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County Park, in Shirley (Co. Exec.).

LEG. BROWNING:

Motion to table.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Motion to table by Legislator Browning, second by Legislator Romaine. Any discussion? All in

favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

INTRODUCTORY RESOLUTIONS

P.O. LINDSAY:
Okay. To the agenda. This is Page 9. ***1695- Amending 2011 Operating Budget and appropriating funds in connection with bonding for the settlement for liability cases against the County (Co. Exec.).***

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Cooper.

LEG. GREGORY:
Second.

P.O. LINDSAY:
Second by Legislator Gregory.

LEG. SCHNEIDERMAN:
On the motion.

P.O. LINDSAY:
On the motion.

LEG. SCHNEIDERMAN:
This is a question for BRO. I had asked in committee, Robert, I know there are two bonds here, one relates to Suffolk County P.D. The payment of that settlement or the debt service on the payment, is it being borne by the Police District only or is that whole County?

MR. LIPP:
Our understanding, that it is being borne by the Police District, the Police District portion.

LEG. SCHNEIDERMAN:
Only.

MR. LIPP:
Yes.

LEG. SCHNEIDERMAN:
Okay.

P.O. LINDSAY:
I don't know whether I understand or agree with that, because the suit was -- involved the Sheriff's Department.

LEG. SCHNEIDERMAN:
Oh, it's the other one. Not the Sheriff's one, the other one.

P.O. LINDSAY:

Oh, I see, the other one.

LEG. SCHNEIDERMAN:

The smaller one.

P.O. LINDSAY:

Okay. Okay. We have a motion -- do we have a motion, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. And a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying bond resolution, **1695A**, same motion, same second. Roll call.

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

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

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. 17 --

LEG. CILMI:

Mr. Presiding Officer, I'm sorry to interrupt. I'd like to make a motion to take I.R. 1566 out of order. I see the Commissioner of our Health Department is here and he may be here just for that bill.

P.O. LINDSAY:

Okay.

LEG. CILMI:

Let him go home.

P.O. LINDSAY:

We have a motion to take ***1566, A Charter Law to require legislative approval of Major Water Management Policy Initiatives (Cilmi)***, out of order, and I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The bill is now before us. Do I have a motion before we start the --

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cilmi. Do I have a second? Second by Legislator Muratore. The bill is before us. Does anybody have any questions? Any questions of the Commissioner about the bill?

LEG. ROMAINE:

1566.

P.O. LINDSAY:

1566. Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Yes, I have a quick question for the Commissioner, because he spoke before the Health and Human Services Committee and made a statement similar to one we heard this morning, which was that sometimes a policy decision has to be made at the Health Department, and that -- and so you were not in support of this legislation. I'm trying to wrap my arms around that and just understand what kind of policy -- I mean, if there's a policy change, wouldn't we generally want to have the Legislature weigh in?

DR. TOMARKEN:

Yeah. First of all, let me say that I wanted to give a few introductory remarks, and then I'd have Mr. Dawydiak give a possible alternative.

We appreciate the issues of development versus environmental protection, but the Board of Health was set up as an independent body to give advice and to implement the Sanitary Code. The problem that I see with this particular piece of legislation is that it has terms such as -- it's basically looking to see if there's a major policy shift by the Department on this water issue. The problem that I see is that lots of terms are being bandied around, management issues, restrictions, regulations, but there's no definition. So we may view a change in a regulation as not a policy issue, you may view it as a policy issue. Who makes that decision? We obviously want to work with you, we want to work with the community. There's ways for people to have input into the process, but I think it's a bad precedent to go down the road of changing the code on this particular issue, because it opens up the door of, if you're not happy with another issue, changing that so that you have regulation over the Sanitary Code and over the Board of Health, which is supposed to be an independent body and it does take away from their authority.

I think there are other ways that we could embrace the Legislature, the community, etcetera, and developers, and environmentalists in terms of coming to a common agreement without having veto power given to the Legislature over this particular subject matter. And I see the implementation of this bill extremely difficult, because who decides what's a significant major policy change. It is written in this particular piece of legislation that the Legislature finds that the management decisions arising out of the adoption of the comprehensive plan will have significant environmental health and significant implications. Well, I could interpret that and say, "Well, that's" -- "That could indicate a policy change." Others may say, "No, that's just management decisions on an administrative level." There's no definitions and there's nobody to decide how this bill would be implemented. So I think it has major difficulties.

I would like to let Walter Dawydiak have a few comments about his perspective from the Department itself and how they would -- how this might handicap them and a possible solution and alternative.

P.O. LINDSAY:

Okay. Walter.

MR. DAWYDIAK:

Thank you, Members of the Legislature. I'm Walter Dawydiak, Acting Director of Environmental Quality. I'll be very brief. I thank you for the opportunity to speak.

There are two basic issues that we have with this in Environmental Quality. I mean, it's very hard to get anything done and constructively changed. What we did is we put together this wonderful water pollution control study, and it is a study, and it improved our toolbox and refined our ability to protect water supplies for drinking, as well as for surface water supplies. We also improved our tools for waste water treatment and to accommodate growth and development where that needs to go. So this particular study doesn't change anything in and of itself. It sets a framework and gives us the ability to make future changes. All of those future changes, when they're implemented, are going to be undergoing a series of governmental processes, whether it's Sanitary Code standard changes that go to the Board of Health, whether it's standards or guidance memos that could be done at the Commissioner level. All of those things undergo State Environmental Quality Review Act, and they're coordinated with governmental agencies, including the State Health Department, the State Department of Environmental Conservation, and any other involved agency.

What we respectfully recommend is that we leverage a preexisting process rather than create a new one. What we would like to do as a proposal is to coordinate any changes to our programs with the Council on Environmental Quality, and by transitive property the Legislature, so that you're in the process while these policies and programs are being developed, rather than at the tail end. The way that this works now is that we in the Health Department do our work, we come up with the program and we give you essentially veto power to say, "No, we don't like that Drinking Water Protection Program," or "that smart growth program." Not only is that another layer of governmental processes, it brings you in at the tail end rather than the front end.

So that's our proposal, that we leverage a pre-existing process, rather than create this new one, which creates operational hardships for us and which we view as potentially unnecessary.

The other problem here -- Dr. Tomarken was speaking to the complexities -- we've been having conversations with the State Health Department and their indication is that any requirement of the Public Health Law or the State Sanitary Code cannot be vetoed or censored by a local body. Stuff that we do which is discretionary, above and beyond, or unrelated to the minimum State requirements, that's the gray area that we're in right now, but it's very difficult to untangle those and it becomes definitional. Some things like pools and beaches are definitely State Health. Some things like unsewered density and transfer of development rights definitely are County programs, subject to the Executive and Legislative control. Things like new waste water technologies, protecting drinking water wells, that's a crossover that gets a very difficult line-drawing, and State Health has concerns with this, and if this goes forward, they'd like the opportunity to give us a little more guidance. But that's an ancillary issue.

We would urge you to either table or reconsider this in favor of an alternative which sets up a process whereby the County Health Department goes through CEQ and the Legislature in the formative and environmental review stages rather than at the end of the process.

So that's all I have to say. I thank you for your time. If you have any questions, I'd be happy to answer.

P.O. LINDSAY:

Okay. Legislator Romaine, I just want to comment, and then I'll be happy to recognize you.

I think this is one of the bills where the devil's in the details. And in all due respect, Dr. Tomarken, I disagree with some of your comments. When the bureaucracy makes policy, rather than the policy-makers, and the elected officials, I have a problem. And to trust the State Health Department after what we just went through with our health centers, and what I saw, how the bureaucrats operate in Albany and don't care at all for the people that were elected by the people, that scares me. And it has me -- and even one step further. You know, we've had a discussion recently about our Sanitarians harassing not-for-profits. That harassment continues, continues, and, you know, it's scary to me. It's very, very scary to me when, again, the policy is made by the bureaucrats rather than the elected officials.

MR. TOMARKEN:

Well, that's why --

P.O. LINDSAY:

So -- and the devil is in the details here, and that's what I'm trying to get at, the bottom of it, what actually does Legislator Cilmi's bill do and what it doesn't do.

DR. TOMARKEN:

I agree with the idea that it is -- the devil is in the details, and that was -- some of my comments related to that. But I also think that Walter's solution would allow the Legislature to have its input and ultimate veto before it got to --

P.O. LINDSAY:

Legislator Romaine. I mean, and then I'm waiting to hear from Legislator Cilmi if you think that, you know, there can be a compromise here, because I would certainly appreciate that. Go ahead, Legislator Romaine.

LEG. ROMAINE:

I simply would echo all of your statements, Presiding Officer, based in wisdom as they are. I would just tell you of a recent incident with the Health Department where they're requiring, as a woman that -- and I make no certifications as to the justice of her cause or not, but she's a constituent. She's had to go through 24 separate permits, and her last one to get the house built, the Health Department required that she gets a certification from the Town Engineer that the drainage and the retaining wall was within code. Now, obviously, the Town would not have allowed it, to build this, if it wasn't. And I asked Dr. Tomarken in an E-mail recently about this, and he told me, "Oh, this is done all the time and we're working very closely with the Town." I just sent him the E-mail from the Town Engineer. They had no knowledge of this. The Town Engineer classified this as highly unusual, and said to me it has never been done before.

So I don't know if I'm being misled, I don't know if I'm getting the straight scoop, but I take a specific instance because sometimes to understand a larger issue, you have to use a small example. And I would just refer back to your comments, because I think they make a telling point. But people make a mistake, and I want to say this as clearly as I possibly can, to mislead someone sitting on a policy-making board, because you lose the faith and confidence of that board. And I want to make that as clear as I possibly can to the Health Department. Thank you, Presiding Officer.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes. You know, I think, Mr. Presiding Officer, your comments are on point. You know, we are a

government of the people, by the people, not of the bureaucracy, by the bureaucracy, and it's that way for a reason. We have watched as this State administratively has promulgated regulation after regulation after regulation, and they're regulating businesses, and taxpayers, and families, along with children and grandparents, middle income folks, high income folks, low income folks, right out of New York State.

We are the policy-making branch of this government. This bill seeks to reinforce that truth and it does nothing more. Any -- any policy initiatives that come forward by County government should come through this body. This body should not only have input, but the people of Suffolk County should have input to this body, and this body should have the ultimate say as to whether or not those policies become, in fact, policies.

So I would encourage my colleagues to support this bill, to vote for this bill. This is not in any way discussion of what's more important, the environment, or health, the economy. They're all important and we have to weigh all of them equally when we do our business, but it's our business as representatives of the 1.5 million residents of Suffolk County and nobody else's. Thank you.

P.O. LINDSAY:

Yes, Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Walter, I'm just a little confused about process, because, as you described how you see the process, where we're in the front, we're working with you in the front end rather than the back end and have just veto power, I was under the impression that that's what this legislation was suggesting.

MR. DAWYDIAK:

No, I don't think so. The way that I understand this, and I could be wrong -- please correct me if I'm wrong -- is that prior to the Health Department implementing anything, we need duly enacted resolution of the Suffolk County Legislature, which can only happen after the SEQRA process is complete, and after all the nuts and bolts have been adjusted and the process is done.

Let me give you an example. What we're trying to do with the Comprehensive Water Resources Management Plan is to protect sensitive areas while accommodating growth. Waste water treatment technology has improved to where we're way below ten parts per million, we can go to three parts per million of nitrogen. That's a win-win. It's not an unreasonable expense, and that's something that we think should be implemented in sensitive areas to supply wells and surface waters that accommodates development, that it protects the environment.

So we're proposing a change to our standards, potentially, to adopt that rule. The way that it would work in our scenario is that we do State Environmental Quality Review Act. We engage the developers, the environmentalists, the State and the County Legislature. We go to CEQ, CEQ makes their recommendation, it goes to the Legislature. If you don't like the policy at that time, you're free to tell us not to do it or pass your own law with your own policy. The way that it's written now is SEQRA is done, then we come to the Legislature and we have to ask for a resolution. There's no predictability, there's no certainty, and it comes in at the tail end. It also gives the Legislature a potential veto power, which may be a problem with respect to some of our programs, not all of them, but some of them. I don't think we even need to get to that problem if we better coordinate this using existing processes. That's our proposal.

P.O. LINDSAY:

Legislator Cilmi, I'd be interested in your response.

LEG. CILMI:

Well, first of all, with all due respect, you're being somewhat hypocritical, because you're saying that you should have veto power, but you shouldn't have veto power. And so that's the first thing that I notice in your remarks. Second of all, you said that there's a cost associated with one of the aspects of the recommendations of your plan and that it's a reasonable cost to bear for the benefit. Well, that's your opinion, and that opinion should be made on this body. So whether you call it veto power, whether you call it a resolution, the bottom line is you come up with a recommendation, you submit that recommendation to the Presiding Officer, we write a resolution, we vote on it. That's the way policy gets made in this County. The County Executive presents us with recommendations that drive -- that may drive policy and we say yay or nay, and off we go, and that's the way it should work in this instance as well.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I haven't made up my mind yet on this bill. You know, I do understand, the Health Department has to do its job. And there have been times when I've looked at sections of Article 6 or Article 12 and said, "God, you know, we can make this better," or we can make it -- you know, take things that don't make sense out. And I've been told repeatedly I can't touch those things, only the State. You know, all this stuff comes from the State to the County and that's it.

You know, we adopted the Major Comprehensive Water Plan, the 208 study, years ago, and a host of recommendations came out of that and policy initiatives. None of that came back to the Legislature; is that right? Once we adopt the plan, typically, the recommendations contained in the plan you can move forward with; is that how it typically works?

MR. DAWYDIAK:

The way that the Sanitary Code amendments that arose out of the 208 study worked is that they went through the Board of Health, and if it worked then as it does now, which I suspect it did, it probably did not come to the Legislature for implementation.

LEG. SCHNEIDERMAN:

So this would be a policy departure. We'd actually approve a plan with recommendations in it, which we haven't done yet, and then we'd come back again with those recommendations to individually approve them when you were about to enact them? That's my understanding of what this bill does.

MR. DAWYDIAK:

My understanding of the bill is before we change anything substantive, it doesn't require Legislative approval of our plan, it requires Legislative -- and Legislator Cilmi, correct me if I'm wrong, it requires -- before any adoption of any substantive policy change which is going to have a real impact, then the Legislature needs to authorize that via a resolution.

LEG. SCHNEIDERMAN:

See, I understand the Health Department often has to do things that might be unpopular; that if you put it in front of a political body, it might not happen, but it still is in the interest of public safety, public health. And so things in general, although, you know, I've been critical as well of the Health Department sometimes in the time it takes to process applications, etcetera, I appreciate the work that you do to protect us, whatever it might be, from, you know, vector-borne diseases, etcetera, but, you know, I'm still concerned.

I'm not sure how I'm going to vote on this because I don't want to tie your hands to do what you

believe is in the best interest of our environment and public health, particularly in a plan -- after we've adopted a plan that contains these recommendations. That's -- I'm going to think about it some more.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Walter, I'm thinking of a very controversial, that we found -- controversial situation in which we found ourselves regarding Vector Control and the plan, if you remember. And, at that point, it became a political football, and actually people in CEQ wound up not recommending the plan, if you recall, but we -- those of us who worked with the scientists, who understood what was going on, were able to eventually prevail, because -- and that was a place where there was a major policy decision that had to be made and the Health Department had a recommendation. It -- CEQ did not recommend it, but we were able -- since CEQ is just advisory, this body, when all of the information was presented before us, we were able to support the plan. So this is how I'm understanding the role of the Legislature here, that we're not there to subvert the work of the Health Department. I think that we have great respect for the knowledge and the expertise there. But that was a case even before this law, being this particular Charter Law, appearing -- existing, 1566, where the Health Department policy could have been -- because of a political situation that happened outside of this body, that you could have been thwarted, yes? I mean, so actually the Legislature really saved a very important piece of policy.

MR. DAWYDIAK:

That's absolutely correct. I mean, not that the Vector Control Program was crying out for all the help they could get. We appreciate the help that you personally gave us, as well as the members of the Legislature. That was subject to an Environmental Impact Statement, and, as such, that required an Environmental Impact Statement, that required a CEQ recommendation, and that required a Legislative action just by the way that the preexisting process is set up. So I guess all I'm suggesting is that we set up a preexisting process to work for us rather than put a new one.

Let me just give you a few examples of what's going to happen if you pass this bill today. Almost everything we do in the Health Department has some policy implications for some user group, whether it's environmentalists, or developers, or the ecosystem. We're looking at soil vapor barrier protocols in the areas of toxic contamination. We're looking at alternative on-site disposal systems, so that when we get the Nitrex, or whatever the system is in, we're going to have to go work out the details with State Health and State DEC, then we're going to have to debate this in committee, as well as at the full Legislature. We're going to be dealing with sewage treatment plant siting guidelines for sensitive surface waters, we're going to be dealing with public supply well sewage treatment plant guidelines. All of these things are intensely and exquisitely detailed, they're highly operational, and you've already got a body in the form of a Council on Environmental Quality with expertise in this and they're set up to vet these issues and give you advice.

So the way that I propose this process that if the CEQ believes that something rises to the threshold of an impact statement or something that needs a County Law, they're going to tell you in the Health Committee or the Environment Committee, and then the Legislature takes it up. The Legislature would be fully aware of all these issues via a preexisting process, and you wouldn't lose any power to weigh in on this. You'd also be free of managing what essentially will be one of operational stuff that the Health Department does, which is not going to be good for you or for us.

D.P.O. VILORIA-FISHER:

Tom, I don't like to feel as confused as I feel right now. And, as the Presiding Officer said, the devil is in the details, and I would like to have another month to really sit down and compare what the

department is saying with what you're proposing in the law, so that I can understand where the conflict really lies. So I'm going to ask for your indulgence to table this for one more cycle. And, really, if I could work with you and the Health Department, because I devoted a lot of time to work in CEO, and we're on the Health -- you know, I'm on the Health Committee, and I really would like the time to look at this more carefully.

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

LEG. CILMI:

Let me -- through the Chair, if I may?

P.O. LINDSAY:

Go ahead.

LEG. CILMI:

Let me suggest that it's really not as difficult as it -- as it's seeming here. The bottom line is that the Health Department is going to suggest certain policy direction for the County. That policy direction should be codified in a bill and this Legislature should either approve or disapprove of that bill; it's not difficult. I mean, if you want to table it for a cycle, we'll table it for a cycle, but I don't -- I really don't see the difficulty here.

P.O. LINDSAY:

Before I go to you, Legislator D'Amaro, I see Mr. Kopp raising his hand; he is sometimes the voice of reason here, so let's listen to him.

MR. KOPP:

I don't know, Mr. Crannell got the applause; I never got applause in here. I just thought it important to stand up here and point out that while these gentlemen work in the Executive Branch of government, their views on this matter don't necessarily reflect those of the County Executive who supports Legislator Cilmi's initiative and the concept that the elected officials should be setting the policy.

P.O. LINDSAY:

Okay. So you just added a disclaimer.

*(*Laughter*)*

LEG. CILMI:

Thanks, Eric.

P.O. LINDSAY:

And you just changed a lot of votes.

*(*Laughter*)*

But Legislator D'Amaro.

LEG. ROMAINE:

You just killed us, Eric.

LEG. D'AMARO:

Mr. Dawydiak, I want to --

LEG. SCHNEIDERMAN:
Motion to table (laughter).

LEG. D'AMARO:
No, I want to ask you a question. What is the -- excuse me. What's the downside to having to come here and make the case for these types of changes to the code?

MR. DAWYDIAK:
There's two different problems, one is a legal problem, then one is an operational problem. The State Health Department has got some concerns about their supremacy on some of these Public Health Law and State Sanitary Code Programs that we're implementing.

LEG. CILMI:
This is bureaucracy.

MR. DAWYDIAK:
And we could run into an unnecessary problem by having a veto power for a local body over a State drinking water, public health program.

LEG. D'AMARO:
Well, but when you made the presentation to us on a particular policy where the State had the concern, you would express that to us at that time. And we could consider that, could we not, at the time that we're considering whether to approve the policy or not approve the policy.

MR. DAWYDIAK:
We could, but I just -- you know, and I'm being respectful again, there's a process in place by which this Legislature can control our policy and should control our policy.

LEG. D'AMARO:
You're talking about the CEQ recommendations?

MR. DAWYDIAK:
The CEQ and --

LEG. D'AMARO:
But we don't sit on CEQ.

MR. DAWYDIAK:
No, but the CEQ reports to the Legislature which then makes the determination on whether to accept the CEQ recommendation or not.

LEG. D'AMARO:
World of difference, though.

MR. DAWYDIAK:
I'm sorry?

LEG. D'AMARO:
It's a world of difference. I mean, because CEQ makes a recommendation. I'm not -- you're not coming to this Legislature and saying, "Here's a major policy shift and here's why it's a good thing."

I mean, I'm not -- every Legislator here is not going to every CEQ meeting, I doubt.

MR. DAWYDIAK:

No, but I believe that the CEQ reports to a Legislative Committee which is then accountable to the Legislature and the entire record is transmitted to the Legislature.

LEG. D'AMARO:

So more bureaucracy.

MR. DAWYDIAK:

No, I think it's less. And I don't mean to be disrespectful. I think that --

LEG. D'AMARO:

I don't either. But, you know, I have to tell you, these are major policy decisions we're talking about, and I see that the -- especially when it comes to the Sanitary Code. You know, we're charged with spending money and dealing with budgets and implementing a lot of policy, but yet when it comes to something as important as this, we're out of the loop.

MR. DAWYDIAK:

We take this very seriously and we want you to be in the loop.

LEG. D'AMARO:

Yeah, but I want -- that's your job to take this seriously. I agree with you, I know you do. But you know what? We should be then informed and we should have the final say as to whether or not we agree or disagree. I mean, you know, you guys haven't had that in a long time in that Health Department, frankly.

MR. DAWYDIAK:

We like to think that we're accountable and that we work with the Legislature and stakeholders as to --

LEG. D'AMARO:

Well, you don't have to think it; if we actually require you to come here, then you will be. I don't understand what the downside is. If you've done all this expertise work on these policy shifts or changes or amendments, what's the harm of coming to the elected body and saying, "Here's why this is a good thing"? What's your fear of that?

MR. DAWYDIAK:

It's not a fear, it's a desire to promote efficient and orderly government that will work for you as well as for us. I think there's a process in place that we haven't utilized. I can't speak to why predecessors have not utilized that process. I can tell you that it was set up for a reason and it does work.

LEG. D'AMARO:

So that's the case, your predecessors did not utilize that process?

MR. DAWYDIAK:

My understanding is that the CEQ review for Sanitary Code programs has been optional and that that's not been availed of in the past. And I think it's reasonable, rational and desirable to go that route, that's what it's there for.

LEG. D'AMARO:

Well, I think the only path here is to pass a bill like this so that at the end of the day, after you do your comprehensive recommendations and review of policy, that you come here and you say to us, "Here's a great idea, here's why you should consider it and why don't you approve it." And I know the Health Department is not used to that, especially your department, but, you know, it's really past due.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yes. Thank you, Mr. Presiding Officer. I'm always suspicious of when I'm in total agreement with Mr. Cilmi and Mr. Levy at the same time.

*(*Laughter*)*

I've said this before to Tom, you know, that --

LEG. CILMI:

It wasn't that long ago that we were.

LEG. HORSLEY:

I know, that we're both on the same page. You know, when he quotes the founders, you've got to bring it back to the beginning, and that's what this argument is about. This is an argument about -- that the people should have the choice and the choice is the people that they elected, and that's why this is -- this becomes so basic in concept. And what I -- and I echo some of Lou's comments, Legislator D'Amaro's comments, in that the concern about the water policies, you know, there's an attitude here that knowing this board, knowing this group that we have here, we have always found that delicate balance between the environment and development. And we are as concerned as the Health Department is about our water resources and that they are maintained into the future in a quality that we can leave to our children.

So I think it's the responsible thing to have the Health Department come to us and say, "This is the way we feel," because I think we're going to respect that opinion. I think we're going to say, "You know, you've got a point there. We are" -- you know, your -- the deviations in the nitrogen levels. You know, it makes sense that the experts are saying this or that, and I think we will respect that opinion. But we will also take into account that this County has to grow and grow through economic development and all those issues as well. So I think it's the responsible thing to do to bring it back to the people's home and that being the Legislature.

LEG. CILMI:

If I may just conclude?

COMMISSIONER TOMARKEN:

Can I make a comment?

P.O. LINDSAY:

Go ahead, Doc.

COMMISSIONER TOMARKEN:

I just want to make it clear that we're just trying to engage the Legislature before it comes to a final override or veto coming back to the Legislature, we'd rather have the Legislature involved earlier on. For instance, one of the possibilities was have Legislators serve on the Comprehensive Water

Resource Management Plan Steering Committee so that they're involved all the way up. Because what I don't want to see happen is at the end of the day we come with the suggestion and you say, and rightfully, "Maybe we don't know enough about it. We haven't looked at all the details," you know, you make a recommendation, we make a recommendation. And you might say, "Gee, I don't know enough background to vote one way or the other." So if we got you involved up front during the process, then I think you'd have a better understanding and your input would be there and then when it came to final conclusions or recommendations, then you would have been along -- been part of that all along, number one.

The other thing I just would point out, as I said earlier, what if a significant policy change needs to be defined? Because we may view regulations, change in regulations going from ten to three as not, you may, vice versa. So what guidelines do we have to know when to bring you significant policy changes? That's another issue, that's sort of an operational issue. But this is not -- we are not at all interested in bypassing the Legislature. We want the Legislature to be involved as early as possible and as in-depth as possible so that when you come to the point of making a recommendation, that you feel comfortable with it rather than just listening to what this department or anybody else might say without having been a part of it. That's my point.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:

Well, you know, each Legislator on this body has gotten engaged in issues over the years that are important to them, you know, throughout a process where legislation may become appropriate. So just to suggest, and I'm not -- and I know you're not suggesting this, but to suggest that this will in some way remove Legislators from a process of discussion in its formative stages is incorrect. If Legislators want to be involved in those formative stages now, today, or once this bill passes, they may, and they do. And, you know, it's -- ultimately, it's this Legislature that has to weigh all of the issues; economy, health, environment, public safety, etcetera, etcetera, etcetera. That's not the job of the Health Department, nor should it be. The Health Department's job is to look at issues relative to health. And you do that now and you will continue to do that and you will present your best case on whatever rules or regulations you want to see passed, and we, as we do with every issue, will weigh those recommendations along with the myriad of other issues that we have to weigh and make decisions. I would ask my colleagues to call this -- Mr. Presiding Officer, I would ask you to call this to a vote. Let's move on.
Thank you.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:

Yeah. You know, I just want to respond or inform Dr. Tomarken. I appreciate your suggestion of wanting to include the Legislators up front, more engaged in the process, but why not just do both then?

COMMISSIONER TOMARKEN:

That's not a problem. I think that would be a good suggestion.
I just would like to go on the record to let you know that when this comprehensive plan was put up on the website and it was open for comment, inadvertently one of the Legislators called me and said, "Oh, I heard about this from a developer." And the period of comment was coming to a close, I had to extend it to 30 days because other Legislators then found out about it and I put out an e-mail to all the Legislators saying, "It's there. Please be aware, please make your comments, I've extended it an additional 30 days." So I think everybody needs to be a little more cognizant of

these issues so that they are involved. And I hope that if your suggestion is taken, that people will be cognizant; the past record is not very positive in that arena.

LEG. D'AMARO:

Well, my -- I appreciate that. And I think -- I don't think the two paths on policy are mutually exclusive. I think that if there are ways that your department can suggest that we would be more up-to-date and informed, I think we should do that. But at the end of the day, there is a vast difference between being part of a process, where I've had the experience as a Legislator to sit in a room with some of these departments, and basically what I get is an argument back as to why anything and everything that you're trying to do can't be done. And you know what? I have no final say in that, and I was offended by the fact that although I'm part of the elected policy-making body in this County, that a bunch of bureaucrats sitting across the table were basically laughing in my face telling me, "Too bad." All right? So that's where I'm coming from.

COMMISSIONER TOMARKEN:

I think that your proposal of a combination makes sense.

LEG. D'AMARO:

There was no national discourse in that room, it was basically, "Let's go in and just yes them to death and get out of here," and this bill will change that.

P.O. LINDSAY:

Just -- before the rules to implement these policies are made, is there going to be an outreach process with all of the stakeholders?

COMMISSIONER TOMARKEN:

The rules for this piece of legislation?

P.O. LINDSAY:

No, the comprehensive plan.

COMMISSIONER TOMARKEN:

Oh. Walt?

MR. DAWYDIAK:

We're in the middle of a very comprehensive process of outreach. What's happened is that we had a five-month comment period, we received on the order of 20 sets of extensive comments; they're being compiled, we're summarizing them, we're responding to them. A lot of folks thought that it was too stringent, a lot of folks thought it was too lenient. We're going to convene the Steering Committee which includes stakeholders from developers to environmentalists to civic groups to technical professionals to government agencies as well as the Legislature. Our proposal is to include the Health Committee as well as Environment Committee as well as Presiding Officer. I think right now we're sending an invitation to only one Legislator, and I forget who that is off-hand, but we want to include you in this process.

P.O. LINDSAY:

Okay. But is there a set number of people that are going to be in the room, are you just sending out, "We're going to meet about some of this rule-making"?

MR. DAWYDIAK:

We typically get about 40 or 50 people in one of our Steering Committee meetings for the Comprehensive Water Resources Management Plan.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Mr. Chair?

LEG. D'AMARO:

Bill, can I just -- I just want to make one point, that my comments that I just made are in no way, shape or form directed at Dr. Tomarken. You were not even Commissioner at the time of those meetings and it's not directed at you. I just want to make that clear.

MR. DAWYDIAK:

I hope it wasn't me either (laughter).

D.P.O. VILORIA-FISHER:

Mr. Chair, I suggested earlier that I didn't see how a month where we could try to put in some of what is being suggested by the Health Department where we have inclusion of the Legislature early in the front end of the process, where that kind of concept could be folded into 1566. And so I will make a motion to table for one cycle.

LEG. SCHNEIDERMAN:

I'll second. I'm still, you know, feeling that these Health Department decisions should be based on science, you know, good science and the public health and I'm concerned about opening up a door that will then go into all kinds of other areas, other business Health Departments do that may compromise their ability to protect public health. So I'll support the tabling.

P.O. LINDSAY:

Okay. We have a motion to table and a second. We have a motion to approve and a second. The motion to table goes first; roll call.

LEG. MONTANO:

Table?

P.O. LINDSAY:

Table.

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

D.P.O. VILORIA-FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes, for one cycle.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. CILMI:
No.

LEG. MONTANO:
No.

LEG. EDDINGTON:
No.

LEG. ANKER:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. ROMAINE:
No.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seven.

P.O. LINDSAY:
The tabling fails. Motion to approve.

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

LEG. CILMI:
Yes.

LEG. MURATORE:
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. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Viloría-Fisher).

*(*The Following was Taken and Transcribed by
Alison Mahoney - Court Reporter*)*

P.O. LINDSAY:

Economic Development, Higher Education & Energy:

Okay. *IR 1662-11 - Authorizing a lease agreement with Holey Moses Cheesecake for use of property at Francis S. Gabreski Airport.*

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I don't know, I just had a piece of the cheesecake (laughter).

LEG. HORSLEY:

Second.

P.O. LINDSAY:

We have a second by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Environment, Planning & Agriculture:

1424-11 - Authorizing planning steps for the acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Reeve-Bayview Farm Property) Town of Riverhead (SCTM Nos. 0600-067.00-02.00-029.005 and 0600-067.00-02.00-033.000) (Romaine).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

LEG. ROMAINE:

Please list me as a cosponsor.

P.O. LINDSAY:

IR 1596-11 - Appointing Terri Alessi-Miceli as a member of the Long Island Regional Planning Council (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

IR 1663-11 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Eastport Property Development LLC property - Delalio Sod Farm - Town of Riverhead - (SCTM No. 0600-044.00-02.00-010.005) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Second by Legislator D'Amaro.

LEG. MONTANO:

How much is this?

MR. NOLAN:

Three point two mill.

P.O. LINDSAY:

All in --

LEG. MONTANO:

I'm sorry, I asked how much the amount was.

P.O. LINDSAY:

Legislator Montano requested the amount.

D.P.O. VILORIA-FISHER:

Three point two seven.

LEG. MONTANO:

How much?

D.P.O. VILORIA-FISHER:

Three point two seven million.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Barraga & Cilmi).

P.O. LINDSAY:

1673-11 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - for the Sylvester Manor Educational Farm, Inc. Property - Sylvester Manor Phase I - Town of Shelter Island - (SCTM No. 0700-008.00-01.00-005.002 p/o)(County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman.

LEG. MONTANO:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Montano.

LEG. MONTANO:

How much?

D.P.O. VILORIA-FISHER:

Two point four.

LEG. MONTANO:

Two point four million.

MR. NOLAN:

It's a 70/30 split, though, I believe.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

MR. LAUBE:

Who was the second opposition?

MS. MAHONEY:

Montano.

MR. LAUBE:

Gotcha, thanks. Sixteen (Opposed: Legislators Barraga & Montano).

LEG. SCHNEIDERMAN:

Tim, list me as cosponsor.

LEG. ROMAINE:

Please list me as a cosponsor.

P.O. LINDSAY:

1710-11 - Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - active recreation component for the North Fork Preserve property, Town of Riverhead (County Executive).

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

LEG. BROWNING:

And on that motion?

P.O. LINDSAY:

We have a motion and a second. And on the motion, Legislator Browning?

LEG. BROWNING:

Yeah, I just would like to remind you, we had a Trap & Skeet Relocation Committee, the North Fork Preserve is on that list. I see that it is active parkland, it's being purchased as that. I want to make sure that that is still an option. I know that we are looking at other locations, possibly one in Westhampton, but I'm going to be possibly looking for some support.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

News to me.

LEG. BROWNING:

However -- don't worry about it, it's not a bad one (laughter). Not in somebody's backyard. However, we are looking at other locations. There are several locations we've looked at and the North Fork Preserve is one and I do want to continue to look at it as a possible trap and skeet range.

P.O. LINDSAY:

Well, Legislator Browning, when this came up at committee I brought this up, and there didn't seem to be any will by the sponsor or the Parks Department to consider that. And that was troubling to me, because it does seem like a huge piece of property that would be very appropriate for that type of facility.

LEG. BROWNING:

Right. It's not 10, 15 feet away from somebody's home, and I think that's something that we will have further discussion with, because whatever they're going to do, they're going to be looking for funding from us to do whatever they want to do. So it is a piece of property that the County has been looking at for purchase.

P.O. LINDSAY:

I would just understand one thing, the testimony at the Parks Department was that unlike many other planning steps, much of the work has been done on this property already. And this is going to go very, very quickly, and the planning for it is already well advanced on what they're going to use it for. So I have --

LEG. BROWNING:

Well, I did reach out to the Parks Department and I have not received a response back yet.

P.O. LINDSAY:

Okay. But the planning steps are before you now.

LEG. BROWNING:

Yeah. It's authorizing planning steps, so it's not a purchase yet.

P.O. LINDSAY:

I know that. But I'm telling you, the purchase is going to happen really quickly and the planning is already done for this facility.

LEG. BROWNING:

Well, I will reach out to -- obviously, anything that they want to do will have to come back to us; am I correct?

P.O. LINDSAY:

For the actual purchase, yeah, but by then -- that time, I think everything is pretty much in concrete.

LEG. COOPER:

Excuse me, Mr. Chair. Why don't we consider tabling this so we could amend the resolution to direct planning to consider this property as a possible site for the --

LEG. BROWNING:

I guess I -- I guess what I would do is consider a table motion. I mean, I'm not saying it's set in stone that a trap and skeet range will be relocated to it, but I think it still needs to be kept as an

option. And, you know, until I can speak with the Parks Commissioner, maybe that might be a good idea.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. This is planning steps. You -- even if it was the desire of this body to do a shooting range or skeet and trap range at the North Fork Preserve, you can't do anything until you own the property. We're not at that point, this is planning steps. The next step is the purchase of the property, then the next step is the Parks Department comes and gives us a plan for the property. It's at that third step that you weigh in and you have this discussion; that's when this is done.

Now, I know there was other discussions in my opposite caucus and that this might have been highlighted for tabling, but I would tell you that that's a mistake. We're at planning steps. We still have to do planning steps, then we then to do purchasing, and then we've got to move quickly to figure out what we're going to do with this property. At that point, that's the third step when the Parks Department makes a presentation where we can weigh all the option, because this is going to be the next regional County park. All I would say is this is probably premature to table this now, I would move forward with this as quickly as you possibly can. But guess what? When we come to the third step, I look to the man sitting at the head of this table, because he's going to say the same thing that he says about many things, and wisely so; where are you going to get the money?

So the North Fork Preserve may become a Regional County Park, but it's going to take a long time to get there. And it's in the development of those plans, because there's plenty of time for whatever else has to go there, be it cabins, be it campers, be it tennis, be it trails, be it fishing, be it skeet and trap; there's plenty of time for that. We're just at the planning steps. Wrong effort. I understand you want to make a statement, wrong time to do it. Right time to do it, first we plan, then we acquire, then when we go to figure out, if we have any money, how we're going to develop this park in over how many years, that's the right time to do it. So I would urge you not to table this. Thank you.

P.O. LINDSAY:

Ms. Green, did you want to weigh in on this?

MS. GREENE:

I would also urge you not to table this. This ultimate acquisition will require approval by both CEO and Parks Trustees. We are in a very tight timeframe; we are looking to have this acquisition take place this year. And just to clarify, I know this was made very aware to the members of the EPA Committee, the planning steps for the large portion of the North Fork Preserve is merely to have the entire south half be able to be used for active. If this is not passed, half of it will have to remain passive which would impede the opportunity for revenue generating possibilities and use of that parcel to its full extent by the Parks Department.

P.O. LINDSAY:

Okay. I'm going to weigh in; and again, I'm going to go back to the conversation that took place at the Parks meeting. And I respect my colleague, Legislator Romaine, but it was very clear the uses that the Parks Department wanted to use that property for; they wanted it for equestrian use, they wanted it for camping, they outlined all of these things. And I simply suggested that we have a real problem with our Trap & Skeet Range with the people that live around it, we've heard them over and over again. And we're acquiring a large piece of property, would it be appropriate to relocate it there, and I was told no.

MS. GREENE:

The property contains developed buildings, it would be appropriate for use by a catering facility. The ultimate revenue-generating may exist in camping, fishing, those type of active park uses for a park this large.

P.O. LINDSAY:

Okay. But --

MS. GREENE:

Again, I don't mean to step on the toes of the Parks Department who will decide the future use, but this resolution is required for this acquisition to be used as active parkland.

P.O. LINDSAY:

And I realize that, and that's the only reason I would support it. I wouldn't support the acquisition of 600 acres for passive park use. And I do realize --

MS. GREENE:

Three hundred and twenty-two.

P.O. LINDSAY:

Well, yeah, but doesn't this adjoin another 300 acre parcel?

MS. GREENE:

No, sir. The North Fork Preserve is two parcels contiguous to one another, the total is 322 acres.

P.O. LINDSAY:

Okay.

MS. GREENE:

There's a separate planning steps resolution for adjoining property that the County already has PDR rights on, but that's a separate resolution.

P.O. LINDSAY:

That's what I'm talking about.

MS. GREENE:

And that's, I believe, 30 acres or something like that.

P.O. LINDSAY:

Huh?

MS. GREENE:

Thirty, I believe? It's a separate resolution, it's not part of this.

LEG. ROMAINE:

Fifty acres, 50 acres.

P.O. LINDSAY:

Okay. Whatever the acreage is, it's a lot of property. And what I simply brought up is consideration to use this old hunting lodge for the Trap & Skeet Range. Certainly, whether we're arguing about close to 400 acres or 600 acres, that's an awful lot of property. It's a huge buffer and it should be able to accommodate many, many different uses. And, you know, if there's a different site or there's an alternate, that's fine. But going into the process, I wanted consideration

for this use for this facility, and I don't seem to be getting anywheres with it.

LEG. BROWNING:

Bill, can I remind you, Southaven Park, directly across from where the Trap & Skeet Range is, there's a camp site, there's an area where people take their children to ride the train, very close to the Trap & Skeet; there was an equestrian facility, there is fishing, there's boating. Everything in Southaven exactly the same as what they're talking about in North Fork Preserve, so there is no reason why it cannot be considered.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I support the planning steps, but I was at that EPA Committee and the planning is already done, you're exactly right, which is a good thing. But let me make a suggestion. Maybe to vet Trap & Skeet or the possibility of having that range moved, maybe what we should do is recommit this bill to the committee one cycle and let the Parks Department come in and explain to us where it fits or where it doesn't fit and why. I mean, in fairness to the Parks Department, it was raised by the Presiding Officer at that committee but they weren't really prepared to speak to that because they had already done all their planning. So you can favor the planning steps, you can favor the park, you can favor the acquisition, but I think a couple of weeks delay won't make much of a difference. Put it back to the committee and let's let Parks come in and explain it to us. Let them consider it, let's get it done now.

MS. GREENE:

Just to understand, any delay, Legislator D'Amaro, will require the planning steps already in place for this acquisition to continue through Parks Trustees and through CEQ, and those planning steps already have the southern half of this property only being used for half of it as active recreation and the other half passive. So there will be no fishing at the ponds, there will be no climbing of the trees, there will be no active use on half of the southern half without the change in this planning steps.

P.O. LINDSAY:

But you're just validating what I'm saying. Legislator Romaine said, "This is planning steps. We haven't acquired it, we don't know what we're going to do with it," but you're just telling us, "We already know what we're going to do with it."

MS. GREENE:

You already have planning steps for the acquisition, this is to utilize it for the best opportunity for the Parks Department.

P.O. LINDSAY:

And all I'm asking is it be considered for movement of the Trap & Skeet Range, just a consideration. You know, we -- the movement of that range is never going to happen unless we start looking at where we're going to move it to.

MS. GREENE:

I don't believe the Parks Department was resistant to having that conversation, they just were not prepared at that time.

P.O. LINDSAY:

That isn't what I got and I was at the same meeting as you.

MS. GREENE:

Okay.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

First of all, let me just say that the Administration certainly did not consult me about any plan that the Parks Department would draw up. I'm sure they would not do that at the behest of our Executive.

However, that having been said, you know, let's be honest, this is a planning steps. We don't have to pass this, you can table it. I'm going to tell you what I'm going to do as a district Legislator; I'm going to urge that the original planning steps go forward. I'm going to ask that we move forward with the acquisition as a whole. We have the planning steps on this, gentlemen. We have an offer, that has been made and accepted, a long time ago. I'm going to ask him to bring forward the acquisition, then you can be placing the choice of voting against an acquisition. But when you acquire this, unfortunately, this land, which is a beautiful piece of land, will be there, like so many of our open spaces, to preserve, protect the groundwater, things of that nature, but we have an opportunity on the southern half of this parcel to create a regional park.

I think there's a lot of people from all over the County that own campers, and those who don't own campers because now they're planning to build cabins there that would love to take a "stay-cation" as they're called, stay on Long Island and come out to the East End, particularly with our wineries and our beaches and so many other things going on out there and stay there. This is an opportunity to probably -- this park will probably be one of the heaviest used parks in the County system. We're not going to build this park overnight, because we don't have the money. This park is going to take years. It's going to be done incrementally. And whatever the original concept was, which was shown to me on something the size of an napkin with crayon drawings, whatever the original concept I'm sure we'll change multiple times over. And I'm sure this Legislature and the one after us and the one after that one will have input with the Parks Department to the appropriation, to ensure that whatever takes place takes place.

All of you know, maybe you don't know, but if you've talked with Legislator Browning, I've been working with Legislator Browning on potential locations for relocating. This might be one of them. There was another one that we visited, what, about six months ago, eight months ago? I remember it was freezing cold, but we went out there. A perfect location, nothing around, it's already a range, it already exists; the guy wants to sell it.

So, I mean, it's not that I haven't been working with Legislator Browning, I understand her concerns about moving this. It's that this is a planning steps, and already you're filling in the blanks. I mean, we're nowhere near that at this point. And if this doesn't go forward, the other planning steps will and then you'll be in a position of whether you want to vote to preserve open space or not and you may vote it down, which would be a shame because we'd lose a tremendous acquisition.

P.O. LINDSAY:

And how this all started was my request to consider this as a possible site and I was rejected. I was told no.

LEG. ROMAINE:

Not by me.

P.O. LINDSAY:

Well, you said, "Yeah, that is inappropriate, I have another site." That's what the records say.

LEG. ROMAINE:

We had --

P.O. LINDSAY:

Parks and Planning said, "No way, no. No." All I'm asking is consideration here, and I'm ready to buy in, but we couldn't even get consideration, and that's wrong. That's wrong.

LEG. ROMAINE:

Presiding Officer, the day that my opinion would carry on an issue like this would be a day that I would be thunder struck.

P.O. LINDSAY:

Well, I think, Legislator Romaine, your opinion is valued around here. All right? So I don't -- I think you're underrating yourself. And if it gets to a point where we're going to have to consider the purchase of this as all passive property, I'm telling you right now, I'm voting no, I'm not going to buy 400 acres unless it has a practical use. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

I encourage my colleagues to vote yes on this. What we saw at the Environment Committee was a vision, a very rough conceptual plan. Before that plan can be realized as an -- as reality, there have to be license agreements, there has to be money that we provide for the structures, for the infrastructure. And so Parks Department -- and I get the feeling that in a few months there will be a different leader in the Parks Department, and maybe the conversation can be started with whoever is in charge there at that time. But let's continue the conversation, let's have this conversation with the Park Trustees.

This -- these planning steps will go before the Parks Trustees as well, so there's plenty of opportunity to continue the conversation.

I don't think we should stop this at this point because this isn't -- the planning steps is not the place where those decisions are made, it just allows us to move forward. And I think that the record, today's record will reflect the position of many people around this horseshoe, and that will be taken very seriously. So please don't delay this, it makes it that much more difficult for our Department of Real Estate to move forward with the negotiations that they have. It really will impede their progress. So we should approve this and continue the conversation.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, Tim, would you just remind me, what motions do we have on the table? Do we have a motion to approve and a motion to table, or just to approve?

LEG. COOPER:

I think I'm going to withdraw my tabling motion.

MR. LAUBE:

That leaves a motion to approve, a motion and a second.

P.O. LINDSAY:

Let me propose a compromise to get by with this. And it's up to you, Legislator Browning, because

you're the one that's living every day with the Trap & Skeet Range --

LEG. BROWNING:

With the million phone calls.

P.O. LINDSAY:

-- and the people that call. I will withdraw my opposition to this and move forward. But Legislator Romaine, I would really like your support to consider this as a location for that facility, among other locations.

LEG. ROMAINE:

Among other locations. And as I said, Mr. Presiding Officer, I'm not unaware of Legislator Browning's issues with the Skeet & Trap. Having represented that area in the 1980's, I'm very familiar with it and I've tried to work with Legislator Browning, and I think she would say that --

LEG. BROWNING:

(Nodded head yes).

LEG. ROMAINE:

-- in trying to find alternative locations that would not impede upon anybody else.

P.O. LINDSAY:

But I don't want this location excluded.

LEG. ROMAINE:

I'm not going to say I'm going to exclude it, I'm willing to work with Legislator Browning and the members of this body correctively for the relocation of the Skeet & Trap Range.

P.O. LINDSAY:

And I know, Ms. Greene, your role is to simply purchase the property and not the use, but I would like that recognition. Because if this comes back to us for purchase and it isn't part of the potential plan for the property, I for one will not support it.

MS. GREENE:

Thank you.

P.O. LINDSAY:

Okay?

LEG. BROWNING:

That sounds good. And just, you know, the Planning Department did, on the relocation report, identify this as a perfect location. And, you know, the location we're looking at, this has been on the County's radar to purchase. I'm not opposed to the purchase, I just wanted to still consider -- be considered as a location.

The other one, yes, the owner approached us to purchase it, but like you say, Bill, all the time, we don't have any money. And so I don't want to not consider this and then when we look at the other one turn around and say, "No, we can't buy it."

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Okay. *1712-11 - Reappointing Joseph Gergela, III as a member of the Suffolk County Soil and Water Conservation District (Romaine).*

LEG. ROMAINE:

Tim, cosponsor.

P.O. LINDSAY:

Legislator Romaine, do you wish to make a motion?

LEG. ROMAINE:

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

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

I thought I was a cosponsor on this, I don't see my name. If not, please make sure I am.

MR. LAUBE:

I'll make sure it's done. Eighteen.

P.O. LINDSAY:

Okay. We did 1566 already.

Health & Human Services (Continued):

1613-11 - Adopting Local Law No. -2011, A Local Law to ensure full representation of disabled persons on the Disabilities Advisory Board (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1628-11 - To establish a Tick and Vector-Borne Diseases Task Force in Suffolk County (Romaine). Legislator Romaine?

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Don't we have this task force already?

LEG. ROMAINE:

No, that was a task force that existed several years ago, it expired. It issued a report, this is a follow-up now that the Four-Poster System has been -- gone through a four-year test and has finished, this is a follow-up to that. Obviously, I don't have to tell people, one of the things I've tried to spend some time on is to make people aware of the dangers of tick-borne diseases and other vector-type of diseases that we face. And this task force is going to have representatives from the Health Department, from Stony Brook, from a number of other agencies and locations and the Empire Lymes Disease Association.

So I think it will do good work. It's not going to cost the County much, and it's going to be able to produce a report that gives us some public policy suggestions on how to prevent tick-borne disease.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And then we did 1681, we did 1604.

Labor, Housing & Consumer Protection (Continued):

1635-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purpose (SCTM No. 0200-603.00-05.00-008.001). (County Executive). Let's go, let's get through it.

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Do I have a second?

LEG. BROWNING:

Second.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. MONTANO:

One quick question, Bill?

P.O. LINDSAY:

On the question, Legislator Montano.

LEG. MONTANO:

Yeah, I just wanted to ask Pam. Pam, these four are all in the Town of Brookhaven. These are going for the Affordable Housing Program, which you said earlier means that there's no consideration.

MS. GREENE:

Correct.

LEG. MONTANO:

All right. So what's the difference between these and let's say those four properties that we wanted to auction?

MS. GREENE:

These are considered not habitable. Habitable properties must be sold to public auction, properties that are not habitable and can be retrofitted by a not-for-profit or renovated by a not-for-profit are eligible.

LEG. MONTANO:

So these are in really bad condition is what you're saying.

MS. GREENE:

Yes.

LEG. MONTANO:

Okay, thanks.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1637-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purpose (SCTM No. 0200-967.00-03.00-042.000). (County Executive). How about same motion, same second, same vote?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1641-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purpose (SCTM No. 0200-973.80-02.00-018.000). (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1642-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purpose (SCTM No. 0200-701.00-01.00-034.000). (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1694-11 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services: Special Education Coordinator (Spanish Speaking) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Do we have any information about why this position is being sought now, what it involves? Is it a hundred percent County funded?

MR. KOPP:

It's not a position that's being created, it's a title within the salary plan. This action doesn't create the actual position, it creates the title. The title has to be within the County salary plan. There's not a specific position associated with it. What will happen is the Health Department could take one of their titles and transfer it to a Spanish-speaking when there's a vacancy. That title does not exist right now, Spanish-speaking.

LEG. KENNEDY:

Well, nevertheless, has there been some need that's been identified that's a compelling need for this title?

MR. KOPP:

As was discussed at committee, at Legislator Cooper's committee, we talked about this in some detail. The Health Department representatives were there and talked about the increasing frequency with which the lack of ability to speak Spanish is hampering them in provide the special education services to the students that most need it.

LEG. KENNEDY:

Well, I'm going to offer a motion to table for one cycle, just because we can't get a position -- we can't get a Clerk Typist put in anyplace.

LEG. ROMAINE:

This is a title, not the position.

MR. KOPP:

Pardon me, Legislator Kennedy. We're creating a title, this isn't a position; there's two very different acts.

LEG. KENNEDY:

Well, but it's the only time, Eric, that we have an opportunity, to be candid with you. Because once the title's created, then the actual filling of the position, like you just heard for the last hour with the opportunity for policy on the Health Department side, positions are filled through SCINS. They're sought by the department, there's a SCIN signed by the Exec and an individual goes in when it's the wherewithal for the administration to fill the position.

I'm not necessarily opposed, I just -- I haven't had an opportunity to take a look at why we have that much more of a need for this title than for all of the other places in County government that are not meeting needs; Probation, PD, all over the place we're not meeting needs. So I'm personally just saying I'd like to be able to see why this one rises above all those other levels, that's all.

LEG. MONTANO:

Yeah, and I'll -- I'll second it. Did you make a motion to table?

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

All right. I'll second that. And while I, you know, recognize the need for Spanish-speaking positions, I want to talk about this one in particular. Is this position -- did this result from the program that was administered through Southside Hospital where people were --

MR. KOPP:

I can't answer this question.

LEG. MONTANO:

Well, that's what I --

MR. KOPP:

There are going to be a lot of questions that you're going to ask that I can't answer. This was sent back to the committee last time --

LEG. MONTANO:

Right, because it came in --

MR. KOPP:

-- so we could deal with these questions and we did deal with them at committee.

LEG. MONTANO:

It came in as a C of N, so that --

MR. KOPP:

Right, and then we went back to committee and dealt with them there.

LEG. MONTANO:

Eric, it wasn't sent back to the committee.

MR. KOPP:

Okay.

LEG. MONTANO:

It was sent to the committee because it never went to the committee.

MR. KOPP:

All right.

LEG. MONTANO:

And I was the one that made the motion. And what I'm asking is that with respect to this particular position, there was a program in effect where we were using people to translate for some services at Southside Hospital, and then I believe that the people that were in that program were being paid as a consultant; are you aware of that?

MR. KOPP:

No, I am not.

LEG. MONTANO:

All right. So --

MR. KOPP:

I am not. I would have --

LEG. MONTANO:

No, I understand.

MR. KOPP:

Trust me, if I thought we were going to have a big discussion, I would have brought the Health Department team that we took to committee to come over here to answer these questions.

LEG. MONTANO:

Right, I understand that.

MR. KOPP:

I misjudged that based on the committee vote in the committee meeting.

LEG. MONTANO:

Well, all I'm trying to find out is if this position stems from that program.

MR. KOPP:

And I can't answer that.

LEG. MONTANO:

Well, then I won't --

MR. KOPP:

I apologize to you for that.

LEG. MONTANO:

No, I understand. We can get to it later, then. Unless there's a pressing need where you're going to hire someone right away and whether or not you already have identified the candidate; that's really what I want to know. And you can't answer that, right, Eric?

MR. KOPP:

This just simply creates the title within the Salary & Classification Plan in the County. It does not create a separate position to go with it.

LEG. MONTANO:

Right, but as Legislator Kennedy said, once the title is created, the authorization to fill it goes to the County Executive; does it not?

MR. KOPP:

Not --

LEG. MONTANO:

Am I missing a step here?

MR. KOPP:

Yeah, you are.

LEG. ROMAINE:

No, it goes to the budget.

MR. KOPP:

There has to be a position, not a title.

LEG. MONTANO:

But I thought we were taking --

MR. KOPP:

You can take -- after you have a title --

LEG. MONTANO:

I thought we were going to eliminate one of the positions wasn't Spanish --

LEG. ROMAINE:

(Inaudible).

LEG. MONTANO:

Are we going to have a dialogue.

MR. KOPP:

I'm sorry, I'm being distracted by the Legislator over here. He's a trouble maker (laughter).

LEG. MONTANO:

Ed, behave. Are we going to have -- my understanding when I read the resolution was that we were going to eliminate one of the positions that was non-Spanish speaking and simply use that budget item to fund this; am I correct on that? Maybe budget can answer that?

MR. KOPP:

That would likely be the case, that a --

LEG. MONTANO:

That's what I thought the resolution said.

MR. KOPP:

That a vacant one would eventually be earmarked to the Spanish-speaking one, but you can't --

LEG. MONTANO:

Robert's trying to say something, he's got the mouth -- the mic in his mouth, so hold off.

MR. LIPP:

The answer is it's adding the Spanish-speaking position and it's deleting one non-Spanish-speaking position.

LEG. MONTANO:

Exactly.

MR. LIPP:

There are no dollars involved, though.

LEG. MONTANO:

Which is vacant right now; am I correct?

MR. LIPP:

That I am not sure, but I would assume that's yes.

LEG. MONTANO:

But it would have to be, otherwise we'd have to fire someone --

MR. LIPP:

Right.

LEG. MONTANO:

-- to take that position.

MR. LIPP:

Correct.

LEG. MONTANO:

All right. I'm not going to debate this longer. I'll just -- I'll agree to second that motion to table; if it gets tabled, fine.

P.O. LINDSAY:

Okay. Legislator Gregory?

LEG. GREGORY:

Thank you, Mr. Chair. I had asked some of the similar questions that Legislator Kennedy and Montano had asked. We had the Health Department come to committee, there are 30 positions of these Coordinators. And I didn't understand this process, but if you have a child with special needs, your doctor identifies your child with special needs, at some point they reach out to the Health Department; this person who's a coordinator works with the school districts to ensure that the child gets the services that it needs. Out of those 30 positions, there's zero or none that have -- that are Spanish-speaking qualified. With the demand and the need that they've seen through the services, they feel that there's a need now to have one position designated as a Spanish-Speaking person; they aren't going to fill it, but they anticipate in the future, should there be a vacancy, that they will fill it because of the need.

LEG. MONTANO:

That doesn't -- do you know whether or not -- the question I was asking Mr. Kopp was is this the position that the County is presently using except on a contract services basis? That is that they have a person doing this job or doing this function that they're paying for, not as an employee but as a consultant. That's the only question I'm asking.

LEG. GREGORY:

It's my understanding these are County employees. They're not consultants, they're not --

LEG. MONTANO:

No, but I'm talking about the Spanish-speaking component one. There is -- is there a person who performs this function on a contract services?

LEG. GREGORY:

Oh, currently; I don't know.

LEG. KENNEDY:

Can we use?

LEG. MONTANO:

That's what I'm asking, exactly, and I'm not getting the answer.

LEG. GREGORY:

But if there were, I would imagine that they would want to move away from the contract service to a County employee.

LEG. MONTANO:

Well, that's my point, they'll move away from the contract and put the person on salary. And that's what I'm trying to identify because I happen to know the people involved. Can we vote?

P.O. LINDSAY:

I have a list yet.

LEG. MONTANO:

Oh, I'm sorry.

P.O. LINDSAY:

Legislator Browning and then Legislator Viloría-Fisher.

LEG. BROWNING:

I can pass, I think DuWayne responded to my question.

P.O. LINDSAY:

Okay. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

It would seem to me, with the need that we have in the County for Spanish-Speaking Coordinators, that we should pass this so we can have the title. This is a position which does get -- I'm not sure of the percentage, but I know we do get pass-thru State aid for this.

You know, the schools are setting up their programs for the kids. You need to have -- if you have kids in special education, you need to have advocates for them in the committees, the special education committees for placement. And I personally hate to see Spanish-speaking parents or anybody who doesn't understand English having their kids be their translators. It would be just so much better to have a coordinator who is Spanish-speaking who is the professional who is working for the County and isn't doing it ad hoc as a consultant here or there, it should be part of the department. And this is only creating the classification, and I think that classification should be part of our Civil Service listing of jobs, if there's a need for it.

MR. LIPP:

A point of information? A point of information? There are 24 Special Education Coordinators in the budget, two of them are vacant, one of those two vacancies is the one that would be deleted and replaced by a Spanish-speaking one.

P.O. LINDSAY:

Robert, are these positions highly aided?

MR. LIPP:

I'd have to get back to you on that one.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Aid?

P.O. LINDSAY:

Aided, State aided. I believe that they're highly State aided.

D.P.O. VILORIA-FISHER:

Yes.

LEG. BROWNING:

I think it was somewhere between 60 and 80%. I mean, that's --

P.O. LINDSAY:

Yes, okay. Any other questions on this? Mr. Clerk, we have a motion to table and a motion to approve; am I correct?

MR. LAUBE:

That is correct.

LEG. KENNEDY:

Mr. Chair, look, I don't want to stand in the way of something that appears to be an overwhelming need. I'll pull back the motion to approve.

P.O. LINDSAY:

To table.

LEG. KENNEDY:

I mean to table, but predicated on the understanding that, in fact, there is some State aid that's associated with this. I am going to go ahead and make contact with the Health Department, though. So I'll pull it back.

P.O. LINDSAY:

Why didn't you say that a half hour ago?

*(*Laughter*)*

LEG. KENNEDY:

I wasn't in the committee, I didn't hear any of this. I actually got to hear a little bit about what this is about.

P.O. LINDSAY:

Okay. We --

LEG. MONTANO:

(Inaudible).

P.O. LINDSAY:

Okay. We just have a motion to approve now, are we right?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Cilmi).

P.O. LINDSAY:

Parks & Recreation:

1627-11 - Authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly (Eddington); it looked like a typo.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cilmi).

P.O. LINDSAY:

1653-11 - Authorizing use of Smith Point County Park property by Mastic Beach Ambulance Company For "Help Us Save You Program" (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Do I have a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cilmi).

P.O. LINDSAY:

1654-11 - Authorizing use of Smith Point County Park for Mercy Center Ministries 5k Race (Browning).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Cilmi).

P.O. LINDSAY:

1655-11 - Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for Breast Cancer Walk in 2012 (Browning).

D.P.O. VILORIA-FISHER:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1664-11 - Approving a License Agreement for John Della Rocca to reside at Robert Cushman Murphy County Park, Manorville (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:

1665-11 - Approving a License Agreement for Melissa Galasso to reside at Oakley House, at West Hills County Park, Huntington (County Executive).

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Who made the motion?

LEG. NOWICK:

I did.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1722-11 - Authorizing use of Blydenburgh County Park by Rotary Club of Commack – Kings Park, Inc. (Nowick). 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:

Public Safety:

1612-11 - Adopting Local Law No. -2011, A Local Law to strengthen the County's All-Terrain Vehicle Law (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1715-11 - Confirming appointment of County Director of Probation (Gerald J. Cook) (County Executive).

LEG. MURATORE:

Motion to table.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Motion to table by Legislator Muratore.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Seconded by Legislator --

LEG. KENNEDY:

Jack.

P.O. LINDSAY:

-- Eddington.

LEG. EDDINGTON:

I don't care.

P.O. LINDSAY:

That's the only motion? Okay.

LEG. EDDINGTON:

Yeah, on the motion?

P.O. LINDSAY:

On the motion, go ahead.

LEG. EDDINGTON:

Legislator Muratore wasn't at the committee. He often comes to the committee and he did have some questions for Mr. Cook, and so I said that I would want to certainly give him an opportunity. We did ask him a lot of questions which I thought was part of a good process, but I don't want to exclude anybody. So we'll bring him to the next meeting here.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Public Works & Transportation:

1165-11 - Increasing the bus fare and implementing limited Sunday and holiday bus service (Schneiderman).

LEG. SCHNEIDERMAN:

Motion to recommit.

P.O. LINDSAY:

Motion to recommit by Legislator Schneiderman.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1570-11 - Approving a County-wide "Adopt-A-Spot" Program (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1656-11 - Authorizing transfer of surplus blackberry mobile devices to the Suffolk County Coalition Against Domestic Violence (Stern).

LEG. STERN:

Motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion by Legislator Stern. Who seconds? Legislator Schneiderman seconds. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1657-11 - Authorizing transfer of surplus blackberry mobile devices to the South East Concerned Civic Association (Stern).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1677-11 - Appropriating funds in connection with improvements to CR 7, Wicks Road from the vicinity of Blue Jay Drive to the vicinity of CR 13, Fifth Avenue, Town of Islip (CP

5539)(County Executive).

LEG. MONTANO:

Motion.

LEG. BARRAGA:

Motion by Legislator Barraga, second by Legislator Montano.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond resolution, ***1677A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$6,250,000 bonds to finance the cost of improvements to CR 7, Wicks Road from the vicinity of Blue Jay Drive to the vicinity of CR 13, Fifth Avenue, Town of Islip (CP 5539.312).*** Same motion, same second, roll call.

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

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yep.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

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:

1679-11 - Amending Resolution No. 631-2008 in connection with the reconstruction of CR 57, Bay Shore Road, from NYS Rte 27 to NYS Rte 231, Towns of Babylon and Islip (CP 5523)(County Executive).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1679A is a mistake; we don't need a Bond, the Bond was already issued. This is -- it just reduced the amount in the original appropriation.

1680-11 - Authorizing an intermunicipal agreement with the Town of Southampton in connection with construction of sidewalks on CR 79, Bridgehampton – Sag Harbor Turnpike from Scuttlehole Road to Montauk Highway (NYS 27) and amending the 2011 Capital Budget and Program by accepting \$100,000 from the Town of Southampton for construction of sidewalks (CP 5497)(County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1699-11 - Appropriating funds for the County share of reconstruction in connection with strengthening and improving CR 97, Nicolls Road from the vicinity of NYS Route 25 Middle Country Road to the vicinity of NYS Route 347, Nesconset Highway, Town of Brookhaven (CP 5512) (County Executive).

LEG. KENNEDY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Kennedy. Second by Legislator Viloría-Fisher.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On 1699A, the accompanying Bond (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,100,000 Bonds to finance the cost of strengthening and improving CR 97, Nichols Road from the vicinity of NYS Route 25, Middle Country Road to the vicinity of NYS Route 347, Nesconset Highway, Town of Brookhaven (CP 5512.311)*), same motion, same second. Roll call.

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

LEG. KENNEDY:

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. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

*1700-11 - Appropriating funds for intersection improvements in connection with the reconstruction of CR 13, Fifth Avenue/CR 13A, Clinton Avenue from the vicinity of NYS Route 27A, Montauk Highway to the vicinity of Spur Drive North, Town of Islip (CP 5538)
(County Executive).*

LEG. BARRAGA:

Motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Motion by Legislator Barraga, second by Legislator Montano.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1700A (Appropriating funds for intersection improvements in connection with the reconstruction of CR 13, Fifth Avenue/CR 13A, Clinton Avenue from the vicinity of NYS Route 27A, Montauk Highway to the vicinity of Spur Drive North, Town of Islip (CP 5538))*, same motion, same second. Roll call.

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

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

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:

IR 1701-11 - Amending Resolution No. 265-2009 in connection with the reconstruction of CR 57, Bay Shore Road, from Route 27 to Route 231, Town of Babylon and Town of Islip (CP 5523) (County Executive).

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, 1702-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with acquisition of lands for improvements to CR 80, Montauk Highway between NYS Route 112 and CR 101, Patchogue-Yaphank/Sills Road, Town of Brookhaven (CP 5534) (County Executive).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1702A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 Bonds to finance a part of the cost of improvements to CR 80, Montauk Highway, between NYS 112 and CR 101, Town of Brookhaven (CP 5534.211)*, 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:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1709-11 - Amending Resolution Nos. 1524-2006 and 768-2007 in connection with the reconstruction of CR 80, Montauk Highway, Town of Brookhaven and accepting State Marchiselli Funding (CP 5516) (County Executive). Do I have a motion?

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:

1725-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with dredging of County waters (CP 5200) (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator --

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On the accompanying Bond Resolution, *1725A (Bond Resolution Of The County Of Suffolk, New York, Authorizing The Issuance Of \$150,000 Bonds To Finance The Cost Of Planning For The Dredging Of County Waters.*

(CP 5200.119), same motion, same second. Roll call.

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

D.P.O. VILORIA-FISHER:

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:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, before we go further; Mr. Brown, is Mr. Tassone still in the building? Would you get him, because I wanted to say something.

1728-11 - Authorizing transfer of surplus snow equipment to the Town of Southampton Highway Department (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

He left? Okay. Okay, motion by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

Who's the second?

P.O. LINDSAY:

Oh, who was the second? We didn't get the second? I'm going too fast.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Ways & Means:

1267-11 - Dedicating certain property in Yaphank as County parkland and authorizing its transfer to the Suffolk County Department of Parks, Recreation and Conservation for open space preservation (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. I'll second it.

LEG. SCHNEIDERMAN:

On the motion?

P.O. LINDSAY:

All in favor? On the motion.

LEG. SCHNEIDERMAN:

This is that 30 acres along the Carmans River?

P.O. LINDSAY:

Yes. We have a motion and we have a second. All in favor?

LEG. MONTANO:

No, before you get there.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. Pam, is this the property that -- I wasn't at the last Ways & Means Committee meeting. Is this the property that we had debated prior which was somehow already authorized as Open Space Program, or in the Open Space Program?

MS. GREENE:

I would defer to the sponsor if she has more recent information, but it's my understanding this property has recently been added into the Pine Barrens Overlay District by the Pine Barrens Commission.

P.O. LINDSAY:

Legislator Montano, this was originally part of Legacy Village. This was Part A where the arena was going, it's the part that's right by the Carmans River. And when I put forward the sale resolution for that property, I excluded this because of the environmental sensitivity. Now, Legislator --

LEG. MONTANO:

But then from what I under -- I just want to be clear I understand this. From there it was put into the Pine Barrens jurisdiction or the Pine Barrens Core?

MS. GREENE:

Yes.

LEG. MONTANO:

And it cannot be sold without permission of the Pine barrens Commission; am I correct?

MS. GREENE:

It can't be developed without permission of the Pine Barrens.

LEG. MONTANO:

Excuse me?

MS. GREENE:

It cannot be developed without permission of the Pine Barrens.

LEG. MONTANO:

All right. And moving it into the Department of Parks, I understood was much more restrictive; is that accurate,

MS. GREENE:

I believe that's the case, yes.

LEG. MONTANO:

All right. And this is just a transfer but it's not a purchase or there's no sale involved.

P.O. LINDSAY:

We own the property.

LEG. MONTANO:

We're just moving it from one category to another; am I correct?

Do you want to explain it? Who wants to explain it?

LEG. BROWNING:

We already own it, so we're not buying it, and we're just adding it to Suffolk County Parks which we already have adjoining properties and it will be an extension --

LEG. MONTANO:

Right. But before that -- but when it was part of, I guess, the sale, from there it had been moved -- my understanding was that it had been moved in to the Pine Barrens or under the jurisdiction of the Pine Barrens Commission; am I correct in that?

LEG. BROWNING:

Pam just said that. Yes, the Pine barrens Commission --

LEG. MONTANO:

So what is the --

LEG. BROWNING:

-- has designated it as core Pine Barrens.

LEG. MONTANO:

All right. So then what is the purpose now of moving it into the Department of Parks, what is the

difference?

LEG. BROWNING:

Well, we own it --

LEG. MONTANO:

What does it do?

LEG. BROWNING:

-- and we're going to move it over -- it's going to be part of our Suffolk County Parks, it's going to be attached to Southaven Park.

LEG. MONTANO:

All right, I don't have any further questions.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Maybe, Pam, you can answer this, I don't know. I mean, I don't have a problem with not developing this, obviously, now Pine Barrens Core. But once we put it in Parks, does that mean any Pine Barrens credits that are on the property are no longer sellable or transferable?

LEG. MONTANO:

That's right.

LEG. SCHNEIDERMAN:

In which case, shouldn't we take those off first? Because that must be -- they could be worth several hundred thousand dollars.

P.O. LINDSAY:

Yeah, but not to us.

LEG. SCHNEIDERMAN:

No, but they're going to the bank and they -- they won't lead to development there, but they can go to development somewhere. Once it's in Parks, then those credits are extinguished. So it seems if it's got several hundred thousand dollars worth of value in those credits, we should strip them first.

P.O. LINDSAY:

But who gets that value; will we get it or Pine Barrens?

LEG. SCHNEIDERMAN:

Yeah, I think -- no, the County would get it. That's my question, I believe the County would get it. Right now it's a developable piece of property, though in the Pine Barrens.

LEG. BROWNING:

It's not developable.

P.O. LINDSAY:

I don't know. Ms. Greene, do you know the answer to that?

MS. GREENE:

The Pine Barrens Commission has determined this property now to be part of their overlay district,

which now puts certain restrictions on the future use of the property. So there would have to be a hardship exemption or --

LEG. MONTANO:

Okay, but that's not the question.

P.O. LINDSAY:

If we were to sell -- can we sell the development rights off of this property?

MS. GREENE:

I don't know that.

LEG. KENNEDY:

No.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

So typically, if a private --

LEG. MONTANO:

No, I think that --

LEG. SCHNEIDERMAN:

-- property owner owned this piece of property and it put in the Pine Barrens the person still has credits that are part of that clearing house bank and we are not -- right now this was considered a developable piece of property owned by the County. Once we put it in Parks, we have no ability to sell those credits.

P.O. LINDSAY:

It kind of sounds like a bill I had a couple of years ago where I wanted to sell the development credits off all the property that we own.

LEG. SCHNEIDERMAN:

Yeah. I think we should explore it.

P.O. LINDSAY:

I couldn't get it passed.

LEG. SCHNEIDERMAN:

The property obviously isn't going to get developed, but if we act too quickly here we may lose out on several hundred thousand dollars in revenue to the County.

LEG. MONTANO:

Could I get in here?

P.O. LINDSAY:

Legislator Montano. Go ahead.

LEG. MONTANO:

Yeah, Pam, did you leave? You know better (laughter). Pam, I just want to be clear I understand this. What I think Jay and I are trying to articulate is that even though it's not going to be

developed, this could be used -- this property, as I understand it, maybe I'm wrong, could be used as credit for a development somewhere else to increase the density in another location; is that yes or is that no?

MS. GREENE:

And Legislator Montano, this is not a County Executive bill, this is Legislator Browning's bill. And I am not versed and able to give you --

LEG. MONTANO:

Oh, so you can't answer the question because you don't know.

MS. GREENE:

No.

LEG. MONTANO:

No, and I appreciate that, but I just want to get the answer before I vote on it. And the answer is that you don't have the answer.

LEG. SCHNEIDERMAN:

I'd like to --

MS. GREENE:

I don't.

LEG. MONTANO:

You personally don't. Do you have the answer, Legislator Browning?

LEG. BROWNING:

I don't have the answer.

LEG. MONTANO:

Okay.

LEG. SCHNEIDERMAN:

I'll make a motion to table.

LEG. MONTANO:

I'll second the tabling, because it's not going to have any practical effect --

LEG. SCHNEIDERMAN:

No.

LEG. MONTANO:

-- on this property if we table it.

LEG. SCHNEIDERMAN:

In this fiscal climate, I think it's the right thing to do, to table it to find out if there's value that we can remove from the property before we sterilize it.

LEG. MONTANO:

And on the motion, it's not going to be developed, so we're not -- there's no rush to judgment on this.

D.P.O. VILORIA-FISHER:

I didn't hear the question.

P.O. LINDSAY:

They were talking about Legislator Browning's proposition to put the property into the Park's Department. And the issue came up, being that it's in the core, Pine Barrens Core now, can we sell --

D.P.O. VILORIA-FISHER:

The credits?

P.O. LINDSAY:

-- the development credits?

LEG. MONTANO:

For higher density somewhere else.

D.P.O. VILORIA-FISHER:

You mean like TDR's.

P.O. LINDSAY:

Yeah.

LEG. MONTANO:

Exactly. And Pam didn't have the --

P.O. LINDSAY:

All I know is --

LEG. MONTANO:

Director Green couldn't answer the question and neither could Legislator Browning.

P.O. LINDSAY:

A couple of years ago I had a bill to try and sell the development credits off a property we owned and it never passed. So as far as I know, we don't have the authority.

D.P.O. VILORIA-FISHER:

I don't have the answer either.

LEG. MONTANO:

Well, that's why -- if I may interrupt. That's why we made the motion, or Jay made the motion to table, I second, so we can get the answer to that question. Because if we can use these -- my point is if we can use these for higher density development somewhere else, then it has some value to it. This property is not going to be developed, we don't have to rush into a transfer into a more restrictive, non-usable --

P.O. LINDSAY:

Legislator Browning, to move it along, would you mind if we table this and find out the answer to that question?

LEG. BROWNING:

Like I said, it's not going anywhere, it's not being built on, so.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1638-11 - Sale of County owned real estate pursuant to Local Law No. 13-1976 King Associates Holding LLC (SCTM No. 0200-973.60-01.00-005.012)(County Executive). Do I have motion?

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

D.P.O. VILORIA-FISHER:

There is no financial impact statement attached?

MR. NOLAN:

No, not this one.

P.O. LINDSAY:

On a 13 you need a financial impact?

D.P.O. VILORIA-FISHER:

I'm sorry, I'm looking at something else.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1639-11 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Robert I. Toussie (SCTM No. 0200-959.00-02.00-010.000)(County Executive). I'll make a motion.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. MONTANO:

Aren't we in litigation with this?

MR. NOLAN:

No, it's a 13, adjacent owner.

D.P.O. VILORIA-FISHER:

It's a Local Law 13.

P.O. LINDSAY:

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

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Seventeen (Opposed: Legislator D'Amaro).

P.O. LINDSAY:

1643-11 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Mimar LLC (SCTM No. 0200-973.90-03.00-007.000) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1659-11 - Authorizing the distribution of proceeds from auction sale, pursuant to Suffolk County Administrative Code Section 42-4(L) Mary Michaelis (SCTM No. 0200-421.00-04.00-030.000) (Co. Executive).

LEG. MONTANO:

I'll make a motion.

LEG. KENNEDY:

Second.

LEG. MONTANO:

On the motion.

P.O. LINDSAY:

Motion to approve, and a second by Legislator Kennedy. On the motion, Legislator Montano.

LEG. MONTANO:

Yeah, could I just get an explanation from Counsel on this?

MR. NOLAN:

I think this is the Montano Law at work.

*(*Laughter*)*

LEG. MONTANO:

Okay. So we're going to distribute the proceeds to the prior owner that we took it from, half the proceeds?

MR. NOLAN:

Well, part of the proceeds.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

LEG. MONTANO:

Cosponsor.

P.O. LINDSAY:

1721-11 - Authorizing the issuance of a Certificate of Abandonment of the interest of the County of Suffolk in property designated as Town of Brookhaven, Suffolk County Tax Map No. 0200-545.00-01.00-003.000, pursuant to the Suffolk County Tax Act (Browning).

LEG. BROWNING:

Okay. I believe I'm going to have to table that at this time, Mr. Brown, right? This is Feed-My-Sheep, and I know that we have a meeting with the Town of Brookhaven on this.

P.O. LINDSAY:

It's Feed-My-Sheep?

LEG. BROWNING:

It's a church.

P.O. LINDSAY:

Oh.

*(*Laughter*)*

MR. BROWN:

We do have a meeting tomorrow with the Town of Brookhaven to try and figure out what exactly their roll will be in terms of the reimbursement of the taxes.

LEG. BROWNING:

Right.

MR. BROWN:

But we believe that it should be treated along with --

LEG. KENNEDY:

Through the Chair, to the sponsor, if I can? Dennis, this is almost identical to what we had with Holy Cross. So I'd wholly encourage the sponsor to move the bill and then have your meeting with the Town of Brookhaven to resolve whatever questions they might have about remote years where there was an erroneous assessment. But take the opportunity, move the bill, get the deed set aside, because there's -- the same precedent that we discussed prevails, there's case law to that effect.

MR. BROWN:

I spoke to the Legislator's Legislative Aide, so we support it completely.

LEG. BROWNING:

Okay. I'll make a motion to approve.

LEG. KENNEDY:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Before I get to a couple of Procedural Motions, I asked that Mr. Tassone be in the room and I just wanted to -- I read with interest in the paper --

*(*Laughter*)*

-- that there's romance, romance in the Dennison Building.

MR. KOPP:

A lot of things go on on the 12th floor.

P.O. LINDSAY:

I can see that. I can see that.

MR. KOPP:

Mr. Tassone, I think he had to go out and check out some catering halls.

P.O. LINDSAY:

Yes, I'm sure he is. I'm sure he's a busy, busy guy.

LEG. ROMAINE:

Picture our County Executive with angel wings and an arrow and a bow --

*(*Laughter*)*

-- playing cupid, floating around spreading the love.

P.O. LINDSAY:

And I've known Mr. Frank many years around here and I never knew he was that much of a romantic, you know what I mean? But myself as well as this whole Legislature wish him the very best.

LEG. ROMAINE:

Absolutely.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

I hope he's listening.

LEG. CILMI:

That's the second one, Eric. One day you'll get applause.

LEG. KENNEDY:

A Bronx cheer.

*(*Laughter*)*

P.O. LINDSAY:

Okay, I think we have some Procedurals.

Okay, *Procedural Resolution No. 24-2011 - Accepting the Center for Government Research (CGR) final report entitled Suffolk County's Bureau of Public Health Nursing & Assessment (Viloria-Fisher).*

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Kate, do you want to cosponsor?

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Motion -- *Procedural Motion No. 25-2011 - Authorizing funding for Community Support Initiatives (Phase VII) (Presiding Officer Lindsay).* I'll make that motion.

LEG. KENNEDY:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And *Procedural Motion No. 26-2011 - Authorizing the Presiding Officer to change the location of Legislature meetings (Presiding Officer Lindsay)*, as we move into the Fall. I'll make a motion.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

*(*Laughter*)*

You know, if anybody objects, let me know. I just didn't want a major parking problem.

LEG. ROMAINE:

Major parking problem resolved in Riverhead.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, yellow folder, *Late Starters:*

1763 to Public Works; 1767 to EPA; 1768 to Ways & Means; 1769 to Labor, Housing & Consumer Protection; 1770 to Public Works; 1771 to Budget & Finance; 1772 to EPA and set a public hearing for September 15th, 2:30 PM, location to be determined; 1772 to Ways & Means and set a public hearing -- 73, for September 15th, 2:30, and that's it. Do I have second?

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. Oh, waive the rules and lay on the table, which I thought I did in the beginning. But we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I need a motion to adjourn.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

Motion by Legislator Viloria-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

*(*The meeting was adjourned at 6:54 P.M. *)*

{ } - Denotes Spelled Phonetically