

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTEENTH DAY

October 11, 2011

VERBATIM TRANSCRIPT

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

Verbatim Minutes Taken & Transcribed By:

Alison Mahoney & Lucia Braaten - Court Reporters

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

*(*The meeting was called to order at 9:33 A.M. *)*

P.O. LINDSAY:

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

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

MR. LAUBE:

Absolutely. Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

(Not present).

LEG. ANKER:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Fifteen. Sixteen (Not Present: Legislators

P.O. LINDSAY:

Okay. Could we all rise for a salute to the flag which will be led by Legislator D'Amaro.

Salutation

Could we remain standing for our visiting Clergy, the invocation.

Our visiting Clergy will be introduced by Legislator D'Amaro.

LEG. D'AMARO:

Good morning. This morning I have the privilege of introducing to you the Reverend Rebecca Segers. Reverend Segers is an Ordained Minister in the Presbyterian Church and she currently serves as the Pastor of the Presbyterian Church of Sweet Hollow in Melville. Reverend Segers is also very active in the Presbytery of Long Island, the Long Island Multi-Faith Forum, and the Huntington Clergy Association where she was President for two years. Reverend Segers.

REVEREND SEGERS:

Thank you. Good morning. I feel that it is necessary for me to begin by telling you that Presbyterians have a bone to pick theologically with invocations. An invocation is supposed to be invoking God's name, calling on God's presence, inviting God to be a part of the gathering. And Presbyterians believe that God is always present; therefore, it's redundant to call upon God's name and invite God to be present among us. So rather, I would invoke you, invite you to be present with God who is already with us. And as such, I invite you to pray with me.

Oh, gracious and loving God, God of all people, God of rich and poor and everything in-between, God of young and old and everything in-between, God of black and white and Native American and Hispanic and Asian and all the peoples of this planet of yours. We are so grateful that you are always with us and that we ask to be mindful that we be with you here today, too. That in everything that the men and the women of this body, everything that they do, every action they undertake, every motion they make, every decision that they encounter is infused with your presence, that they are filled heart and mind and hand with your knowledge and your will, with your love of justice and mercy. And we ask that as they are undertaking these decisions, as they are making these actions, that each and every one might be filled with that justice that is yours, economically, socially, educationally, environmentally. So that all the people of this Island in the County of Suffolk might be benefitted by the work that they do this day. We ask this in your wholly and wondrous and divine name, amen.

"Amen" said in unison

P.O. LINDSAY:

Thank you, Reverend. If we could all remain standing for a moment of silence. Last Saturday there was a horrendous accident in our County and a young woman, mother, Kerry Trinca lost her life, as well as her seven-year old son Jason Trinca. Let us remember them as well as their other two children that are in critical condition in Stony Brook, and let us also remember all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

Good morning, everyone. We have a few proclamations, not that many. First up is Legislator Anker; you have two proclamations.

LEG. ANKER:

Okay. I finally got you guys here today. I was hoping to get these proclamations to you earlier. These ladies are the most -- two of the most amazing ladies I've ever met in my life. They are breast cancer activists, they are cancer activists, they are community service residents. And I when I started my Community Health & Environment Coalition, what, eight years ago, you guys were right there. I was working on the prevention end of it and Patty and Lindsay were working on the helping, lending a helping hand, helping women and men that had been diagnosed with breast cancer, and they basically were services to help pay bills, to help find emotional support.

You guys are just amazing. You're an inspiration to everybody and especially to me, and I think that's what's really important. When someone is given, you know, some type of -- when you go through an experience, and again, my grandmother passed away from breast cancer, it creates a sense of need in people. And my need, and it turned into inspiration, was to be a breast cancer activist, to be a health advocate, which in turn turned into environmental because I really feel strongly our environment protects -- relates to our health.

So I would like to present to you these proclamations. Patty Kozlowski and Lindsay Cucchiaro; is that close?

*(*Laughter*)*

MS. CUCCHIARO:

That's close enough.

LEG. ANKER:

I present to you proclamations from Suffolk County for your amazing community service that you've done. You've worked with not only the residents in our community, really across in Suffolk County, but you've worked with the coalitions to help make them stronger, including my coalition and the Long Island 2-Day Breast Cancer Walk. So I encourage you to continue to do what you're doing. And again, I am so honored to present to you these awards and I wish you the best of luck and the best blessings for all the work that you've done. So thank you so much.

MS. KOZLOWSKI:

Thank you.

MS. CUCCHIARO:

Thank you.

Applause

P.O. LINDSAY:

Okay. Next up is Legislator Cilmi.

LEG. CILMI:

Thank you very much, Mr. Chair, colleagues. If I could ask Probation Officers Deirdre Darmiento and Christopher Coopey to join me at the podium?

It's again my privilege and pleasure to talk to everybody about some of our most exemplary Probation Officers. On June 29th of this year, at approximately 12:30 PM, Probation Officers Deirdre Darmiento and Christopher Coopey were driving west bound on the Long Island Expressway when they witnessed a vehicle directly in front of them that was swerving all over the road erratically into other lanes of traffic, leading them to determine that the driver was probably either intoxicated or in some way other impaired or under some sort of stress. And the officers followed in an unmarked vehicle and used the Probation radio to call the Suffolk County Sheriff's dispatch informing them of the situation, describing exactly where it was occurring, etcetera. The officers remained a safe distance directly behind the vehicle until a Deputy Sheriff arrived and attempted, and after some time did eventually pull the driver over to the shoulder where the driver was found to be under the influence of drugs and was illegally in possession of a variety of prescription narcotics. He was subsequently arrested for that, for those charges.

The timing of the arrest was particularly convenient and important given the fact that just two exits away there was a road closure and the road, the entire road was blocked with another incident. Had these officers not acted as quickly as they did and had we not been able to pull over this driver, it really could have amounted to a serious, serious tragedy in Suffolk County.

So as it turned out, the subject had been arrested four days earlier for the same charge. He's currently being held in the Suffolk County Correctional Facility on \$5,000 bail, and as is often the case, Probation Officers Darmiento and Cooper -- Coopey, rather, alertness and quick action likely saved lives that day, and at the very least removed an alleged repeat offender from our roads.

Officers Darmiento and Coopey are both assigned to the Criminal Court Probation Supervision and work out of the Edgewood Probation Department. And it's appropriate and, again, a privilege for me to once again pay tribute and thank our entire Probation Department, but today especially Officers Darmiento and Coopey for a job very well done. Congratulations, guys. God bless.

OFFICER DARMIENTO:

Thank you.

OFFICER COOPEY:

Thank you.

Applause

P.O. LINDSAY:

Okay. Next up, Legislator Romaine.

LEG. ROMAINE:

Good morning. With me today is Ray Pickersgill who is the owner of Robert James Salon Services, and if you want to look good, it's the place to go. But we're honoring Ray for a variety of other things, mainly his community involvement. He has been involved in the Riverhead parking district, he's been involved in the advisory board of Eastern Suffolk BOCES, he's been involved in the Vail-Leavitt, but most importantly, he has worked tirelessly for the BID in downtown Riverhead, the Business Improvement District, serving recently as its President. And he has served for five years as my representative, the 1st Legislative District representative on our Economic Downtown

Revitalization Program.

For all of his efforts, and they have been legendary, he has been honored by the Long Island Business Development Council and we are joining in that honor. And he received a Small Business Requisitional Award for his leadership in helping revitalize downtown Riverhead, working with other downtowns in the 1st Legislative District, Greenport among them. And I just want to acknowledge his services and his leadership. It's people like Ray that help in turn our downtowns around in Suffolk County. Ray, thank you for your service.

Applause

P.O. LINDSAY:

Okay, I think that concludes our proclamations for today.

Is Mr. Naughton in the audience? I was told that Mr. Naughton from the County Budget Office, County Executive.

D.P.O. VILORIA-FISHER:

Mr. Naughton? I don't see him.

P.O. LINDSAY:

Yeah. I know he was going to come to answer some questions on the budget. I'll go into the Public Portion and we'll see if he comes in later on.

Okay, first up in Public Portion, you have three minutes, is the Honorable Kathleen Walsh from the Town of Brookhaven. Hello, Kathleen, welcome.

MS. WALSH:

Good morning. Good morning, Legislator Lindsay and all the Legislators. Thank you for allowing me the opportunity to speak. I usually do not come before the Legislature, but I do have -- there is a proposal that I am very concerned about and I'm here to plea for your reconsideration of the excessing of the approximately 55 acres in Selden.

The property currently, as all of you know, is adjacent to Suffolk Community College. We all, as elected officials, have been trying to cobble together, identify green space, be it for recreational activity or parkland. And this property is already owned by the County and the consideration of selling it, although I totally understand the budget situation that all levels of government are in, but this is something that we currently own.

On a town level, we are constantly dealing with developers that have ownership of property and we struggle to make sure that it's used appropriately, that we try to accommodate the community by getting what we call covenants and restrictions, that being open space, ball fields. When we give them the opportunity to develop in our town, we try to get something back for the community, but we also have to keep in mind that it is the property owner's right to develop their property. This property we already own. We are already so far ahead of so many other projects that we have pleaded with developers on.

I've been speaking with Legislator Muratore, we are both on the same page. We both live in the area, together we are residents of probably about 65 years of the Selden/Centereach/Lake Ronkonkoma area. So please, hear our plea. Understand that I do have the compassion and I totally understand the budget situation you are in, but this property is already in our possession. Please, let's be not short-sighted but forward thinking and remember that we may have -- Suffolk Community College may need to expand down the road; not now, everyone is at a standstill economically, but they should have the opportunity down the road if they need to expand to have a

place where we can bring high paying professional jobs, offer educational opportunities to our children as well as -- as well as being able to keep the green space that we do own. I thank you for the opportunity to speak today and I hope you really consider my plea.

P.O. LINDSAY:

Thank you. Supervisor Shawn Walter from the Town of Riverhead.

SUPERVISOR WALTER:

Good morning, Legislator Lindsay and the rest of the Suffolk County Legislature. Thank you for coming to -- well, the Town of Southampton, but Riverhead to hold the meeting. And again, as I always welcome you to come downtown, I know I've seen many of you eat at several of the new establishments downtown. We welcome you, we thank you for coming.

I'm here to talk about the North Fork Preserve and encourage you folks to move forward on the purchase. I, probably not unlike Legislator Lindsay, have a propensity to knock on doors to win elections, and I'm probably up to ten, 12,000 doors just in this one town alone. And the one thing that I hear over and over and over and over again is that the Town of Riverhead is special and it is special because of the preserved property that the farmlands, the open space, the things that make it special. We as a town can't do it alone. We have spent some \$80 million of the CPF tax revenue that has come in. In fact, if the economy doesn't turn around, we'll be tapping the General Fund to pay back CPF, that's how much preservation we have done. I am so happy to have as partners the Suffolk County Legislature.

The North Fork Preserve, if you have not seen it, is a stunning piece of property. I have had the pleasure of walking it, I've had the pleasure obviously of driving past it all the time, it is a stunning piece of property. We had a -- the Town Board had a wonderful presentation by Ms. Greene from the Real Estate Division and we -- the board was very enthusiastic about the park that was proposed, we think that's going to be sort of a low impact park that will help with our agro-tourism business. As you may know, right now is the peak of what I call pumpkin-hunting season and the traffic and we're happy to have it.

So from our perspective, this is a wonderful piece of the puzzle.

It helps us preserve our rural heritage. And for those of you that -- I know you know this, but most of the people that come to the Town of Riverhead and the Town of Southold are your constituents. So these are one of those -- this is one of those opportunities where you can go back to your district and say, "You know, listen. I know you come to Riverhead, I know you go to the east end, and we as a Legislative body are working to preserve that for you." Because without that and without you, we're out of the preservation business in the Town of Riverhead and without your help, whatever is left, ultimately, if it doesn't -- if it's not farmed, it will be developed.

So we thank you for this peace of the puzzle and we hope that we get an affirmative vote to preserve this parcel. Thank you.

P.O. LINDSAY:

James Banks.

MR. BANKS:

Good morning, Legislator Lindsay and many of the folks who I've been associated with across the years. My name is James Banks and I am a heart transplant recipient recently, it happened in November of last year. I'm also a licensed clinical social worker and I also am a professor at one of our esteemed colleges here on Long Island, at which I also function as the College-wide Coordinator of Multi-Cultural Affairs.

My life has really exposed me to reasons why there is both the necessity and also an absolute need for the Office of Mental Health, and for it to operate separately. Suffolk County, with its 900 square miles and two -- amounts to about two-thirds of the land mass on Long Island. It is a diverse community with 1.5 million residents, 7.4% of whom are African-Americans, 17% of whom are Hispanic-Latinos, 3.4% who are Asian and 1% who are Native Americans. Yet despite all of the wealth that we can boast here on Suffolk County, we are still suffering with poverty in many pockets of our County. And when, of course, there is poverty, there also exists health disparities. That is why I came here today, to implore this Legislative body to certainly stand firm in supporting the Office of Mental Health. Because in that particular energy who's main purpose is to, in fact, make sure they address the disparities on Long Island with respect to health, the Office of Minority Health is what I meant, the Office of Minority Health is an essential part of what we need here on Long Island so that we can address those disparities and so that we at Suffolk County can continue to be at the top when it comes to working on the issues of minority health in Suffolk County and on Long Island.

So again, I implore you to stand firm and make sure that it's not only included in the budget, that it remains a separate entity so that it can address and be specific in terms of dealing with the disparities here on Long Island when it comes to minority health. Thank you very kindly. And I did mean minority health, not mental health before.

P.O. LINDSAY:

Thank you, Mr. Banks.

D.P.O. VILORIA-FISHER:

I was wondering.

P.O. LINDSAY:

Richard Amper.

MR. AMPER:

Good morning. My name is Richard Amper, I'm with the Long Island Pine Barrens Society. I'm here to speak on the Acquisition of the North Fork Preserve that you just heard from the Supervisor about.

D.P.O. VILORIA-FISHER:

Richard, it's hard to hear you.

MR. AMPER:

Wow, that is a rarity. That is a remarkable observation, Legislator Viloría-Fisher. I'll speak up.

The North Fork Preserve is a treasure. It has been on the top ten list of all parcels to be acquired for the better part of ten years. At 306 acres, it's one of those large parcels that allow us to build up our inventory that are not in plentiful supply. So when we have the opportunity to preserve something like this, we ought to do it. It offers one of the last large parks in eastern Suffolk County. The northern portion of this property contains 126 acres of very sensitive open space. And I must tell you that the Town of Riverhead has been really quite diligent. The town makes much less money in the Community Preservation Fund than any of its counterparts and has done exactly what it was supposed to do by early and maximize that and the leverage with the County every time it could. So the County used to buy all the land in Suffolk County, now we've got the east end towns buying perhaps more on average every year, so we really have a good partnership and this one ought to be acquired.

I have, however, noticed prolific e-mails linking this acquisition to the relocation of the trap and skeet range from Southaven County Park. No one has been more vociferously opposed to the operation of that facility on the core preservation area of the Pine Barrens, but there is a serious risk about determining whether we're going to acquire land or not on the basis of where we can move a nuisance activity, ATM's -- not ATM's, All-Terrain Vehicles and this particular trap and skeet range. If the property is worth preserving, we ought to preserve; if it isn't, we shouldn't, but we should not be linking one with another. Quite frankly, we would pursue the Gabreski acquisition as a more appropriate location. We don't have the fresh water wetlands treasure at that location, there are portions of that compatible growth area that would be suitable for that as well. So we would ask you to approve this on its merits and not link it with anything else.

I have a related complaint. My colleague went to the Environmental Committee last week and wanted to speak on this very subject and was told he could not, that it was off topic and he was asked to sit down. We have a quaint little document in this country called the First Amendment which guarantees the right to free speech and redress grievances, and I think that shouldn't happen.

At the same meeting, the Legislature, the committee also defeated the 1791 Links parcel, ostensibly because it was in the core area of the Pine Barrens and was already enjoyed protection. It isn't protected until we actually buy it. We have to pay people to acquire those parcels or they're not preserved. So I understand that you've got a petition that you can act on today to resolve that problem and I hope that happens.

D.P.O. VILORIA-FISHER:

Time's up.

MR. AMPER:

We're done. The need to, by the way, purchase this process is also invested in the Fifth Amendment, we can't take property without just compensation. I brought a copy of that document for your perusal.

P.O. LINDSAY:

Thank you for the Constitutional lesson, Mr. Amper.

D.P.O. VILORIA-FISHER:

Mr. Chair, just as a point of privilege. The statement that was made regarding a person from the public not given the ability to speak is incorrect. It can certainly be reflected in the minutes that no one was denied the opportunity to speak at my committee.

P.O. LINDSAY:

Thank you.

MR. AMPER:

Not this gentleman here?

P.O. LINDSAY:

We've been joined by Supervisor Anna Throne-Holst. Anna?

SUPERVISOR THRONE-HOLST:

Good morning, everyone. It's a pleasure to be here again, and I, too, am here in support of the acquisition of the Links Property in East Quoque. It is approximately 150 acres. It's one of the few remaining large tracks of land of that sort. It is important for the protection of our aquifer and for the preservation of open space.

As you know, the town is partnering with you 50/50 on this; our share is just short of \$5 million. And again, I hope you join us in this effort, it's a very important one. Thank you all.

P.O. LINDSAY:

Thank you, Supervisor. Johann McConnell.

MS. McCONNELL:

Good morning. My name is Johann McConnell, I'm President of the South Yaphank Civic Association. I would like to speak on the purchase of the North Fork Preserve and the recreational activities proposed for this property.

Firstly, I would like to state that I fully support the acquisition of this property. It will truly enhance the public parks in Suffolk. What I have a problem with is that no shooting activities are proposed for this property. This is a little conflict for me because most of you know that I have a very strong stance on the trap and skeet range in Yaphank.

The North Fork Preserve is, was a private hunting club with the following shooting activities used by its members; skeet, five-stand, sporting plays. I would ask that these activities would continue on the property when it is purchased, as there is an existing clubhouse and the land has already been cleared where these activities occur.

At a recent CEQ meeting, I was told that trap and skeet is not compatible with camping and equestrian activities and that's why it shouldn't be at the North Fork Preserve. I found that statement to be truly interesting, as there has been a trap and skeet at the Southaven Park since the mid 1960's. There is also camping and until five years ago there was a stable and equestrian activities in Southaven Park. Why is it okay to have trap and skeet in this park but not in the new North Fork Preserve?

At the Environmental Committee meeting, a statement was made that the relocation committee for the trap and skeet range in Yaphank never made any mention about where the range could be moved. As a member of that committee who served for two years, I would strongly disagree with that statement. The committee listed ten properties that they felt were suitable for the range to be moved to; the North Fork Preserve was on that list. The Planning Department reviewed the list and came back with there that they felt could work. Again, the North Fork Preserve was on that list. Yes, it would be great to move the range from Yaphank to the North Fork Preserve out of the core preservation of the Pine Barrens. But if that is not possible, I again ask that the shooting activities that have occurred on the property for years continue to be available for Suffolk residents who live on the east end and cannot use the range in Yaphank.

Another topic that I would ask is that you would please vote yes to override County Executive Levy's veto of the purchase for open space of the 23 acres in Yaphank. This is a very important parcel for us and we hope that you will override the veto. Thank you.

P.O. LINDSAY:

Thank you, Johann. Regina Seltzer.

MR. AMPER:

She may have stepped out.

P.O. LINDSAY:

Okay, I'll skip over her. Alpa Pandya.

MS. PANDYA:

Good morning, Legislators. My name is Alpa Pandya, I'm with The Nature Conservancy. I'm here today for your consideration for the acquisition of two different parcels. First is the North Fork Preserve which is about 300 acres. As you know, about half of it is very environmentally sensitive with beautiful fresh water wetlands. We ask you to buy that and preserve it and allow for more environmentally compatible activities there like camping which would help local eco-tourism activities. Trap and skeet, I understand there are people who love that sport, but it would not be appropriate for this site, we believe. We do ask you to preserve it and hopefully work out something -- some other property for the trap and skeet people.

I'm also asking you to -- there's a discharge petition, I believe, for the Links Property, IR 1791. I hope you reconsider the value of that property. It is very important, it's a Pine Barrens core property, important for our drinking water and I ask you to approve the acquisition of that property. Thank you.

P.O. LINDSAY:

John McConnell.

MR. McCONNELL:

Good morning, County Legislators. John McConnell, I live in Yaphank, member of South Yaphank Civic. I'm fully in support of buying this property, increasing the parkland in Suffolk County. I'm opposed to taking away the shooting range part of it. If it already existed there, it doesn't make any sense to take it away. It's like taking the right to vote away, which they're trying to do in some parts of the country, by the way. The camping and the equestrian, as my wife said, it was just in the -- Southaven Park and it was always there and now it can't exist over here, the shooting? It doesn't make any sense. This here location has always been a top priority to relocate the range.

I'm fully in support of moving this Yaphank shooting range for a couple of reasons. This is a more appropriate property, there's a buffer, there's no houses right by. The other thing is the shooting range -- and as you know, because you've been given information, the shooting range in Yaphank is costing the County money and the school districts because of the devalue of the housing. So, buy the property, preserve the right. If they have been shooting at this, why take it away? And last, if it can happen, relocate the range. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. McConnell. Ellen Williams.

MS. WILLIAMS:

Good morning. My name is Ellen Williams, I live in Brookhaven Hamlet. I apologize for reading this instead of speaking.

MS. MAHONEY:

Can you pull the microphone up a little, please?

MS. WILLIAMS:

Yes. Okay. I'm not very used to this. Can you hear me now?

MS. MAHONEY:

Yes.

MS. WILLIAMS:

Okay. Ellen Williams, Brookhaven Hamlet. I live very near the Carmans River. The residents of Brookhaven Hamlet are very concerned, have been for years, over the health of the river, worked hard to protect it. And I urge you to vote to override County Executive Levy's veto of Resolution

740-2011, dedicating 29 acres in Yaphank as Suffolk County parkland.

Eliminating the possibility of this land ever being sold for development is critical to the long-term environmental health of the river. And as you know, it is within the zero to five year contributing zone of the Carmans River watershed and should be preserved to the fullest extent possible. This property was identified as an important addition to the County's Open Space Program by the Carmans River Watershed -- Management and Protection Plan which is being developed by the Town of Brookhaven. It is immediately adjacent to Southaven Park, County Park, and to the river itself. Please vote to override the County Executive's veto of 740-2011 and help protect this vital, natural resource. I appreciate the opportunity to speak to you today. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Williams. Gregory Noone.

MS. WILLIAMS:

Do I hand this in to someone?

MS. ORTIZ:

Yes, I will take it.

MS. WILLIAMS:

Thank you.

D.P.O. VILORIA-FISHER:

Gregory Noone? There you are.

MR. NOONE:

Good morning, Friends. My name is Gregory Noone and I'm the Program Manager of Thursday's Child of Long Island, an HIV/AIDS service organization that has been around since 1989. As much as I do agree with open space and land preservation in the County, I would like to turn the discussion towards the people of Suffolk County. I do not wish -- I'm speaking off the cuff today, because you have a twelve hundred page tome that was a gift from the County Executive that you all must read, facts and figures, so I'm not going to bore you to death with the facts and figures. Please know that I speak on behalf of 363 families across Long Island. From Huntington to Mattituck to Amityville to Montauk, Thursday's Child provides a unique service and I beg of you, we were defunded by the County Executive's budget.

I stood before this body four years ago and pleaded on behalf of people living with HIV and AIDS across our County. The County Executive and the members of this body, most of you, had come to our support after our region lost millions in Federal funding for HIV services. Since then, we have done exactly what we tell you we're going to do, we have spent our money wisely, we have served over almost 400 families annually. And I urge you to please restore funding for Thursday's Child.

We understand the economic times we're living in, we understand the budget that you were dealt by the County Executive. However, there are so many contract agencies seeking funding, as well as the good men and women of John J. Foley who we completely support also. I urge you, please, we are willing to accept a cut and do our part. We have done our best to spend our money wisely. We have taken our health insurance off of the roles of Thursday's child and put it on other sources. And the most important news of the day is we have -- some of the Federal funding has been restored to our region and Thursday's Child is given the opportunity to receive a \$100,000 contract from the Federal government to provide a new HIV prevention service to Suffolk County alone. We may lose that contract if we do not have at least a minimum amount of support from Suffolk County. I urge you, please, please restore our funding.

As many of the people that are out here in beautiful Riverhead, can I please tell you a story that happened? What makes -- what is a unique service, what is Thursday's Child unique? It is because no one does what we do. We have the good fortune of being allies with so many wonderful Social Service agencies and the Department of Social Services and the Department of Health Services have been wonderful County employees. We just received a call from our friends at The Family Service League North Fork Counseling Center in Mattituck about three weeks ago. This is a -- we have a new Family Service League in Huntington, in Bay Shore, and they have many fine offices, however, their counseling services have no knowledge of people with AIDS or HIV services. So we packed up a car, drove out to Mattituck and we met this gentleman in this wonderful area where -- yes, I do hope you preserve the open space as much as possible, but please know that there is a gentleman and his domestic partner who is living in a truck in a parking lot in Mattituck. These are the people whom I wish to serve and these are the people on behalf. I hope that you support Thursday's Child. Please support funding for our unique HIV/AIDS services here in Suffolk County.

D.P.O. VILORIA-FISHER:

Thank you. Mary Hawkes.

MS. HAWKES:

Good morning. My name is Mary Hawkes and I live down the street from the Carmans River in Brookhaven Hamlet. I join my neighbors in urging you to vote to override County Executive Levy's veto of Resolution 740-2011, dedicating 29 acres in Yaphank as Suffolk County parkland.

The health of the river must not be compromised by development. It is essential that we continue to protect this life-sustaining, natural resource which Resolution 740-2011 is designed to do. Please vote to override the veto so as to continue the good stewardship of the Carmans River and its watershed. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Ms. Hawkes. Has Reggy Seltzer come back into the auditorium? (No response). Okay. Bill Raab.

MR. RAAB:

Good morning, everyone. My name is Bill Raab, I'm Director for the Sportsman Association for Firearms Education. I find myself in a peculiar position today agreeing with Mr. Amper on purchasing the -- going forward with the purchase of the North Fork Preserve; I also support moving forward with this.

Strangely enough, I find myself in agreement with both Mr. And Mrs. McConnell in different areas as well. Mrs. McConnell said that trap shooting and that should continue at the preserve? Well, I would love to see that, but somehow I don't figure that that's practical because that's going to take away a half of million dollars of Riverhead's funding towards this purchase. I agree with Mr. McConnell when he talks about the -- except I'm talking about Yaphank and it's been going on there, the shooting has been going on there for so long so why take it away. I don't think that's quite what he meant, but that's what I got out of it.

In supporting this move, we have -- any move to tie the moving of the trap and skeet range to the purchase of this property will slow down the purchase of the property, it will cost untold millions of dollars, at least half a million from Riverhead, the money to close the facility, probably about 300,000 to shutter the facility that we have, three million to build a new one and seven point four to remediate the site in Yaphank. So that's adding half, again, as much to the purchase price of this property and that's money Suffolk County cannot afford. We already have a good location where the trap and skeet range is.

The North Forth Preserve property is wonderful, but it's a little bit obscure and off the beaten track,

which is nice but not when you have a shooting facility that's easy to get to and then you trade it for one that's hard to get to. I can't really see any move to table this will mess up funding and all those other things that need to be put into line in order to make this happen. Government tends to work in a geologic timeframe, so anything that has to do with getting this all together again, I wouldn't want to have to wait for that to happen.

It's in place now, it's a good idea, it's a good purchase, so please support it. I'm a camping leader also, youth group camping for the Boy Scouts and venturing and that's going to be available there. We've camped everywhere on Long Island, we're looking for a few new places. So thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Raab. George Hoffman?

MR. HOFFMAN:

Good morning. I'd like to thank you for the opportunity to be able to come this morning. I'd like to speak in support of Resolution 1827 which would rename Forsythe Meadow to the Forsythe Meadow Nora Bredes Preserve. There's two reasons I think that this property is particularly appropriate for renaming to a former County Legislator that served on this body for I think almost ten years.

First of all, it was -- Nora, as everyone knows, was a very good runner, and every morning she used to run by this property in Stony Brook. And I know that we used to talk about the efforts of the community to try to protect this property which was protected subsequent years after her.

The other issue is is that the monies that actually came to protect this property came from the work that Nora did with this body to create the Greenways funding source. So I think it's really appropriate for this particular property. I know the friends of Nora would like to have some memorial that we could sort of look at and think about the great works that she did for both her community and for Long Island.

I'd like to also ask you an indulgence. I've been told that there's a six-month rule before you rename something. And I think in this particular case, because Nora had -- you know she moved to Rochester for the last decade. We really never had a chance to do a memorial for her down here, so we're really hoping to have a piece of property that she was instrumental in at least providing the funding for and this way then we could also put together a tribute and a memorial for the good work of this woman. So thank you very much. I appreciate it.

D.P.O. VILORIA-FISHER:

Thank you, George. John Cullen?

MR. CULLEN:

Good morning. My name is John Cullen, I am the President of the Northville Beach Civic Association and I reside in the Hamlet of Northville. I'm here today representing the Northville Beach Civic Association, a/k/a the NVCA.

To comment on the development plans Suffolk County has for allowing public access to North Fork Preserve. Because the residents of the Northville Beach area will be directly impacted by any proposed changes, this makes the NVCA a primary stakeholder in the future of the property and we would like to partner with Suffolk County and the Town of Riverhead in defining the preserve's future.

The NVCA is very happy that Suffolk County and the town have recognized the importance in acquiring such a large piece of open land for preservation, but we are also very concerned about many issues coming with the purchase based on the desire to open the land for public access. We were recently told of a trap and skeet firing range is an activity trying to be added after the

acquisition. We know the Town of Riverhead agreed to contribute up to 500,000 toward the purchase -- \$500,000 toward the purchase, so long as a trap and skeet shooting and also all-terrain vehicles are not permitted in the park. The NVCA is standing behind the town one hundred percent on this issue.

The range is a quality of life concern. The loudness contributes to noise pollution and the lead shells are harmful for the environment. People chose to live in Northville because of the inherent peacefulness. No one wants a shooting range directly in their backyard, especially the neighborhood of Northville, and obviously the people of Yaphank. Gabreski Air Base, which is no surrounding homes, has been discussed as an alternative site for a trap and skeet range. We hope this base can be researched immediately as an alternative location so the last gem on the north fork does not escape the County and town. On behalf of the NVCA and the Northville community, I thank you for your time and consideration.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thomas Jones.

MR. JONES:

Good morning. What I have here may be a bit redundant to what we've heard already, but unless I read from it I'm not going to remember where I am in this whole thing, so please bear with me.

There has been a growing problem for Long Island campers, that being the fact that there are more campers than there are places to camp. And with more and more families getting involved with this form of family recreation, the problem seems to be growing more each year. There has been little to no hope for a real plan to ease this growing problem until now. Due to the efforts of Deputy Commissioner Bellone in the Parks Department, a new campground will be created at North Fork Preserve if that purchase is made. The plan will provide RV group areas, individual RV sites, tenting areas and cabins. It would be a boon to the camping community at a time it is desperately needed.

In addition to the camping, the plan calls for many areas dedicated to other family such as ball fields, walking trails, playgrounds and the like. Because of the many forms of family recreation activities, this proposed park has all the makings of becoming Suffolk County's park. Unfortunately, the incredibly wonderful vision is at risk of never materializing. There is some that intend to argue the purchase because they feel trap and skeet should be included in the plan for the property; I do not agree. I do not feel trap and skeet is conducive to the overall theme of the proposed park. The sound of gunfire doesn't fair well with family fun and nature walks. The sound of gun fire also presents a quality of life issue for the exist neighboring homes, as well as the families attempting to relax and recreate in the proposed park.

There is a reason why you do not bring a cat to a dog park or why oil separates from water; some things just don't blend well. The sound of gunfire does not blend well with the serenity of a nature walk or the activities of a family park. Although no one wants to see the trap and skeet enthusiasts without a place to enjoy their hobby, this particular location is the wrong place for it. And I ask you, please, to not hold up the approval of the purchase of this property based on this issue. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Jones. John Palasek.

MR. PALASEK:

Good morning, members of the Legislature. First of all, I couldn't agree more with the previous speaker about shooting and park experiences not going hand-in-hand. Try living in Southaven and try having a house 33 feet from the edge of a shooting range. But that's beside the point.

The first thing I'd like to talk about is vetoing Resolution 740-2011 for the acquisition of the 29 acres north of the Carmans River. I think you should override this veto. I think the veto was capricious. I think it was done more as a political, let's say, slap in the face to Kate Browning by Steve Levy, and I don't think it has any merit. All 18 of you voted to acquire the property and preserve it, I think you should stick to that and just override his veto.

In regard to North Fork Preserve, I think the purchase should go ahead. And I'd like to clarify something as far as all this trap and skeet argument goes here. It's kind of unfortunate that it became an issue of relocating the Southaven trap and skeet range to this property as a -- or contingent upon purchasing the property. That I believe is attributed to something that Legislator Lindsay mentioned in the paper the other day. What we want is simply for you to honor the report that was submitted by the Relocation Committee which was commissioned by this Legislature to search for alternative locations for this trap and skeet facility, and they, in that report, said that should this land become available, it should be considered as a possible relocation site for the trap and skeet range. That's all we want, is that any wording that's involved in any agreement pursuant to the purchase of this property includes that wording, just that it is possible to look at it as an alternative location site. Nobody is saying that whatever you decide today is going to include moving the trap and skeet forthwith -- we'd love that to happen, but we know that won't happen -- but it should still be an option. Even if it's a faint option, it should still be there, in fairness to the committee itself.

As far as relocation potential, I agree with everybody else, it doesn't belong in Southaven Park anymore, it never has. It shouldn't have been reopened but it was. You know, people here near this North Fork property are complaining about proximity to residential housing and, like I said, the nearest house we have to your trap and skeet range right now exists 33 feet from its property line, and an entire neighborhood exists within a hundred feet of it; I don't think that's appropriate either. I think it does belong somewhere else, perhaps North Fork because there is an existing shooting facility there. So just to clear up that issue, it's not like you'd be building one from scratch, there already is one there and that's the reason why it was included as a possible relation site by the Relocation Committee.

I agree with Gabreski, I think that's your best choice. I think it's the least impacting and I think it's something that this Legislature should pursue in the future. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Palasek. Linda McGregor.

MS. MCGREGOR:

Good morning, and thank you for this opportunity. Citizen, public employee, union member.

In regards to Suffolk County Executive Steve Levy's budget proposal, please give the public/private partnership proposed by Legislator Browning a chance. It seems that the County Executive doesn't even want to give that a chance if that can earn the County a profit. You all voted for it, to adopt it, please let it go through.

As far as County Executive Steve Levy's budget, I don't even know why we're talking about a budget

from Steve Levy. District Attorney Thomas Spota had an obligation to the citizens of this County to go on record and either put on record he found no evidence of any violation of law by Steve Levy and exonerate him or go on record he had evidence Steve Levy violated the law and indictment -- an indict him. You make a deal after an indictment. So Suffolk County District Attorney Tom Spota failed the citizens of this County. So he shouldn't even be -- Steve Levy shouldn't be in office to put forward a proposal.

As far as Steve Levy's budget proposal, something caught my attention on the budget for the Suffolk County Legislature. I was researching Community Support Initiatives, which is members items. Over a half million a year has been advo -- allocated to Community Support Initiatives, not-for-profit organizations. This is taxpayer dollars, our earnings going to non-profit organizations and we don't get to claim that as a deduction on our income tax returns, and that translates into votes for you at election time. If I was a member of the Chamber of Commerce and my Legislator got me a \$5,000 grant to make the sidewalk look better in front of my business, I would have everybody I know vote for you.

Another thing that caught my attention in the budget on-line, on the PDF file, was as far as the budget for the Suffolk County Legislature, Steve Levy's recommendation is that when he was in the Suffolk County Legislature in the 1980's, every Legislator had one Legislative Aide and now they have three, and due to the budget deficit, the Legislators should not have three Legislative Aides. Well, you know what that should read? That should read, "When I was a Suffolk County Legislator, the County Executive had one County Deputy Executive; since I've taken office, I have four to six County Deputy Executives."
So the recommendation should be, "I should only have one Deputy County Executive."

(Beeper Sounded)

Federal Crisis Inquiry Report by the Federal Crisis Inquiry Commission commissioned by Congress listed the causes of the financial crisis and recession, and no where will you find the words "public employee" and a list of causes for the economic crisis and recession, deregulation by the government, the mortgage lenders, Wall Street, the investment firms, the banks. Why do you have the highest prices on food in history? Staples like bread and rice and flour are always regulated by the government. Government gave it over to Wall Street. They packaged in to securities just like they did mortgage and you have the highest prices on food in the history of this country.

D.P.O. VILORIA-FISHER:

Please wrap it up, Ms. McGregor.

MS. MCGREGOR:

The Economic Policy Institute is a distinguished institute, they've issued studies on the debunk and the myth of the public employee. Factor in pay, compensation and benefits and public employees still make less than the private sector.

The other problem with District Attorney Tom Spota, the courts came back, he violated the First Amendment, Thirteenth Amendment and Fourteenth Amendment right of residents in Suffolk County. And why is he still in office?

D.P.O. VILORIA-FISHER:

Okay, you're about one minute over. Please, you have to stop.
Thank you.

MS. MCGREGOR:

Political party fusion, it's illegal in 42 states of the United States of America. It's been tied to election rigging, patronage jobs for the political parties, it's legal here in Suffolk County and New York State. There's 20 candidates of Suffolk County Office who were endorsed by the major parties, Republicans and Democrats.

D.P.O. VILORIA-FISHER:

Excuse me. I'm sorry, we have to move on, we have a lot of cards here. Okay? Thank you. Bye-bye.

MS. MCGREGOR:

Thank you for your patience. I want somebody else to vote for next election besides Tom Spota.

D.P.O. VILORIA-FISHER:

Our next speaker, and please try to keep your comments to three minutes, Marie DoMenici.

MS. DOMENICI:

Good morning, all. My name is Marie Domenici, I live in Mattituck. And I stand before you as a taxpayer. I will put this on my tomb stone, "I want to live in my house until I die, but the way my taxes are going, I have to be dead in three weeks". So what I'm here for --

*(*Laughter*)*

-- is to kind of help you find ways to kind of pull in a budget without anyone losing a job, and let me give you this as an example. If you have the kind of mentality that says, "Here's your budget line, use it or lose it," let's not incentivize people to use their budget lines. If indeed they have \$100,000, they've only spent 40, why would you bastardize them for only spending 40,000? So backfill the 40,000 rather than say, "You have to spend a hundred thousand to get a hundred thousand back." So I would hopefully think that this board would consider that as an option.

The other thing is I would like you to consider -- there's only two times in a conversation when you have someone's undivided attention; that's when you're putting money in their pocket or taking money out of their pocket. And if you could all kind of get a suggestion award program in place whereby, "I work for the County," or, "I work for the town," and I find a way to do my job and find a way to spend less, I should be incentivized and be maybe given a little reward for that. Because that's when you're going to get people to get on board with something like that, and that's going to help the taxpayer.

If we look at the tax -- the STAR Rebate that was given a couple of years ago, it was a political season when that was being addressed, they thought it was a good idea to mail out those checks. That mailing cost the State of New York \$1 billion. Now, if you want to put a direct deposit dollar amount in my bank account, I'm still going to vote for you. So there are ways to cut the budget. And maybe perhaps there's a consideration in imposing fines. Let's say we impose fines for parking tickets or whatever it is; let's increase fines so that there's a way to sustain some revenue. Let's look at the fact that we live in Suffolk County where, for the last 12 years in a row, it's gotten an F in air quality rating, so -- and that's due -- and that was published by the American Lung Association, and that's due to air quality costs by diesel idling and so on and so forth. We need to start implementing penalties for the seven minute idling law, and that would be a way to let's get some revenues. So increase fines, be more vigilant with how we manage books that are -- you know, laws that are already on the books and fine people. If you look -- if you go to the Hampton Jitney, every day they're idling hours and hours on end; now, there's a source of income for you right there.

Thank you for your time. And by the way, let's improve -- let's keep the environment. If we don't

take care of the environment, the environment won't take care of us. Thank you.

P.O. LINDSAY:

Thank you, Ms. Domenici. I see Ms. Seltzer has joined us. Regina Selzer.

D.P.O. VILORIA-FISHER:

Is she leaving again?

P.O. LINDSAY:

She left again?

UNKNOWN AUDIENCE MEMBER:

She went outside.

*(*Laughter*)*

P.O. LINDSAY:

She's pretty elusive. Robert Kessler.

D.P.O. VILORIA-FISHER:

We got her back, we got her back.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Reggie, come up.

P.O. LINDSAY:

Let her go. Robert Kessler.

MR. KESSLER:

Hi. Good morning. My name is Robert Kessler, I'm the President of the Yaphank Historical Society, as well as the Coalition to Save the Yaphank Lakes.

I wanted to speak on Resolution 740. This is -- this land is within 600 feet of the Carmans River, a river that the Federal, State, County and Town governments have spent millions of dollars in land purchases to protect. The property surrounds the old pauper's cemetery. People from the Alm's House and The Children's Home were buried here in a pauper's grave. We need to protect them and show them the respect that they're due.

Also, adjacent to the southwest corner of the property is the historic doctor's cottage. The cottage from The Alm's House -- the doctor from the Alm's House and the Children's Home lived and worked here. The Yaphank Historical Society is very much interested in saving this building and bringing it into the historic district. I don't think we need another office building or, worse, a hotel on this property.

Just because a piece of property is vacant, it doesn't mean it has to be filled up. We urge you to override the County Executive's veto and protect this land for the people of Suffolk. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Kessler. Kathryn Curran. Hello, Kathryn.

MS. CURRAN:

Good morning. I want to thank you for allowing me to speak. I'm Kathryn Curran, I'm the new Director of the Suffolk County Historical Society. And I want to thank the Legislature for its support of the Historical Society.

For those of you who don't know the Suffolk County Historical Society, we're the oldest historical society in the County in both Nassau and Suffolk County, we're celebrating our 125th year this year. Because of our age, we have an incredibly vast collection. We have over 18,000 objects, we have art, archives and artifacts from every single one of your constituencies. We represent the history of Suffolk County in its past and its present.

You're all making history right here today. History is the living thing. Suffolk County Historical Society has been focusing on larger issues that will include each one of the towns that is represented in its topics. Our exhibition schedule for next year is going to be on temperance and prohibition and rum-running; every one of your communities has stories that fall into those lines. And we're going to move forward to do Suffolk County's role in the Civil Rights movement, inventors and inventions, the dynamic and changing role of the Native American community, cultural traditions of Suffolk County's immigrant population and women who have and had an impact in Suffolk County; all these are topics to be researched and explored.

Before I leave today, I want to share with you one of our Smithsonian quality pieces. It's a flag that we have in our collection that was donated, everything we own has been donated to the County. This is the Davis Flag.

MS. ORTIZ:

You have to use the microphone.

MS. CURRAN:

This is the Davis Flag. The Davis Flag was found in 1965, it was donated to the Historical Society. It is a flag that is on silk. The reason I made two copies of it for you today is it's so fragile that it couldn't possibly be shown. Actually, it can't even be shown at the Historical Society. The troop means that -- the Suffolk Troop means that it was a calvary branch. They believe it's from 1841. Now, they think it's -- even though you see the fellow over there with the horse, it is a Revolutionary costume that is just symbolic. In 1841, they can tell that by -- because it has history detectives. This is part of a program that we're trying to introduce in Suffolk County.

MS. ORTIZ:

You need to use the microphone, I'm sorry.

MS. CURRAN:

It's okay. By history detectives. The experts know that from the dips in the shield, the eagle facing right -- left, whatever, the number of six arrows in his hand, in his claw, and the olive branch with actual olives on it dates it from after 1841.

(Beeper Sounded)

So these are the kinds of things that we have in the Suffolk County Historical Society for you to all to share. 300 West Main Street, Riverhead; please join us.

*(*Laughter*)*

P.O. LINDSAY:

Thank you. I see Regina Seltzer has joined us again.

*(*Laughter*)*

MS. SELTZER:

Thank you. And I apologize for being late and making it inconvenient for you. I'll be very brief. I'm only here to say that I'm in support of the purchase of the preserve, and that while I think it's a wonderful idea to move this trap and skeet from where it is now, the location of it in this new area would really be inappropriate.

Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, Reggie.

P.O. LINDSAY:

Nancy Gray.

MS. GRAY:

Good morning. My name is Nancy Gray. I live at 705 Town Shore Road in Northville. My home is bordered on the south and the west by North Fork Preserve. I do support the planned purchase of the North Fork Preserve by Suffolk County and Riverhead Town. This is a pristine track of land that should be preserved. I am hopeful that the County will continue to include the local community in all aspects of planning this parkland, as there are many concerns that will need to be worked out.

As for the relocation of the Suffolk County trap and skeet range to this location, all I can say is that it would be just moving a huge set of problems to another area; that certainly doesn't seem like comprehensive planning to me. It doesn't take a rocket scientist to see that a campground and a shooting range are mutually exclusive of each other. Sadly, in reality, I'm not sure there is any place left in Suffolk County where a trap and skeet range can be situated where it will not negatively impact someone's life.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Jennifer Hartnagel.

MS. HARTNAGEL:

Good morning. My name is Jen Hartnagel and I'm speaking on behalf of the Group for the East End. Group for the East End is eastern Long Island's largest professionally-staffed environmental organization, and we're here today to lend our support for the purchase of the North Fork Preserve parcels. And I urge each of you to support the acquisition as well as proposed minus any ATV or trap and skeet considerations.

We believe the property is truly ecologically and recreationally valuable. And in our view, this will be one of Suffolk County's last opportunities to create such an exceptional benefit many, many people while protecting the parcel's environmental integrity. Thank you for the opportunity to speak.
Thank you.

P.O. LINDSAY:

James Kelly.

MR. KELLY:

Good morning, Ladies and Gentlemen. My name is Jim Kelly, I'm a Board Member of SAFE, the Sportsman's Association for Firearms Education, and I definitely support the purchase of this property.

First of all, the property is not pristine. They've had trap and skeet ranges in various other ranges on the property, so that's nonsense.

If you were going to remediate it completely and make it a park, you'd have to spend millions of dollars, just the way you would have to do if you were going to close the skeet range in Yaphank and move it someplace else.

Now, people have talked about the report on the new skeet ranges or looking for another site. Well, in each and every case the places were not conducive. Right now the Yaphank range is just off of Sunrise Highway, all the rest of the places were hard to get to or you needed to create a road structure. Now, John Cushman, the President of SAFE, put that in his minority report and he said, you know, these are not viable places to take the Yaphank range and move it to. My feeling would be is since this property is not pristine and since they've had a history of that, I would say open up both places.

Somebody said, "Well, you know, you don't need shootings" -- "you don't need a place to shoot." Well, I say you do because I think you've got enough damn ball sports and everything else. And to me, I don't like them and I want someplace to shoot. I think opening up this venue would provide plenty of money. We make money now from the people who buy gas, who buy food, who come out to the range, buy ammo, that's tax money for the County. There's tax money that comes from allowing the vendor to run the place; if we had another vendor at the other range, that would be even more money for the County. And right now, the County cannot afford to close this place down. So I would urge you not only to buy it, but I would also urge you to open up the range. Other than that, I think that's about it.

I think I wanted -- oh, I wanted to touch on one more thing. Someone said, "Well, you know, hey, it's only been around for a little while, the range in Yaphank." It's been around since the 1920's and it's never, ever had an accident, never ever. That's a fantastic safety record, and I'm sure the other place in north fork didn't have an action neither. So my recommendation is buy it, keep the one open in Yaphank and open up this one on the north fork. Thank you very much. If you have any questions, I'll be glad to answer them.

P.O. LINDSAY:

We can't ask questions at this point, Mr. Kelly.

MR. KELLY:

All right, good enough, just giving that option to you. Thank you.

P.O. LINDSAY:

Simon Kahn.

MR. KAHN:

Good morning. I had a very well prepared speech, but my 5-month old child cried all night long, so it derailed my plans here. I'm pretty sure he was upset about the potential outcome of this Legislator -- Legislative body.

My wife and I recently spent our life savings to purchase a house in the Northville area. And one of our big dreams was that our kid would be able to fall asleep to the sound of just rolling waves and fresh air and great neighbors and we are mortified to think that he'll be woken up by the sound of gunfire. I'm not against guns. I own guns, I'm a hunter, I love an afternoon with a box of high-vis

shells and a 12-gauge and going out and shooting skeet all afternoon long. I do it in Upstate, New York, where our nearest neighbor to the range is on a 280-acre plot. It's quiet outside of the range area, but the reason we wear ear plugs and head phones is because it's loud. It's a very loud sport, there's a lot of lead and dust in the air, on the ground. In an area that's isolated it's not a problem, but where we are, we feel it's very inappropriate to have it there. We are all in favor of purchasing the preserve for camping and such, but as a father, I'm very concerned about what it would do to our children having a range in that area. Thank you for your time.

P.O. LINDSAY:

Mike DePaoli.

MR. DePAOLI:

My name is Mike DePaoli, I'm a Vietnam Veteran. I'd like to make some suggestions and commentary in association to enhance and improving the government.

The question is quality of life. How many at this round table right now could go ahead and survive on a land? How many can go fishing? How many can farm? How many can go hunting? How many know what it is to protect life and preserve our way of life? Could we take to the country-side like our Fore Fathers did? Most of the ten towns in Suffolk County have symbols, the symbols to farming, fishing, hunting. We should not lose that tradition. We should not lose that quality of life. Veterans who stand up and protect that quality of life need examples, need opportunity to go ahead and shoot, need an opportunity to go ahead and protect and preserve.

My commentary today is that if we look at the wall over here, a wall of future -- past elected officials, and your steps right now, are we better off with you in public office than we were two years ago? Than we were four years ago? What is your legacy in Suffolk County? It's easy for citizens to come forward and complain. It's easy to be on this side of the podium and just make complaints upon complaints, but I want to compliment you for your perseverance, for your enhancements of time and energy and patience, for listening and carrying forth the good torch of government.

I would like to suggest maybe opening up a good commentary website in Suffolk County for people to go ahead and make suggestions and commentary and association to enhancing our quality life. Some of the considerations right now I would like for consideration. Where is Suffolk County's coliseum? Why don't we have an equine center in Suffolk County? What's happening to our social safety net? Unemployment? Housing? Homelessness? Our court system? Everybody here at this round table has a name plate, but do you realize you can go into a lot of Suffolk County Courts, including Small Claims Court, and not even know who the Judge is? Where's openness in government?

Civilian complaints now are enhancing and increasing. The Suffolk County Police Department and the Nassau County Police Department need a Civilian Complaint Department, as our economy crunches, as the voice of public safety is shrinking. We need that like New York City has. Open government, electronic voting, it's time now to use what we call.

Mr. Jobs' legacy. Open government. Military veterans can't even vote unless they have opportunity to do so; electronic voting would enhance that.

Finally, naming the LIE and the New York Thruway the Blue Star Highway would be an enhancement not only for Suffolk County but for New York State, to honor our veterans that are presently serving. I thank you for the opportunity to be here. Once again, I ask that you open up a website so people in Suffolk County can bring forth suggestions. Thank you.

P.O. LINDSAY:

Thank you, Mike.

D.P.O. VILORIA-FISHER:

Thank you, Mike.

P.O. LINDSAY:

Annemarie Prudenti.

MS. PRUDENTI:

Good morning, all. My name is Annemarie Prudenti, I'm the Deputy Town Attorney for the Town of Riverhead. I know that Supervisor Walter spoke, so I'll keep my comments very brief.

As the Legislature is aware, the Town of Riverhead approved by resolution the partnership in the purchase of the North Fork Preserve. In that resolution, the Town of Riverhead added a proviso in there that ATV's and skeet range be prohibited from use on that parcel. And they specifically noted that such uses, they deem them to be incompatible with the serene and scenic attributes the presentation of this parcel will offer the residents. I would like at this time to submit to the Legislature a certified copy of that resolution, together with letters that the Town Board had received during the public hearing comment and portion, if I may. Thank you.

In addition, I would just like to add that the Town Board, in adopting this resolution, took into consideration not only the public comments at this original hearing, but there were public comments way back in 1998 when this parcel was slated for the development. In addition, pursuant to Chapter 14 of the Town Code, Provision 14-8, lands acquired with CPF funds, and the language is "shall be", "shall be", and it limited to, *"public use and enjoyment in a manner which is compatible with the natural, scenic, historic and open space character of the lands."* In addition, monies from CPF shall be used for the -- to preserve the native, biological diversity of the lands.

In addition, Town Law 64-E, which I'm sure you're all familiar with, Subsection 9, gives specific limitations. And in addition, finally, during the course of the summer, Assemblyman Thiele had put together representatives of the five East End towns and some villages, and also Mr. Amper was present during those meetings, and in that was developed the rules and regulations regarding the use of CPF funds. It's the Town of Riverhead's position, and that's why it's set forth in the resolution, that in order to be compliant and consistent with all those laws, rules and regulations, the limitation and restriction and prohibition had to be included. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Mary Laura Lamont.

MS. LAMONT:

Good morning. My name is Mary Laura Lamont and I am here as a representative of the Eastern Long Island Audobon Society. And as such, we are in full agreement with Suffolk County's acquisition purpose of the North Fork Hunting Preserve.

This parcel, particularly on the north side, you know it's a large parcel, it's over 300 acres, the north side is pristine. The south side may have been developed, but the north side is extremely pristine. There's lots of populations of many, many different species of birds that use this parcel as they migrate north or south during their annual migrations. It's a very key, critical stopover point as birds go over the sound. This parcel is pristine on the north side and it should be preserved as a nature preserve on that north side.

So we are in full compliance with the County to purchase this for open space for passive recreation, and we would hope that you would do that soon and not table the resolution. And thank you for speaking and I'd like to submit this letter.

P.O. LINDSAY:

Stephen Searl.

MR. SEARL:

Good morning, Presiding Officer, Legislative body. I would like to actually address the Legislature on two items. The first, of course, is the North Fork Preserve; I think this is an important project for two reasons. First, of course, it's preservation of an ecological haven that has been in existence for a long, long time. The conservation community, the landowner, the County, the town, we have all recognized this for a long time. The State as well, it's on their Open Space Conservation Plan, and I would really urge you to move this today.

I also -- we are also in agreement with the recreation department -- the County Planning Department's recommendation for an active camping ground and other active recreational uses, and we would like the County to vote that through as well. I think that offers broad public use and enjoyment of the property and I think it's something that is worth voting on today.

I'd also like to address the committee, the Legislative body on 1790 as well, the Ringhoff Farm, and would urge you to vote on that today as well. That's preservation of, I believe, 140 acres and it's a farmland piece, a working farm that is worth conserving. Thank you so much for your time.

D.P.O. VILORIA-FISHER:

Thank you, Steve.

P.O. LINDSAY:

Gina D'Andrea Weatherup?

MS. D'ANDREA-WEATHERUP:

Good morning. My name is Gina D'Andrea-Weatherup and I'm Community Affairs & Advocacy Manager at Planned Parenthood/Hudson Peconic. I'm here to talk on a different issue this morning.

I want to say that we were honored to be able to participate in the work of the Suffolk Teen Pregnancy Task Force and we fully support the creation of a separate County Teen Pregnancy Advisory Board which is Resolution 1811. Planned Parenthood Health Centers are trusted, non-profit health care providers to which one-in-five women have turned at some point in her life for preventive care and education, including birth control, life-saving cancer screenings, STD testing and annual exams. Planned Parenthood/Hudson Peconic serves Suffolk, Westchester, Rockland and Putnam Counties with 12 health centers, and in 2010 we served more than 16,000 patients in Suffolk County alone.

People of all ages rely on us because they know that they'll be cared for compassionately and confidentially. All Planned Parenthood staff are trained to help teens talk about their health care needs and relationships with parents or other trusted adults. We are deeply committed to protecting the health and safety of our teens and encouraging parent/child communication. This commitment drives our support for education on adolescent sexuality and encouraging parent/child communication, as well as our support for this Teen Pregnancy Advisory Board.

Teen pregnancy is a complex issue. We know many teens will make good decisions that help them avoid unplanned pregnancies if they have the right tools; a loving and supportive mother, father or other trusted adults, knowledge about how their bodies work, knowledge about what healthy, intimate relationships look and feel like, and knowledge about how to responsibly engage in sexual activity whenever they so choose.

In addition to our health staff, our education and training department specializes in parent education

through a series of workshops called *Let's Talk*, and the emphasis of *Let's Talk* is to enable parents to teach their own values, whatever they may be, around the difficult area of sexuality. The advisory board is charged with promoting educational outreach on teen pregnancy and related issues, and so will further advance the ability of adults and other -- parents and other adults to help teens make responsible decisions. By advocating for increased access to family planning services, the advisory board will ensure that teens who choose to have sex are less likely to experience an unplanned pregnancy.

We know higher risk groups of teens often have some interaction with adults, whether it's a school official, medical personnel, foster parent or a coach, but these adults are not always trained to understand puberty or adolescent sexuality. The advisory board is charged with bringing together adults who work with teens annually for training in this area, from promoting mentoring programs to partnering with libraries to developing new programs for at-risk teens, the advisory board will help us make Suffolk County a safer place for teens. I urge you to pass Resolution 1811 and create a Suffolk County Teen Pregnancy Advisory Board. Thank you.

D.P.O. VILORIA-FISHER:

Thank you, Gina.

P.O. LINDSAY:

I need a motion to extend the public portion.

LEG. BARRAGA:

Motion.

D.P.O. VILORIA-FISHER:

So moved.

P.O. LINDSAY:

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

MS. ORTIZ:

Ten.

MR. LAUBE:

Twelve.

MS. ORTIZ:

Twelve (Not Present: Legislators Nowick, Montano, Anker, Muratore, Browning & Schneiderman).

P.O. LINDSAY:

Okay. Richard Wines.

MR. WINES:

Good morning. Thank you, Legislature (sic) Lindsay. I'm Richard Wines, a resident of Riverhead, and I want to speak in favor of what I hope will be your vote in favor of preserving the North Fork Preserve.

I grew up across the street from what is now the North Fork Preserve. And as a child, knew how beautiful that place was and its wonderful series of open spaces and wetlands and abandoned farms and active farms. Recently, as part of a trolley tour of historic Sound Avenue, I had a chance to take a group of visitors up there and I'm pleased to say that that is still a spectacular space. It deserves every bit of protection you can give it. One of the things that I'm really proud to be a Suffolk County

citizen for is what you as a Legislature have done to preserve open space and farmland in this County. It's one of the most wonderful programs we have and I hope you will continue that program with the preservation of the North Fork Preserve so that all of the citizens in Suffolk County can enjoy this wonderful, natural, open space that as a child I was able to enjoy and now I hope everyone will be. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Catherine Green.

MS. CATHERINE GREEN:

Good morning. Thank you for the opportunity to speak.

P.O. LINDSAY:

Good morning, Catherine.

MS. CATHERINE GREEN:

And I am here today to speak on Resolution 1827, the renaming of Forsythe Meadow. I would also like to thank Deputy Presiding Officer Viloria-Fisher for putting forward this resolution.

I'd like to add to what was said -- I agree with and would like to add to what was said by a previous speaker on this subject, George Hoffman. Nora Bredes served for less than seven years in the Suffolk County Legislature, but the work that she did in that time will impact many generations to come in this County. Her unexpected death leaves a void for many, not the least her three sons, Nathan, Toby and Gabriel. Renaming the Meadow, so beloved to Nora and her sons and the community she loved -- she served, and to whom she was beloved to this day, will serve to acknowledge her legacy which extends far beyond the preservation of that one patch of land. And it will serve to comfort her family by letting them know that Nora's legacy is fully acknowledged and appreciated here in her home town of Suffolk and by the body that she served so admirably in at one time.

I hope as some of you who knew her in the days when she served, and for those of you who will have to fill the kinds of shoes that she walked in, that today will be a day not only for you to honor her legacy, but speak a little bit to the ambitions for your own. Thank you very much.

D.P.O. VILORIA-FISHER:

Thank you, Catherine.

P.O. LINDSAY:

Thank you, Catherine. Peggy Fort.

MS. FORT:

Good morning. I am here to support Resolution 1827, the changing of Forsythe Meadow to the Forsythe Meadow Nora Bredes Preserve.

Nora leaves a legacy not only of the Greenways bill which allowed the purchase of Forsythe Meadow as well as other pieces of land to preserve in Suffolk County, but she also shared the Shoreham Opponents Coalition and she sponsored the bill for the ban of smoking in Suffolk County. She accomplished a great deal. But what she did for the Three Village community, and I've been a -- living there for the last 32 years, was embody the Democratic process.

Many a group I was part of in working with Nora, she always brought us together saying if you work

through your Legislature, if you work through your government, you accomplish the most, and you can do it. And believe me, she brought some crazy, radical people together from all sides of the political spectrum. I would like to see us honor her by enhancing the name of Forsythe Meadow to the Forsythe Meadow Nora Bredes Preserve. I think she's a symbol for us and she certainly is a symbol for the Three Village community. Thank you.

P.O. LINDSAY:

Thank you. Marcy Spector.

D.P.O. VILORIA-FISHER:

Marcia.

P.O. LINDSAY:

Marcia, forgive me.

MS. SPECTOR:

I knew who you meant, it's okay. Good morning, Ladies and Gentlemen. I am Marcia Spector. It was my privilege to have served as the Chair of the Teen Pregnancy Task Force that you established last year, under the guidance and leadership of Legislator Viloría-Fisher, and I'm here to speak in support of Resolution 1811.

I've had the privilege of speaking with most of you personally, and so what I would like to do is just read an excerpt from an e-mail that I got from one of our task force members, Jennifer Freeman who probably many of you know. And she says, *"Teen pregnancy levels rise and fall, but one constant about teen pregnancy is that it exists. The best support we can provide to our youth is to send a message that their health is important to us, whether headlines spotlight this issue or not. Creating a progressive, proactive, successor task force to this original advisory body will send the message that we are here to make teen sexual health a long-standing priority in this County. Thank you."*

I brought with me my colleague, Sondra Gill, who is going to -- I would like to yield my time to for the remainder who will talk to you a little bit about the Latino community.

MS. GIL:

Thank you, Marcia. Good morning, everybody. My name is Sandra Gil and I was also a resource to the teen parent task force that Legislator Viloría-Fisher had very wisely, you know, run and facilitated. And I really want to take this opportunity, because one of the things that continues to be very disturbing to me as a Latina woman, as a Latina mother, is the fact that Latinas continue to suffer the most and they continue to have the highest rate of teen-age pregnancy in our County. And because of that and because of the sensitivity that it was always shown during the course of the teen parent task force meetings, I realize how important it is for this successor group to take place, because it will be able to really take a look at what is affecting our Latina community, what can really be done in order to avoid further unexpected or unplanned pregnancies. And most importantly, to be able to educate our Latina communities in what's really important about, you know, making the right choices and obviously being able to go through pregnancy because it's something that they know what they're going through and that they're going to be able to carry on for the rest of their lives.

Like I said before, I'm a Latina mother. I live in a community that is probably experiencing the highest rate of teen-age pregnancy, and because of that I plead to all of you to pass Resolution 1811. Thank you very much.

P.O. LINDSAY:

Peter Quinn.

MR. QUINN:

Good morning, members of the Legislature. My name is Peter Quinn, I live in West Islip. I'm speaking this morning on the chargebacks that are included in your budget where the money for community colleges gets shifted from the County to the town; I'm unalterably opposed to that. And because the Legislature hasn't voted on the budget yet, I would hope they would arrange to keep that out of the funding for the towns. My town would pay \$1.9 million at the last minute, even though they have wrestled with a budget and haven't yet adopted it. That's an expense they shouldn't have to incur.

It's interesting to note that how money gets funded for various governmental jurisdictions. I believe in revenue sharing, but I don't believe in revenue manipulation. At the State level, 20 years ago Mario Cuomo, as Governor, the State share of aid to education was 46%. With the Feds paying 6%, roughly, that meant the local share was 52%, the only three sources of money for public schools. Then under Governor Pataki it dropped to 31%, and you can figure out the math if the Federal share is a constant 6%.

Similarly, under Governor Patterson it dropped to 24%, and now under Cuomo it's 20% of the State share of aid through public education, and that means the local property shot up exponentially. It's disturbing to think that nobody -- particularly Newsday, hasn't done an investigative analysis of this and posted it on page two and three; that would make it possible for the public to understand how they've been manipulated by State Legislators and Governors over the past 20 years.

And you've got to remember, the Republicans in the State Senate call for no new taxes. There are nine Republican Senators here on Long Island who could remedy the way money is funded for State aid through education. I urge them to do so, but I urge you to take out of the budget that language which forces the money to be shifted to the towns. Thank you very much.

P.O. LINDSAY:

Thank you, Peter. Nancy Dallaire.

MS. DALLAIRE:

Good morning. I do not want to stand here and sound as though I am blaming, which seems to be the trend these days; the County blames the State, the States blame the unions, yet nothing is resolved.

From what I hear, the State sets mandates that the County must now pay for. The State requires new Safety Net programs, but we must sacrifice our old Safety Net programs. I also hear that although the County will receive \$10 million from the brand new red light camera revenue, they estimated 20 million, that is no way to solve our financial problems. Mr. Levy may have kept our high taxes down over the past eight years, but has it cost us? Services. Doing more with less is not a new concept, but it has been a dangerous one. The \$60 a year I pay in County tax which pays for those public services and should help support our college is not what is breaking the bank of taxpayers. I believe Suffolk County taxpayers prove we are willing to pay, just provide us with the services we deserve and continue those on which we have depend -- come to depend.

I do not want to keep bringing up the brand new jail that was built right next to John J. Foley, but I cannot stand silent as Suffolk sinks millions into that County facility which our children will continue to pay for and this County health facility is abolished and our inmates -- oh, excuse me -- our residents suffer? John J. Foley has not asked for anything more than the inmates receive. We do not even ask for clothes and shoes for our residents, but we should at least be entitled to the same rights and privileges given to the prisoners of this County.

The Levy Administration is responsible for not giving John J. Foley the fair chance it needs to succeed. The day-care program is still only half-full. The numbers are down, but how can we grow when people believe this facility has been closed for two years? The rehabilitation and physical therapy center has yet to operate at its full potential, but we are willing to abolish these positions putting lives into jeopardy? The County will find the money to hire the 150 positions to staff that massive jail. The criminals are entitled to the round-the-clock medical unit, but the citizens at Foley are finished? This does not sit well with me.

I pray I will not have to stand before this Legislature for another four years pleading for our positions, begging to be put back into a budget, validating the value of John J. Foley, but I will because John J. Foley has proven its worth. The County employees have proven their commitment to our County and I will be here until those facts are recognized. I will continue to fight to preserve our right to our vital public health services. Thank you.

Applause

P.O. LINDSAY:

Linda Ogno.

MS. OGNO:

Good morning. Two things I want to touch on. I like to listen to the Legislators when I cannot be here, except you need to do something about your audio. It's so garbled on the computer, it's really hard to understand you. I'd really love if you can get on TV like the town does.

LEG. ROMAINE:

Me, too.

*(*Laughter*)*

But it ain't happening.

MS. OGNO:

I've sat here and listened why we don't have certain services here in Suffolk County. That's because my tax bill is 58.80, and I think you've done a great job for \$58.80 to provide all the services that you have. In fact, my garbage is \$482. So if my town -- if my County tax was that much, just think how many services we could provide here in Suffolk County.

I think a suggestion would be to take a tax bill, you could use mine if you'd like, blow it up to big size and highlight the County tax so everybody that comes in here can see exactly how much they pay. Because if you ask them out there on the street, nobody knows how much they really pay. If they really want to make a mark, we should really do something about the State mandates and our school taxes are the number two things that hurt us here on Long Island. But other than that, you guys are doing a great job. Keep it up.

Applause

P.O. LINDSAY:

Jennifer Critcher.

MS. CRITCHER:

Good morning, Honorable Legislator. My name is Jennifer Critcher and I'm the finance -- Chief Financial Officer of The Retreat.

For over two decades, The Retreat has been the only community-based, not-for-profit agency

providing domestic violence services and support for victims located on the East End of Long Island and beyond. With people losing their jobs and being foreclosed from their homes, family violence has been on the rise and domestic violence requests at The Retreat have increased by over 56% over the most recent 18 month period. Simultaneously, as demand for our services accelerate at record breaking pace, organizationally we have seen dramatic funding cuts, both from the government and private donors.

In 2010, The Retreat received 800 more hotline calls than it did in 2009. This past week, The Retreat surpassed the total number of hotline calls received for the entirety of 2010. With funding cuts being proposed during a time of such increased demand for domestic violence services, I am concerned that organizations like The Retreat will not be able to meet demand. We cannot ignore that domestic violence is a leading cause of injury for women between the ages of 15 and 44, more than car accidents, muggings and rapes combined. We understand that Suffolk County has been hit hard by the economic crisis, but The Retreat service, domestic violence services are vital to the welfare of the community and the safety of our children. Domestic violence is a matter of life and death for thousands of women and children in Suffolk County. Without agencies like The Retreat, victims have no place to turn and no safety net. If The Retreat cannot meet demand for services, it is the local public who will be forced to pay an even higher financial price, addressing injuries, murders, displaced children, child protective services, courtroom expenses, lost productivity of harmed and fleeing adults, escalating disabilities in the workplace, the cost of uncertainty and havoc that flows from repeated incidents of domestic violence.

I would like to end with a moving quote from a counseling client. *"Like an eternal drop of water falling on a stone, the violence it wears away. Trust, caring, love erode and fear reins."* October is Domestic Violence Awareness Month, and I urge all of our community leaders to continue to demonstrate their support and ensure that The Retreat's budgets are not reduced in 2012. Thank you very much for your time and consideration.

D.P.O. VILORIA-FISHER:

Thank you.

P.O. LINDSAY:

Okay, that concludes our cards. Is there anyone else in the audience that would like to speak before us? Please come forward, sir, and identify yourself.

MR. LAMONT:

My name is Eric Lamont and I did fill out one of those yellow cards, so it's in there somewhere. And I'm here to speak on North Fork Preserve. I'm President of the Long Island Botanical Society and I do speak on behalf of them. And the Long Island Botanical Society does support the purchase of the North Fork Preserve. We urge the Legislature to approve the purchase today and not table it.

The north acreage of this property, as has been mentioned, is a very sensitive environmental area. It provides habitat for native orchids and other rare plants like a rare aquatic plant called Feather Foil, one of the few locations in New York State that it occurs. The preserve has extensive freshwater wetlands, it has a rare swamp forest and rare upland forest. So this is a very environmentally sensitive parcel and it has been, and for good reason, on the top list of acquisitions for the County and we do support that. Preservation of the North Fork Preserve should be based on the merits of the property alone and not linked to the trap and skeet range which the Long Island Botanical Society believes is not a compatible activity for the North Fork Preserve. Thank you.

D.P.O. VILORIA-FISHER:

(Inaudible).

P.O. LINDSAY:

Yeah. Sir, we couldn't find your card, so if you don't mind filling out another one.

MR. LAMONT:

Yes.

P.O. LINDSAY:

And I apologize, we missed Gail D'Ambrosio, too. Please come forward, Gail.

MS. D'AMBROSIO:

Thank you. Good morning, everyone. Thank you for the opportunity to speak. I am Gail D'Ambrosio and I am the President of the Suffolk County Probation Officers Association. I'd like to address the Suffolk County Executive's 2012 Proposed Budget.

In early 2009, when I first began speaking before you, there were 288 Probation Officers in Suffolk County with just over 15,000 cases. Today there are 270, 18 less of us with over 18,000 cases which is 3,000 more. In addition to the additional cases, we have had three new State mandates during that time that have increased our responsibilities tremendously; they are Leandra's Law, Ignition Interlock and the Rockefeller Drug Laws.

I'd like to go through the process that a probationer goes through and what the benefits are to Suffolk County. Let's say a 19-year old man gets arrested for possession of a controlled substance, say heroin. Given these facts, and others, collected by the Probation Officer, a recommendation is made to the Court by the Probation Officer that this offender be sentenced to probation rather than incarceration. Considering it costs about \$3 a day to supervise this 19-year old defender on probation rather than \$250 a day to house him in jail, probation is cost effective for Suffolk County. Now, once assigned to a Probation Officer, the man must get into treatment, find housing if he doesn't have it, get a job or into school and, above all, not get rearrested. The Probation Officer exercises judgment while continually evaluating if this man is successful on probation or if he must go to jail. If the man can remain in the community, the man will bring revenue into the County by paying probation fees, restitution if appropriate, income tax and sales tax.

In addition to this, and most important in these difficult economic times, Probation Officers and the Probation Department generate revenue for the County. For 2011, we will bring in approximately \$10 million in probation fees, fines and State and Federal aid. This is recurring revenue.

There are currently 53 Probation Officer vacancies. The 2012 Suffolk County budget calls for the layoff of two Probation Officers. One slot is a Senior Probation Officer in the Sex Offender Unit and the other is a Senior Probation Officer in the Probation Alcohol Treatment Unit. Almost every day there is an article in the paper about an alcohol-related crash or an issue related to sex offenders, not to mention all the news about drugs or gangs. Doing more with less is taking over another officer's cases when that officer retires, leaves service or is out sick. Doing the impossible is being 53 Probation Officers short, having a minimum of five additional Probation Officers retiring by the end of this year and being slated for two layoffs. The job cannot be done.

We are at the stage that there is potential risk to public safety because we are not able to rehabilitate the offenders or provide the supervision that Probation Officers believe is adequate. Again, thank you very much.

P.O. LINDSAY:

Thank you, Gail. And I apologize again for skipping over you.

Is there anyone else in the audience that would like to address under public portion? Seeing none, I'll make a motion to close the public portion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

**(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY
LUCIA BRAATEN - COURT REPORTER*)**

P.O. LINDSAY:

Okay. Is Mr. Naughton in the room now?

D.P.O. VILORIA-FISHER:

I haven't seen him come in.

P.O. LINDSAY:

Here he is. Do we have -- Barbara, do we have two chairs up there? Could we just -- thank you. Ms. Corso and Mr. Naughton, how are you?

MR. NAUGHTON:

Good morning.

P.O. LINDSAY:

It's my understanding -- I wasn't at the Budget meeting last week, but it was my understanding that neither were you guys, and there was a number of questions about the County Executive's proposed budget. And I thank you for coming today to avail yourself of -- to answer those questions. I'm going to turn it over to Legislator Gregory, the Chair of the Budget Committee, to start with any questioning.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. And thank you, Mr. Naughton and Ms. Corso, for coming here today. As the Presiding Officer stated, that both of you were unavailable to come to the Budget meeting at the request of some of the members of the Budget and Finance/Information Technology Committee. We had requested that you come here today, make yourselves available to answer any questions that I guess any Legislators may have on the budget. I just had a few.

As a member of the working -- Budget Working Group, we've been going through the budget. BRO has -- is going through its analysis of the budget. And one thing that stands out that's apparent, that there are over 700 layoffs in the budget, some of which generate revenue. And it's just -- I just wanted to hear an explanation as to the justification for eliminating positions that generate revenue, but the revenue is included in the budget.

MR. NAUGHTON:

Okay. What we have in the budget, it's 460 positions that were abolished outside of the nursing home. What we did, as the County Exec stated in his message, our preference is for concessions from the unions. We would prefer for there to be a health insurance contribution and that would eliminate the need for the layoffs. That's the first statement I just want to say.

In looking -- when we went through the analysis of picking out which positions, we were -- our goal was to make it across the board as much as possible, to hit pretty much every union, except for the correction officers, because, obviously, with us having to fill a new jail, we knew we could not eliminate any of those positions. There is no positions that actually bring in revenue. I mean, there

are positions that are reimbursed, such as in Social Services and the Labor Department. It was unfair to say that because your position may be partially reimbursed, you can't be impacted from this layoff. I mean, you can go back to last year when we did the early retirement. We did exclude some departments, but even positions that were partially funded, you know, like the Labor Department, they lobbied this body and said that, you know, we could absorb working with fewer people, and if we could save money on payroll, then it would go to the program expenses, and that was all thought here.

What we will be doing, if the layoffs do materialize, is shifting positions throughout the departments. We will have to reprioritize what is done to maximize reimbursements. So, for instance, in Social Services, through the bump and retreat analysis, you may have a person that's 100%, may get impacted by the layoffs, but what we then do is take someone who was less reimbursed and shift them to the Medicaid function so we can maximize revenues. So that's why we do not have to lower the revenue by too much.

LEG. GREGORY:

Since you brought it up, you said analysis of layoffs. It's my understanding that, from the departments that I have spoken to, people that I have spoken to, that they were not advised at all as far as any layoffs. This was something that was done, it appears, strictly in the Budget Office. And there are actually some departments where the administrative staff was completely eliminated, which is something that -- from my understanding, it was not something that department heads would recommend in their -- you know, that they would prefer other cuts in their departments, if there were to be any cuts. So how did that process go? What input did the department heads and commissioners have in putting together the layoff list, if any?

MR. NAUGHTON:

Okay. We made a calculated decision not to involve the departments, because, generally speaking, if you ask a department to give up 10% of their staff, they're going to tell you no. They're not going to give you a real analysis. They're going to look to eliminate people who they consider problem people, they're not going to look at the operations. So we did not think that was a fruitful assignment to do.

What we did was we looked at where we'd been hiring people the last few years, tried to -- so those areas such as in Social Services, that's where we've done most of the hiring. They took a major hit, because that's mostly where our junior people are. To get the maximum savings, we chose higher level positions. This way, through the whole bump and retreat scenario, we will eventually get down to the lower entry level person, but we will achieve savings from people bumping down.

We tried to minimize what we would consider the impact on public safety and general operations. We do acknowledge that we're all going to have to reorganize this County. We are not going to be able to function and perform the same services we are now, but we've told the departments they need to start thinking about reprioritizing what they do, how they do it and start that process now.

LEG. GREGORY:

Okay. And, as I stated, there are some departments where, and off the top of my head I can't recall, but I know there's at least one, I want to say in FRES, where administrative staff, all the administrative staff was eliminated. How do you explain in your analysis how, you know, paperwork and, you know, all the things that they have to do, how is that going to be processed? Do you foresee consolidating that department with some other department or division? I mean, how did that analysis come together where you just eliminate total administrative staff?

MR. NAUGHTON:

There -- I'm pretty sure we did not eliminate all their administrative functions, but, obviously, you know, an operation like FRES, you're not going to look at the field operations. You don't want to impact safety, so obviously there, that's an area where you have to cut admin instead.

LEG. GREGORY:

Now, your -- as far as your sales tax projections and things like that, can you just give a quick glimpse as to why you feel that your sales tax projections are accurate and where the economy is going to be going in the next 12 months?

MR. NAUGHTON:

Sure. In working with our consultant, he came up with various scenarios, looking at what he felt was -- you know, what -- where job growth could be, looking at the consumer price index, housing starts, the Dow Jones, things of that nature, and he felt that, for instance, for 2011, he said that the range was from 2.8% to 3.6%. We chose right in the middle, 3.27. Looking at 2012, he said the bottom end was 3.7, going up to as much as 5%. We felt, obviously, that that was a bit aggressive, so we went almost to his low level and we came in at 3.95.

LEG. GREGORY:

In your estimation, with the sale of the Foley Nursing Home, the revenues projected from that, you feel it's the same as it was prior, in previous, I guess appraisals would be the word, for the sale of the nursing home, or that it shouldn't be lower or --

MR. NAUGHTON:

We lowered the revenue generated from the sale of the license by almost 1.3 million dollars, and we are looking to -- we have an RFP out on the street right now. The results -- the bids are due back I believe a week from now, so we'll see how that turns out. We did look -- we kept the same appraisal numbers for the property and for the equipment, and that's how we -- those are the numbers in for 2012.

LEG. GREGORY:

Okay. That's all I have.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Good morning.

MR. NAUGHTON:

Good morning.

LEG. ROMAINE:

Let me ask some questions. I notice that you're talking about cars in the budget. Vehicles were reduced, if I'm not mistaken, and I'm looking for that. I think the various departments had requested 8.2 million dollars in vehicles and the County Executive had reduced that to one-and-a-half million, if I'm correct.

MR. NAUGHTON:

That's correct.

LEG. ROMAINE:

Okay. Obviously, that means that a lot more cars are going to age out and get older. At the same time that you're reducing vehicles, the amount needed for vehicles, for replacement vehicles, obviously, you're going to have an aging fleet. You also reduced what you were going to spend on

vehicle repairs. So how do you expect cars to run as they age out if they're going to need more repairs, and, in fact, you're providing money for less repairs? I'm just interested in how that formula works. I know it doesn't work for me. If I don't maintain my cars, as it age out -- ages out at a certain point, it needs more and more repairs. So maybe you could explain how that works for the County when it doesn't work for most of the people in this County in their personal lives.

MR. NAUGHTON:

You know, we actually probably would have loved to have added more money for cars, but historically this body has looked at the vehicle line as an easy way out to fund their other priorities, so that's why we only limited it to one-and-a-half million dollars. For instance, this year you yourself moved money out of the vehicle line to fund one of your needs, so that's why that money is at one-and-a-half million. We are buying --

LEG. ROMAINE:

Maybe you could address my question, which was not why you had reduced it, but why you had reduced repairs since the fleet is aging out.

MR. NAUGHTON:

Well, remember --

LEG. ROMAINE:

Because older cars break down more frequently, and you would think, okay, we're not going to buy cars, but we're going to make sure that we put in monies for repairs, because what you did appears, at least on the face of it, as nonsensical. So maybe you could explain that.

MR. NAUGHTON:

With the cars that we're buying this current fiscal year, that will reduce the amount of repairs that will be needed next year.

LEG. ROMAINE:

And how many cars are you buying this current fiscal year?

MR. NAUGHTON:

There's about 40 public safety vehicles that are being purchased.

LEG. ROMAINE:

Because I believe the department heads this current year, in 2011, had originally requested 3.6 million, but you gave them 2.6 million.

MR. NAUGHTON:

No. We wanted to give them 3.6. You, as a body, chose to give them less.

LEG. ROMAINE:

Okay. So what are you doing about repairs? How do repairs get handled in this budget, car repairs? What happens when we run out of car repair money and cars break down?

MR. NAUGHTON:

Again, this body has told us that we have more than enough cars out there, so we should have enough money.

LEG. ROMAINE:

For repairs? This is not cars, I'm talking about repairs. And you keep on talking about cars because you don't want to address repairs.

MR. NAUGHTON:

If we find the need for additional money, we will, as we do every year, reprioritize, make cuts elsewhere, but right now we're comfortable with the number that's in the budget.

LEG. ROMAINE:

So we have an aging fleet. You've cut what your department heads requested by a considerable -- because total, they requested 8.2 million, you gave them one-and-a-half million. You blame the Legislature, and then you cut the money for repairs for cars. I got to tell you, it doesn't seem to add up at all.

Let me ask about some other things. You're laying off a lot of people. Have you provided enough terminal, vacation and sick pay for all the people you are laying off?

MR. NAUGHTON:

Yes, we have. In the contingency budget we have money in there to pay out for vacation pay for those employees.

LEG. ROMAINE:

And where is that in the contingency budget?

MR. NAUGHTON:

There's a line item within the miscellaneous department and it's labeled for that.

LEG. ROMAINE:

Right, I know. I know in the Health Department in the general administration, you -- there's 224 positions there; you're reducing that to 160. I think you put in terminal sick pay \$70. I wonder if 60 people, 64 people that you're letting go have terminal sick pay of \$70.

MR. NAUGHTON:

Once again, when you get laid off, you do not get paid for your sick pay.

LEG. ROMAINE:

Okay. Do you get paid for your vacation pay that you've accumulated?

MR. NAUGHTON:

Yes, you do.

LEG. ROMAINE:

You've put in \$3,818 as you're laying off 60 people -- 64 people in the general administration of the Health Department. Could you explain that?

MR. NAUGHTON:

As I stated in the beginning, the money for all the layoffs, their vacation pay is in the miscellaneous budget, over a million dollars.

LEG. ROMAINE:

And how many people are you laying off?

MR. NAUGHTON:

The budget abolishes 464 positions.

LEG. ROMAINE:

Four hundred and sixty-four positions, and you believe a million dollars is sufficient? Have you done an analysis of the vacation pay of the people --

MR. NAUGHTON:

Yes.

LEG. ROMAINE:

-- that you're laying off?

MR. NAUGHTON:

We have looked at which people we think will be impacted. We took a look at the amount of accruals and that's how we did the calculation, and we have shared that information with the Budget Review Office.

LEG. ROMAINE:

Well, now I'd like you to share it with me. I need a yes or no answer. Did you look at the --

MR. NAUGHTON:

Yes.

LEG. ROMAINE:

-- number of people you're looking (sic) off -- okay, you did look at that. Next: And you looked at the hours of vacation pay on their accrual sheets as you got to this budget and did a calculation, and you feel a million dollars for 400 people is enough of a payout, and that you will not stick the next County Executive with that bill?

MR. NAUGHTON:

The answer is, once again, yes. We've looked at where the people -- which people could be possibly impacted, we looked at their current accruals, and that's how we -- that's the amount of money that we funded.

LEG. ROMAINE:

In the 2012 budget -- let me go to a topic that you did not cover.

Let me talk about 18-B attorneys. We got a memo from our County Attorney that said as of September 1st, they did not have money in the budget. She estimated that a half a million dollars would be expended. This is not an option, this is legal defense for those that are indigent, those who are poor that we have to provide by State Law, and she estimated, between September 1st and December 31st, we'd expend about a half a million dollars. I looked for that money in the 2012 budget, because you're not paying the County Executive's people and said, "Well, we just won't pay them." That will come due next year. And I'm saying, "Where's that half a million dollars?" You're going to stick that on the new County Executive? I didn't find it. Maybe you could tell me how you provided for it.

MR. NAUGHTON:

Unfortunately, because of actions taken by this Legislative body, we inherited the extra 500,000 this year, and that money will continue to roll into the following years.

LEG. ROMAINE:

Did you provide it for the new County Executive? Where is he getting the -- he or she getting that money from?

MR. NAUGHTON:

If you -- if this body chooses to add it, you may.

LEG. ROMAINE:

But you didn't?

MR. NAUGHTON:

We did not.

LEG. ROMAINE:

That's the height of irresponsibility in my personal view. You know you have an expenditure, you know that you have to pay it. You did not -- you have not the money to pay it, and then you refuse to put the money for the next Executive to pay it. That's a short-falling. That's inexcusable. And let me tell you, you know, I'm sure you're going to want to work in the budget field after this, this is not a good resume-builder.

MR. NAUGHTON:

I'm assuming, then, that you feel that it was irresponsible for the Legislature to initially take out the money in 2010; is that what you're saying?

LEG. ROMAINE:

I'm talking about 2011 and I'm talking about 2012. You want to settle past grievances, you can do that when you argue it with your next employer. Right now they're looking at a budget that you put together and you were standing behind. You stand behind everything in this budget. Is there anything in this budget that you feel does not balance, or do you feel this budget is balanced?

MR. NAUGHTON:

This is a balanced budget that requires tough decisions. We easily could have taken choices that would have -- really have burdened the future. We could have looked at one-shots, we could have looked at a lag payroll, we could have looked at the sale of the Dennison Building, I mean, we've heard that idea before, but we chose not to do that. We chose to look at recurring items. Yes, it is difficult to say that you're going to lay off 464 people. Yes, it is difficult to say that you're going to close the nursing home and save money there. However, those are the tough decisions that have to be made by elected officials and that's what we've done.

LEG. ROMAINE:

Well, let me go right to 2011 then. Do you have a breakdown of the expenses for Tropical Storm Irene that you can present to this Legislature today?

MR. NAUGHTON:

Unfortunately, we do not, which is why we did not come forward with a CN today.

LEG. ROMAINE:

So I guess you're not going to get the 12 million for Irene because I raised those questions, because I doubt it very severely that Irene cost this County 12 million, since you can't charge straight time.

But let's move on beyond that to sales tax growth. Is the sales tax estimate that you presented to this Legislature, as the Budget Director with the budget that you stood behind last year, in fact on track for 2011?

MR. NAUGHTON:

Currently, we've collected 2 1/2% over last year. The budget was -- requires a 3.27, so we are slightly below. However, if you remember last year, we were at 5 1/2% growth, we ended the year at 6 1/2% growth. So there is still another more than four months remaining in the sales tax year and we are still confident that the number will pick up during the year.

LEG. ROMAINE:

Well, I hope you're correct, but hoping and wishing don't make it so. So let's take a look at it. We're at 2 1/2% now and you estimated what, sir?

MR. NAUGHTON:

3.27 for the year.

LEG. ROMAINE:

3.27 per year. What's that difference if it was to equate out for the remainder of the year? What would that mean in terms of absolute dollars?

MR. NAUGHTON:

If we only come in at 2 1/2%, it would be a shortfall of eight million dollars.

LEG. ROMAINE:

Eight million dollars, that's it, as opposed to 3.7?

MR. NAUGHTON:

Correct.

LEG. ROMAINE:

Okay. So what are you estimating for 2012? This is your consultant, which, by the way, has never had the -- I think our Budget and Finance Chairman invited the sales tax consultant and he's not here so we could question his estimates.

MR. NAUGHTON:

Actually, no. The people that were invited are the two people that you see here right now.

LEG. ROMAINE:

Okay. So let me ask now. Can we get a report from your sales tax consultant? Obviously, it's County money, not the County Executive's money that's paying him. Can that be given to every member of this Legislature, as well as the media, so we can see how he based his projections?

MR. NAUGHTON:

We're very proud of the work that our consultant does and we would be more than happy to share it.

LEG. ROMAINE:

That would be wonderful. I'm sure Rick Brand and et. al. over there would be happy to take a look at that as well.

MR. NAUGHTON:

Unfortunately, though, we don't respond to the media, apparently, which you must do.

LEG. ROMAINE:

Well, we do because we're public servants. You may be insulated. You did have a Civil Service title, I know you don't any longer, so you're less insulated. But as elected officials, we try to respond to the public and to the media, because we think in a democracy sharing information is not a bad thing.

MR. NAUGHTON:

And I totally agree with you.

LEG. ROMAINE:

Well, excellent. So I look forward to getting that report. If you don't forward it to the media, I'm sure some of my colleagues and myself will.

All I can say is I look at this budget -- and let me ask you one other thing. You laid off people in the Labor Department that were fully funded, if I'm not mistaken, fully Federally funded, and you took the money for their salaries and reflected it as revenue, but you laid them off. How's that possible?

MR. NAUGHTON:

I don't know what you're reading, but we reduced the revenue in the Labor Department. So, I'm sorry, you have to show me what you're looking at.

LEG. ROMAINE:

I'm looking at Federal funds for positions in the Labor Department. There were six positions, I believe, that were funded fully by Federal funds --

MR. NAUGHTON:

And those funds were --

LEG. ROMAINE:

-- that you eliminated in the budget, reflected eliminated, but reflected the revenue as if you were accepting it.

MR. NAUGHTON:

That's not an accurate statement. We reduced the revenue in correspondence to positions that were reduced.

LEG. ROMAINE:

Well, let me ask you the question this way: Did you eliminate any positions that are Federally funded?

MR. NAUGHTON:

Yes, we did.

LEG. ROMAINE:

Did you still accept the Federal funds, or did you eliminate the Federal funding?

MR. NAUGHTON:

We reduced the Federal funding to correspond to the dollars that were eliminated on the expense side.

LEG. ROMAINE:

Let me ask you something. If you're getting something to do work in the Labor Department that helps people that are unemployed and you're getting Federal dollars, why the heck would you not accept Federal dollars simply to reduce the number of staff? I know there was a demand or, from what I understand, urgency about making sure that the layoffs exceeded that of Nassau County that was expressed in the Executive wing. However, why would you -- why would you lay off positions that are fully Federally funded, not accept the Federal revenue, when the jobs of those people are to help those unemployed get reemployed?

MR. NAUGHTON:

You're being very comical right now. I don't know why you would think that we're in competition with Nassau County. Our analysis was done independently. We do not care what Nassau County is doing. Maybe you do, but we do not. So to make that statement is an insult to us and I don't

appreciate it.

LEG. ROMAINE:

Well, if I've insulted you, I've hit the target correctly. Let me move on from there and go back and say to you, why, why would you eliminate -- why would you refuse to accept Federal funding and eliminate positions for people in the Labor Department whose jobs it is to help the unemployed get reemployed?

MR. NAUGHTON:

Although you choose to disrespect me, I will not disrespect you, because I have respect for this body, and I will continue to answer your questions. We looked at the Labor Department because they are not -- I mean, there's a belief out there that they are 100% reimbursed. It's not totally that. There is the cap that funding is -- it is a high rate. However, just also remember that when those people leave, we have to continue picking up the cost for their health insurance. The Federal government doesn't allow us to bill for that. Last year, when they left for early retirement, we were under the impression that that was going to be reimbursed. It turns out that wasn't. So, no, it's not -- everything that you're told is not necessarily accurate, okay?

LEG. ROMAINE:

I could go on, but I don't want to monopolize.

P.O. LINDSAY:

Thank you. Thank you, Legislator Romaine, for not monopolizing the conversation.

*(*Laughter*)*

Legislator Browning.

LEG. BROWNING:

I don't know if there's any questions left. I was approached by a local ambulance company, and you talked about not jeopardizing safety, public safety. CME training, you're familiar with that?

MR. NAUGHTON:

Yes.

LEG. BROWNING:

Okay. It's my understanding that three positions have been abolished, and these are the people who certify our ambulance company volunteers and that money is reimbursable. It's my understanding that the ambulance company volunteers pay \$75 for the training, and that that money, once they're certified, we are reimbursed for those positions -- for that training and for the certification of the volunteers. Why would we -- and again, the reason being is that our ambulance companies are having a hard time getting volunteers as it is right now. So to no longer give them an opportunity to get their volunteers certified, that's their concern, is it's going to reduce the number of volunteers that they have, which in the end is going to jeopardize public safety.

MR. NAUGHTON:

There is one position there that we've -- that we relayed to the Budget Review Office that -- in FRES that we should not cut, that is the volunteer programs Coordinator. We agree that that position should not be included with the layoffs. The other positions in FRES, the -- was a senior account clerk typist, a GIS technician, and an ambulance {certificate} consultant, so those won't impact what you're referring to.

LEG. BROWNING:

Well, I was told that these were people who basically are responsible for the recertification and certification of these volunteers, so I will get back with you on that one.

MR. NAUGHTON:

Sure thing.

LEG. BROWNING:

Another issue. We have a representative from Thursday's Child here today, contract agencies. And I was looking through the various contract agencies and some were totally defunded, like Thursday's Child, and other ones were not defunded or even reduced, some 5%. It just seems to me it was, you know, oh, well, let's do five here, let's do 20 here, and let's do 100% here. How did you determine who got cut by what percentage?

MR. NAUGHTON:

Sure. First of all, if the agency was 100% funded, we did not cut their funding. Our plan was, since we had 464 live County employees that were going to be abolished, we felt that we also had to impact the contract agencies, so we reduced them by 5%. Any agency that got additional funding through the omni process, we reduced that omni funding, so that we had a base level and then we cut from there. Also, there were some recommendations from the Health Department to not fund some agencies because they felt they did not provide a service that they could justify.

LEG. BROWNING:

Okay. And like I said, Thursday's Child is here today. They're the only agency that do what they do and we have totally defunded them. What are we doing for the residents of Suffolk County when we are not providing a necessary service? And also, I do apologize, I was reminded that the CMA training is not through FRES, it's through the Health Department, so those three positions are in the Health Department that were defunded --

MR. NAUGHTON:

All right. We'll take a look at that again.

LEG. BROWNING:

-- and eliminated. But again, what are we doing for the residents of Suffolk County when we have an agency like this one? It's the only one -- they're the only ones who provide that service and we have defunded them. So what's your plan for the residents of Suffolk County who have used their services in the past?

MR. NAUGHTON:

Unfortunately, in this budget, we had to make some tough choices. We had to look at things that are mandated, look at things that are discretionary, and if it was not mandated, unfortunately, some of those things had to be eliminated.

LEG. BROWNING:

I don't think I got an answer. So, in other words, it's to hell with them, right?

MR. NAUGHTON:

Those were not my words. There's --

LEG. BROWNING:

Sounds like it.

MR. NAUGHTON:

There's millions of dollars in the budget for contract agencies. If this body wants to reprioritize that,

that is your prerogative.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Mr. Naughton and Ms. Corso, thank you very much for being here this morning. Certainly, I understand your function in terms of defending the County Executive's budget. That's your role and that's your job. And it's our job to really take a look at all the different issues associated with that particular budget. And normally, 96, 97% of the Executive's budget is usually adopted. Hopefully, and respectfully, that will not be the case this time. The County Executive's budget, in my judgment, is starved for revenues and has a great deal of cuts. And you made a statement that you're looking at recurring revenues because you want to make the tough decisions. Well, I can make tough decisions when I have to make them, and I don't feel we have to make them at this juncture. And what I'm going to offer is several proposals to generate revenue in the budget. If you wish to comment, fine, but I'd like you to take them back to the County Executive so he takes a second look. I will never support any further layoffs of 462 people. That's just not going to happen with Tom Barraga, I will not do it. And I guess this is a question of perspective.

*(*Applause*)*

Please, don't applaud. My role here as a Legislator, individual Legislator, has been to not increase taxes and avoid layoffs, but 462 is unacceptable from my perspective. It is predicated on a condition which says in order to avoid the 462 layoffs, we have to have the unions agree to contribute to their health insurance, maybe the equivalent of up to 25% of the total annual premium. In my judgment, that's never, never going to happen. What should happen is that we should take a look at the additional revenues that are there, and they total over 110 million dollars.

A couple of years ago, with those same unions and their corporation, we did a lag payroll. We generated 31 to 32 million dollars. That's equivalent to what we would save by laying off 462 people. I think the unions realized that at some point in time they will have to start contributing, their members, to their health insurance. So, if you sit down with them, the right people sit down, maybe that includes some of you in the Executive Branch, to work up another lag payroll, maybe there's also an agreement on the part of the unions to say prospectively all people who are going to be employed in Suffolk County in the future, they will pay a certain percentage toward their health insurance.

In the State of New York, frankly, we've never penalized people. Take a look at the retirement systems, Tier I, II, III, IV and V. We came out with Tier III, we didn't penalize Tier II. Tier V, we didn't penalize Tier IV. If an individual in the future doesn't want to pay a percentage of their health insurance, then don't take the job, go someplace else. Right now, if we went along with the County Executive's budget and the current employees had to pay, that annual premium for family coverage is anywhere between forty-one and forty-eight hundred dollars a year, a dramatic reduction in pay, and what does that do to stimulate the economy? Lag payroll, take a look at it. Take a look at it. Sit with the unions. I'm sure they're not interested in losing 462 people and seeing bumping that might total fifteen hundred or 2,000 people by the time it's over.

The reserve fund, 60 million; Irene, 48 million. Use the 48 million dollars. That's why they call it a reserve fund. So you got 48 million, plus another 31 or 32 million dollars. You use reserve funds in the hope that in the future, because you're getting through a crisis, the economy will improve next time you deal with the budget.

Tobacco securitization. If it was good in 2008, why isn't it good in 2012? We did 75%, we got 220 million dollars. We paid off five years of general obligation bonds. We didn't close the budget gap, but 39 counties that took the securitization back then did use the money to close their budget gaps. If we have another 25% left that generates 33, 34 million dollars, let's do it. Let's do the securitization, because cigarette usage in the United States is going down. It just makes sense, as it made sense five years ago. If you take the securitization, the reserve fund, and the lag payroll, you come up with about 112 million dollars. It is doable, as opposed to what we're seeing here, you know, one member of the Legislature keying in on this area of cuts, another member on that area of cuts. You know, it's like looking at a sentence with two lines. I'm looking at the entire sentence, both lines, while others are looking at the comma and the period. We have to close the gap. We are starving for revenues. These are three alternates that you should consider using. And I know it's not easy.

You know, I understand where the County Executive comes -- I understand his mind set, all right, but I am just as fiscally conservative as he is, but I will not -- I think I've drawn the line on this, because there's no need for 462 cuts when you have three alternate sources that could easily generate over 100 million dollars and close the gap.

And, you know, there was a comment made, you know, these are one-shots. When you were an infant, politicians were using one-shots. Mario Cuomo sold Attica Prison to the New York State Dormitory Authority to get us through a crisis. Every year you'll probably find one-shots in most budgets. If you use these alternate sources and the economy doesn't improve, then I have no qualms about the Romaine proposal to sell the Dennison Building next year. We keep at it until we generate the revenues necessary and the economy turns around to get us in a stable format. All I'm asking you to do is go back and consider these proposals. And we don't have a lot of time. In a few weeks, probably this has to be put to bed. But, you know, that reserve fund is there, that's doable. The securitization I believe is doable. The union, work with the unions. If there's -- if there's personality problems, get people involved who don't have personality problems, because what we're talking about here is what's in the best interest of the people of Suffolk County, and the best interest of 462 people who might lose their jobs. Thank you.

MR. NAUGHTON:

All right. Just to say, obviously, the County Exec -- and we respect your conservative values and respect the work that you do here. We did look at each of these items, starting first with the lag payroll. Our feeling with the lag payroll was, first, we didn't know if the unions would negotiate with us. We didn't -- also, more importantly, we were looking for recurring savings. We did not want people to say, "You found an easy out, you found 31 million dollars," and in return, you would probably have to give up -- probably have a no-layoff provision in the budget, things that would hamper the incoming County Executive, so that was not something that we wanted to do.

LEG. BARRAGA:

But you had no conversations with the unions. That was -- you know, that was a discussion among yourselves. There was nobody reaching out to see what the union point of view might be on this issue?

MR. NAUGHTON:

We did meet with the unions back in, I think, late July to discuss the fact that we were going to probably put layoffs in the budget and looking for alternatives. They came back to us and said raise taxes and raise taxes. There was -- did not seem to be any willingness on their part to come up with any other alternatives and that's where we ended.

LEG. BARRAGA:

But there was a willingness less than two years ago. Now the specifics are out there, 462 people losing their jobs. What I'm saying is that reopen the discussions.

MR. NAUGHTON:

That's -- no. We'll take that back to the County Exec. And this Legislative Body, also, I think there was an item that never made it out of committee to ask us to look at that, so I don't know if that's the will of the rest of this body.

LEG. BARRAGA:

Well, you know, it's not up to the Legislative committee to tell you to look or not look at something, it's up to you. I'm suggesting you and the Executive Branch take a second look at this. Sit down with the unions again, see if you can work something out.

MR. NAUGHTON:

Okay. Looking at the reserves, there is zero chance that we will deplete our reserves. That will guarantee a full downgrade from every single rating agency that will increase our cost to borrow. That is just something that we can't support.

LEG. BARRAGA:

And I understand that, and I've heard that before. Our long-term interest rate on debt in this County is down to 3%. Bernanki, Bernanki has suppressed interest rates in this country to save the banks, to save the financial institutions, who are not giving out loans, incidentally, all right? He's effectively -- what he's effectively done is actually starved and destroyed interest income for most of us. But even if you get a downgrade, what's it going to go to, what, three-and-a-quarter, three-and-a-half percent? And why the hell would you be so concerned about a rating agency. This is Fitch, S & P and Moody's.

Less than two years ago, on the bundling of sub-prime mortgages, they overrated those mortgages, and billions and billions of dollars -- hundreds of billions were lost, and tens of thousands of people lost their shirts based on their ratings. You have a system in this country, and you know this, Mr. Naughton, where the issuer hires the rating agency to evaluate what they want to bring to market. Those three rating agencies got over 80 million dollars from those very entities that brought those sub-primes to market. It's a system which has unbelievable conflict, and yet, you know, you want to quote a rating -- a downgrade by S & P or Moody's? They have no credibility with me and they never have the way they're currently set up. So the worst that could happen is so you go to -- you have a downgrade and you go to three-and-a-quarter, three-and-a-half on long-term.

MR. NAUGHTON:

Our fear is that the increase would be a lot more than that. We think we would probably actually go up 100 basis points.

LEG. BARRAGA:

Well, let me tell you something. Even if it went up 100 basis points, I'm not so sure in this economy you should be doing a lot of borrowing anyway.

MR. NAUGHTON:

We agree with you. We submitted a Capital Budget that had debt at a very low level, but others disagreed with us. So that's where we are now.

LEG. BARRAGA:

Anything else?

MR. NAUGHTON:

Tobacco securitization. We actually did look at that. We think the number was probably closer to about 25 million that could be generated. And again, our premise was to present to this body and to the citizens a budget that included recurring savings.

LEG. BARRAGA:

So what you're admitting, at least 25 million dollars.

MR. NAUGHTON:

Correct.

LEG. BARRAGA:

I had heard from Budget Review maybe 33. The interesting thing is that when we did it at 75% in 2008, we generated 220. The other 25% on the face, it looks like it would be worth about 50. So maybe the figure goes down because the usage, cigarette usage is continuing to decline. Take the 25 million, just do it. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. You've heard, I guess, some of the things that my colleagues have spoken about as far as questions where the cuts were and wondering why there weren't different choices that were made by the Exec's office. And being part of the Working Group and having had an opportunity to speak with departments, I will say one thing, that either it's you in the Budget Office or the Exec missed the mark on. You underestimated the knowledge or resiliency of the very Commissioners that you put in place to carry out the policies for this County for the last eight years. It is a sad reflection that you weren't willing to hear what they would bring forward as far as different ways to deliver service or configure their departments that have actually resulted in what may be multiple millions of dollars worth of savings and better delivery of service, and I think it's a reflection of a policy that's gone wrong. It's almost a requiem, if you will, on how County governance has devolved.

We're looking at trying to put something together that's not going to put this County completely on the rocks and have the ship bust into pieces into 2012. And yet, as I sat here and listened to Legislator Barraga and Legislator Romaine, I've thought of the multiple different initiatives that this body has brought forward, or efforts we have attempted to do. Tax liens, securitization, we've tried to talk about that, but it's never gotten any kind of full vetting. A creation of a Traffic Violations Bureau that would bring in multiple millions of dollars never went anywhere because of an unwillingness on the part of the Exec to implement what was necessary to put that major shift.

Our employees shouldn't be decimated, although I will say I am a proponent of consolidation. We can no longer keep the large exoskeleton of County governance that has proliferated under the last eight years. We can't lay off chemists in Medical Examiner's Office that weigh out narcotics to prosecute drug dealers and keep 21 public relations positions in the Police Department. That's unconscionable.

Like my colleague, I will not support the 700 layoffs because I will never support closing a facility that delivers services to our injured and ill County residents here. But I'd say that you missed the opportunity to actually engage some earnest and serious reforming of County government in a better fashion and we will do that now. Thank you for being here.

P.O. LINDSAY:

Mr. Naughton, I just really have one comment and one question, because, unfortunately, the two of you are between us and lunch.

*(*Laughter*)*

And I don't want to be repetitive. You mentioned that you didn't want to entertain a lag payroll again, but, yet, the County Executive entertained it with the Deputy Sheriffs to assure that they'd stay on the Expressway for the next four years. How do you explain that?

MR. NAUGHTON:

That we are getting a benefit of a four million dollar deferral, and we get to save money by patrolling --

P.O. LINDSAY:

Isn't a deferral a lag payroll?

MR. NAUGHTON:

No. We're deferring part of their retro pay that they're getting from their union award.

P.O. LINDSAY:

But it's really the same thing, guys, come on, whether I take out so much a week or I don't get an increase. I'm not going to argue that with you. You answered a question before and I'm going to ask you this again. I mean, this is your profession. You've been in this field for a long time. Is this balanced -- is this budget balanced?

MR. NAUGHTON:

This budget is balanced?

P.O. LINDSAY:

If you were under oath, would you say that?

MR. NAUGHTON:

This budget is balanced.

P.O. LINDSAY:

If you were under oath, would you say that?

MR. NAUGHTON:

Yes, I would.

P.O. LINDSAY:

Well, maybe that's something we'll have to do. Okay. Thank you very much. Oh, wait, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Before you go, Eric, you had mentioned before in relation to the tax stabilization money that you were concerned. This was, I think, Legislator Barraga's idea of going deeper into tax stabilization reserves, and you had said that would compromise our credit rating and you were concerned about that. Recently, Standard and Poor's credit rating agency issued a negative outlook for Suffolk County, and I believe that they cited more than anything else our reliance, not our small Tax Stabilization reserves, but our reliance on the use of one-shots or non-recurring revenues. I had asked in committee, Budget and Finance, the other day if -- Eric Kopp was there -- if he knew the dollar amount of nonrecurring revenues contained in this budget; he did not. I don't know whether we'll be able to pass a budget. We're going to try. We're going to need probably 12 votes to override the County Executive veto. We may end up with the County Executive's budget. And I think it's a fair question to know the extent of nonrecurring revenues or one-shots contained in that budget, because, frankly, we may be running out, although Legislator Barraga says this is something that's been done since the beginning of time. That may be true, but there are only so many County assets that can be sold or mortgaged. There's only so many things that you -- you can only do

these things by the nature of them being one-shots once. So I would like a dollar figure in terms of how many millions of dollars in one-shots are contained in the proposed budget that we, therefore, then would have to come up with new one-shots or new revenues to replace in subsequent years.

MR. NAUGHTON:

Roughly, in the budget we have somewhere in the range of roughly about 25 million dollars in various land sales and that's the extent of our one-shots.

LEG. SCHNEIDERMAN:

You have the Yaphank land in there.

MR. NAUGHTON:

Correct.

LEG. SCHNEIDERMAN:

How much is that?

MR. NAUGHTON:

Twelve million.

LEG. SCHNEIDERMAN:

Twelve million from the Yaphank land.

MR. NAUGHTON:

Correct.

LEG. SCHNEIDERMAN:

The nursing home?

MR. NAUGHTON:

I was excluding the nursing home. The nursing home, we're asking for a transfer. It's roughly about 12 million dollars from that.

LEG. SCHNEIDERMAN:

Okay. And you had excluded that. Do you have the 300 or 400 acres, what was known as Legacy Village, is that -- I think it's 300 acres. Is that in your budget?

MR. NAUGHTON:

That's part of the money that we're -- remember, we're selling Yaphank in two pieces. We expect to get some money this year and some money next year. In total, it's 27 million over the two years.

LEG. SCHNEIDERMAN:

And was that in your 25 million dollar figure?

MR. NAUGHTON:

No, because part of that is this year. The budget assumes 15 million this year, 12 next year.

LEG. SCHNEIDERMAN:

Okay. And there are some other reserves in there, sewer stabilization money coming in. That's a one-shot as well?

MR. NAUGHTON:

We don't look at that as a one-shot, because we -- that money, we're going to get it for '11, '12 and '13, and hopefully, if we change the legislation, you may get some more in the out years.

LEG. SCHNEIDERMAN:

Okay. But by nature it's a one-shot. It's from a reserve account, so you're not counting that.

MR. NAUGHTON:

Correct.

LEG. SCHNEIDERMAN:

Okay. So we -- I know our Budget Review Office had a much larger discrepancy. They felt that certain revenues were overestimated and certain expenses were not. There's a large discrepancy there, I think somewhere around 90 million dollars. But within the County Executive's budget, there's some 30 million dollars from these -- from the layoffs, which I don't agree with, but they are recurring revenues. A lag is not exactly a recurring revenue, because you -- it's a one-shot and then you still have to bank the money somewhere when people go out. But if that 30 million is there from the layoffs, then there still must be another 70 million dollars in nonrecurring revenue that's in this budget. So I'm not really sure how you got the 25 million. It seems to me just back-of-the-envelope, that that's got to be -- that's got to be at least 50 million dollars shy.

MR. NAUGHTON:

I haven't seen that report. I don't know if they're combining '11 with '12.

LEG. SCHNEIDERMAN:

Let me ask BRO if they have a sense. And maybe they're not prepared at this point to answer it. Gail, do you know the extent of nonrecurring revenues contained in the proposed 2010 County Executive budget?

MS. VIZZINI:

Well, as Eric indicated, it's a combination of -- you know, you have 12 million dollars coming from Tax Stabilization Reserve for Hurricane Irene in '11. Granted, there's the expectation that the FEMA money will reimburse us in '9, but in terms of one-shot use of a reserve, we would consider that, the 12 million, you know, in our definition of one-shot. There's also a recapturing of tobacco monies, seven-and-a-half million. That's -- depending on how you look at it, whether it's money we should have gotten anyway and we didn't because it was held back, or it's a one-shot, but it's not going to be replicated. I'm sure we will have our -- in our report, we'll identify the specific revenue areas that we feel are overstated, the use of the one-shots and the expenditure lines that are grossly understated.

LEG. SCHNEIDERMAN:

Do you believe this is a balanced budget that's been given to you?

MS. VIZZINI:

I'm pretty much on the record that it is precipitously balanced on, in my opinion, inflated revenue and understated expenditures, but that's my opinion.

LEG. SCHNEIDERMAN:

To a degree of about 90 million; is that correct?

MS. VIZZINI:

At least.

LEG. SCHNEIDERMAN:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Gregory. We've got ten minutes; I got two more Legislators. Thank you.

LEG. GREGORY:

Just a quick question. Really, based on your statement previously on the layoffs and the payouts of vacation time and sick time, you made a statement that sick time is not paid out. That is generally the case with the exception of Police Officers, which there are 20 police officers and I think six pilots that are in the budget to be laid off. So I'm not sure that one million dollar reserve or contingency fund may be accurate. I know that -- well, respond to that.

MR. NAUGHTON:

Okay. The 20 -- we eliminated 20 titles in the Police Department, ranging from sergeants to lieutenants and detectives. Through the bump-and-retreat process, the people that will be impacted are 20 police officers. Those are the people who just entered the academy this year, so the amount of time they have on the books is minimal.

LEG. GREGORY:

So you made that calculation, including that.

MR. NAUGHTON:

Correct.

LEG. GREGORY:

Okay. All right. Thank you.

P.O. LINDSAY:

Last question, Legislator Nowick.

LEG. NOWICK:

Yeah, just two questions. And just on that Legacy Village, are we in contract to sell that? You've included what, 12 million in the budget? Are we in contract for next year? Will that materialize next year?

MR. NAUGHTON:

We're not under contract. The land is being marketed right now and we hope to close on 95 acres this year.

LEG. NOWICK:

But we have a buyer?

MR. NAUGHTON:

No, no. It's currently being marketed. We do not have a buyer identified right now.

LEG. NOWICK:

Okay. So there is not a buyer, there is not a contract, and we're marketing it, yet you feel that we could come up with the revenue in 2012; it would be that fast?

MR. NAUGHTON:

From the information that we received, that yes, we still are confident in that.

LEG. NOWICK:

Just one other question and I'll stop. If the layoffs come to fruition, the County then has to also pay the lag from two years ago, correct, when people are laid off?

MR. NAUGHTON:

That is correct.

LEG. NOWICK:

Do you know if any of those 700 and some-odd people have endured a lag payroll twice? I know some people have. Just a question, just curious.

MR. NAUGHTON:

Until the actual bump-and-retreat analysis is done, I won't be able to say 100%. But my feeling is that, for the most part, most of those people should probably just have it one time.

LEG. NOWICK:

Then they haven't been employed that long.

MR. NAUGHTON:

Correct.

LEG. NOWICK:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

Yeah. You said that there's 20 positions being eliminated from the Police Department.

MR. NAUGHTON:

Correct.

LEG. EDDINGTON:

And we have a class ready, right? How many people in that class?

MR. NAUGHTON:

We have delayed the class until December 26th, and that's a class that's supposed to be 60 people.

LEG. EDDINGTON:

Okay. So why don't we just reduce the class to 40 and not lay off active experienced officers?

MR. NAUGHTON:

Again, as we've stated, this was -- we're trying to work with the unions. We're trying to get concessions and this was the -- our strategy.

LEG. EDDINGTON:

That sounds like bribery or extortion or -- I mean, it doesn't make sense to reduce our staff of experienced people and bring in unexperienced people. I mean, that just doesn't make sense to me.

MR. NAUGHTON:

As I stated to Legislator Gregory, the actual officers that would be leaving have been with the County for less than a year. They're the ones that we just hired this year. So we're not losing experienced officers --

LEG. EDDINGTON:

But a year of experience is better than somebody fresh out of the academy.

MR. NAUGHTON:

It's not even a year. These are the people that were hired early this year, just got out of the academy I think probably about a month or two ago.

LEG. EDDINGTON:

I guess you're not -- missing the overall picture of what I'm saying. For six years I've been hearing the same thing, "Oh, but we can do it." And my response is, but is it the right thing to do? You're playing with people's lives. If you don't hire 20 people, I think that's much more acceptable than laying off 20 people that have changed their whole life because they've been hired by Suffolk County Police Department. Plus what kind of a precedent are we setting for the future? I mean, we get 20,000 people to apply for our positions and I think that's great. We get money for that, don't we?

MR. NAUGHTON:

Not as much as we used to, but, yes, we do.

LEG. EDDINGTON:

Well, I wonder why. Maybe because we're not treating them as good as we used to.

MR. NAUGHTON:

No. Actually, it's because of a change that the Legislature made in the rate that we can charge, but we won't get into that right now.

LEG. EDDINGTON:

I didn't hear exactly what you said, but it's our fault you're saying?

MR. NAUGHTON:

To some degree, yes.

LEG. EDDINGTON:

Okay. I just -- I want to make sure you're consistent with the blame. All right. Okay. I'm just saying it's the wrong thing to do and I'm opposed to it, and I will fight to -- I won't vote for that if it's in the budget, I can tell you that.

P.O. LINDSAY:

Thank you very much. You better get out of here before somebody else thinks of a question.

*(*Laughter*)*

Okay. I need a motion to accept the Consent Calendar.

D.P.O. VILORIA-FISHER:

So moved.

LEG. ROMAINE:

Motion.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And I'm going to recognize Legislator Vilorio-Fisher for the purpose of taking a resolution out of order.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I'd like to take I.R. 1827 out of order. It's in the Parks Committee.

LEG. COOPER:

I'll second that.

D.P.O. VILORIA-FISHER:

Page 8.

P.O. LINDSAY:

Seconded by Legislator Cooper. It's on Page 9 --

D.P.O. VILORIA-FISHER:

Sorry.

P.O. LINDSAY:

-- if you have the paper thing. And it's *I.R. 1827, naming the preserve portion of Forsythe Meadow in honor of Nora Bredes (Viloria-Fisher)*. We have a motion and a second to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The reso is before us.

D.P.O. VILORIA-FISHER:

I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Note my abstention.

P.O. LINDSAY:

Okay.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

Oh, that was the vote?

P.O. LINDSAY:

That was the vote.

D.P.O. VILORIA-FISHER:

That was quick. Thank you very, very much.

*(*Applause*)*

It's very, very important to Nora's family and to her friends, and certainly to many of us here. I had made a motion to approve.

P.O. LINDSAY:

Yeah.

D.P.O. VILORIA-FISHER:

Okay. Thank you. Thank you.

P.O. LINDSAY:

Okay. We got time to do maybe two resos, hopefully. It's on Page 6, resolutions tabled to October 11, 2011.

J.R. 1289 - A Charter Law to ensure transparency in County budget process (Cilmi).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. MURATORE:

Opposed.

LEG. ROMAINE:

Opposed.

LEG. D'AMARO:

Opposed.

LEG. ROMAINE:

Roll call.

LEG. D'AMARO:

Opposed.

LEG. CILMI:

Roll call, please.

MR. LAUBE:

Roll call?

P.O. LINDSAY:

Go ahead.

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

LEG. COOPER:

Yes to table.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

No to table.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

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:

(Not Present).

P.O. LINDSAY:

She isn't here.

MR. LAUBE:

Ten. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. *1453 - Establishing a central phone number for SCAT bus services (Cilmi).*

LEG. COOPER:

Motion to table.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

We have a motion to table and a second. Legislator Romaine?

LEG. ROMAINE:

On the motion. This is just to establish a central telephone number for those looking to utilize SCAT services.

P.O. LINDSAY:

Well, then somebody should make a motion to approve.

LEG. ROMAINE:

I'll let --

LEG. CILMI:

If I may.

LEG. ROMAINE:

Yes.

LEG. CILMI:

There is some discussion between myself and the folks who operate the SCAT service, as well as Department of Public Works, as well as some of the folks who utilize the SCAT system.

LEG. ROMAINE:

You're okay with tabling?

LEG. CILMI:

That -- I'm okay with tabling, yes. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1491 - Authorizing the custodial licensing 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.

P.O. LINDSAY:

And motion to --

LEG. ROMAINE:

Second.

P.O. LINDSAY:

-- table by Legislator Browning, seconded by Legislator Romaine. And I anticipate that this is something that we will be addressing in the budget.

LEG. ROMAINE:

We're waiting for the new Executive.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Viloría-Fisher)

P.O. LINDSAY:

Okay. It's 12:30. I'll make a motion to recess until 2:30, second by Legislator Barraga. All in favor? Opposed? Abstentions? We stand recessed.

MR. LAUBE:

Seventeen. (Not Present: Leg. Viloría-Fisher)

*(*The Meeting Was Recessed at 12:32 p.m. and resumed at 2:32 p.m. *)*

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not Present)

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:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Here.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay. Welcome to our afternoon session. We start off with public hearings. First Public Hearing is the 2012 Operating Budget. We have a number of cards. First up is Audrey VanDeusen.

MS. VANDEUSEN:

Good afternoon, and thank you for the opportunity to speak with you. My name is Audrey VanDeusen and I serve as a volunteer board member for the Suffolk County Child Care Council, and I'm here today to address a concern that we have.

We've been made aware of a 5% cut to the supportive services contract that we have with the County, and this -- it's number ADB2. You'll be receiving a letter from the Council concerning this issue, but I'm here to represent the board and express our concerns. The Council's been made aware of this cut and it constitutes a loss of \$6,681, which seems perhaps a minuscule amount compared to the overall County budget, but it definitely will hinder the Council's ability to continue to serve the quality of service that they have to the families of Suffolk County.

To reacquaint you with what this contract is, it enables the Council to have a parent counselor on site at the Department of Labor in Huntington -- in Hauppauge -- excuse me -- five days a week. This assists the TANF parent who is being given a work assignment and panicking, particularly if they have a young child. I can only imagine what it's like to be in a position where you need TANF funds to survive, but if you have an infant, toddler or preschooler, I can imagine you would say, "How could I possibly do this?" And so the parent Counselor is there to help the family find appropriate State and County-approved child care, and they also offer resources to the parent of other things that's out there from there -- anything from food pantries, HEAP, whatever the needs might be, so that the parent can successfully participate in this work program, which, hopefully, would lead down the road to self-sufficiency. The -- I think it's a win-win. It obviously helps the family. It helps the child be in a nurturing situation that will hopefully lead to better chance for success in school. And it's a win for the County, because it maintains -- excuse me -- their participation rate in this program, so that no financial penalties are incurred from the Federal Government.

So I urge -- well, this -- and also, I found out that this program, when it started, had parent counselors just two days a week on site at the Department of Labor, and it was so successful and helped so many people who were affected with that help that it was expanded to five days a week. So it would be very sad to see it cut back.

So I urge you to give serious consideration to reinstating that funding to the 2011 level so that this program could continue as it is. They serve over fifteen hundred clients a year with this.

There are two staff members who are involved in this program who are here and will have something to say as soon as they have the opportunity. They can fill you in on more details of their service and answer any questions you may have. Thank you again.

P.O. LINDSAY:

Does anybody have any questions? Thank you. Vito Minei.

MR. MINEI:

Thank you, Presiding Officer Lindsay and Members of the Legislature. I'm Vito Minei, Executive Director of Cornell Cooperative Extension of Suffolk County, and I'm here today to talk to you about the 2012 Operating Budget as it pertains to Cooperative Extension.

Our main issue is that the County Executive has recommended a budget for Cooperative Extension that is not consistent in terms of percent reduction as other major contract agencies to the County. Our principal request is that as you face this daunting, you know, project of trying to balance the budget, you restore some equity in terms of dealing with the contract agencies.

Lisa's handing out some material that I also E-mailed to you and I'd like to go through this. I think the issue with regard to the County Exec's budget and our request will become apparent as I go through this material. First, starting with Roman Number One, this is the budget we proposed for Cooperative Extension in April of 2011. As you can see from the note, it's consistent with what we submitted two years prior, and also reflects a \$646,000 cut three years ago. My point here is to show you that our budget --

(*Timer Sounded*)

Thank you. Our budget is lean going into this process.

Let's move into Roman Numeral Two. In April of this year, the County Executive issued a directive to its Department Heads that they reduce by 5% all contract agencies to the County. Our contract is processed and administered by the Health Department. And you can see under the core programs,

8750, that the Health Department did just that, that they reduced our Operating Budget by 5%, if you look at the bottom line, 2.743 million versus 2.876 million.

Moving on to diabetes prevention, the Health Department reduced that by nearly 5%. Please recall, you know, the discussion in the Spring of this year and the connection to several millions of dollars of HIV funds. Also, the Health Department put forward the 477 quarter percent project at level funding.

Now let's move to the County Executive's recommended budget. For the core programs for Cooperative Extension, he adhered to the 5% cut for four of our six programs, but for two of our programs, Family Health and Wellness and 4-H Youth Development, he totally defunded those programs. So it's presented on page 586 of the recommended budget, Cooperative Extension is to sustain a 14% budget reduction, nearly \$396,000 if you implement the County Exec's recommendation. Also troubling is the recommendation on Page 525 of the Diabetes Prevention. The County Executive has recommended a \$92,000 cut, almost 24% for diabetes prevention. And again, recall the connection to Federal HIV funds. And somewhat very surprising is he's also recommended a cut of \$37,000 for the dedicated quarter percent funding for the IPM Program.

Let's move into Roman Numeral Four of the comparison to other health services contract agencies. As I went through the 166 contract agencies for the Health Department and removed those with State pass-through funding, you'll see that there are over 20 major contract agencies with budgets exceeding \$100,000. Those 20 County contract agencies for the County portion of their budgets sustained only a 5% reduction in the recommended budget. Only CCE's budget was recommended for a cut of 14%. Moreover, as you look at the defunded programs, no other agency with 2011 adopted budget comparable to our 4-H and Family Health and Wellness Program was reduced to zero funding.

Now we get to our request here from Cooperative Extension. Number one, I ask you to please reinstate, as you did last year, Family Health and Wellness and 4-H Youth development. And then for the core programs and diabetes, I ask you, as you go through the contract agencies and you're deciding on a level of funding, a percentage cut, that it's equitable in terms of Cooperative Extension. We're asking for an equilibrium here as you try to pore through over 400 contract agencies. We're not asking for no cut, we're not asking for a lesser cut than others, we're asking for a comparable cut. We're asking you for parity.

As you move down, I would ask you that if you arrive at a number, that you give us a day or so to distribute it among our programs. Tell us what percentage cut you want from us, and as was done earlier this year with a health disallowance, we'll come back to you quickly with a redistribution. And then for 477, again, a quarter percent dedicated funding. I cannot see why you would want to cut this at all.

So, in closing, I'm here to tell you once again that Cooperative Extension is extremely proud of our nearly one century of dealing with the County in providing cost effective services. And I submit to you that there's probably no other contract agency that comes close to having partnerships with more than 20 agencies here in the County.

So again, I want to thank you, and I hope that we can discuss this further. And as you get through the issue of, you know, your obligation of balancing the budget, we can talk about parity among the contract agencies. Thank you again.

LEG. ROMAINE:

Quick question.

P.O. LINDSAY:

Yes. Legislator Romaine has a question, Vito.

LEG. ROMAINE:

All right. So we're getting rid of the Diabetes Management Program that the Health Department leverages to get several million dollars in grants.

MR. MINEI:

This is the same problem you debated at length this Spring.

LEG. ROMAINE:

Right.

MR. MINEI:

There was a major cut to what is about a \$390,000 contract with the Health Department to provide diabetes prevention education. And I was just attending one yesterday. There were 24 elderly people who trundled into our office on Columbus Day --

LEG. ROMAINE:

Right.

MR. MINEI:

-- for this kind of education. Thousands of people receive this education. And the bigger issue, I know you dealt with last time, is -- I believe it's in excess of 3 million dollars of Federal Ryan White HIV funding tied to a fully funded diabetes program.

LEG. ROMAINE:

So by cutting Cornell's diabetes program, not only does it not have a good effect on people, could control their diabetes, but the County loses approximately three million dollars in matching funds that they could apply for to --

MR. MINEI:

I'm sorry to interrupt you, but I don't want to overstate that.

LEG. ROMAINE:

Right, right.

MR. MINEI:

We went through this math last Spring. I don't know if it jeopardizes the entirely 3.1 million dollars.

LEG. ROMAINE:

But it obviously has an adverse effect.

MR. MINEI:

Has an adverse effect on it.

LEG. ROMAINE:

And let me just sum up because -- a lot of people to speak. You don't mind being cut, you just want the same cut that all the other not-for-profit agencies in general are getting, which is roughly 5%.

MR. MINEI:

On a percentage basis, yes.

LEG. ROMAINE:

And so the first thing you want is, "If you have to cut me , don't cut me anymore than anyone else, about 5%." Secondly, If you cut me by that number, just allow me and our agency to decide how that cut will be distributed;" is that correct?

MR. MINEI:

That's correct, thank you.

LEG. ROMAINE:

Okay. I believe both Legislator Gregory and myself are cosponsoring an amendment that would allow you to do that.

MR. MINEI:

Well, thank you.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Anybody else? Thank you, Vito.

MR. MINEI:

Thank you.

P.O. LINDSAY:

Linda McGregor.

MS. MC GREGOR:

Linda McGregor, public employee and union member. Thank you for the opportunity to speak again.

In regards to the operation -- Operating Budget, in regards to Introductory Resolution 1840, amending the 2011 Operating Budget regarding John J. Foley, I think not just John J. Foley, but any agency that is currently operating and providing services to the constituents and employs people should be funded until the Suffolk County Legislature decides to do something else with it. Just saying, "I'm cutting funding," and this place is expected to provide services and pay their employees, and one person is saying there's no more funding, too bad, whether it's John J. Foley or any service the County is providing the residents of this County, the agency should be funded until you, as the Suffolk County Legislature, determine to do something else with it.

I was hoping to see some of my Executive Board Officers from my union, the Suffolk County Association of Municipal Employees, here today to support Legislator Kennedy's resolution, Legislator Browning's resolution, in regards to making -- hopefully, making it profitable as a public/private partnership, but the fact is my union sold out John J. Foley a long time ago. It went right in line with Suffolk County Steve Levy to sell it based on a contract of sale that did not contain a reverter clause to protect the Suffolk County residents; made our labor contract contingent upon the sale of the facility, which doesn't happen with other unions.

The corruption and racketeering in the Suffolk County Association under the leadership of Cheryl Felice is a matter of public record. I forwarded my eight-page letter to Governor Cuomo, with the evidence to Presiding Officer William Lindsay. So I hope you support the two resolutions for John J. Foley, keeping it funded until this Legislature determines to take a different plan of action.

And can I speak on other resolutions related to the Board of Ethics; is that all right, or is it just the operating budget?

P.O. LINDSAY:

We're under the Operating Budget right now.

MS. MC GREGOR:

Okay.

P.O. LINDSAY:

Okay.

MS. MC GREGOR:

All right. County funding depends on State Aid, some of it. State Aid depends on Federal aid. Federal aid depends on Federal revenue. In the 1960's, the corporate tax rate was over 30%. Last year, the corporate tax rate was under 10%. Less Federal revenue, less Federal aid. Less Federal aid, less State aid. Less State aid, less County aid. We need you to talk to your political counterparts on the State and Federal level to make it fair and equitable. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Linda, if -- Linda, if you could just -- I just would be remiss if I don't make a couple of comments to your statements.

First of all, John J. Foley doesn't just lack the funding, the County Executive proposes to close it by November 15th and sell every asset; sell the license, sell the equipment, sell the building. So it's -- we have our hands full in trying to prevent that, if we are going to prevent that. So it isn't just a funding issue.

MS. MC GREGOR:

I understand.

P.O. LINDSAY:

The second issue is you're very correct in that many of our budget woes go back to primarily State funding issues and State mandates. But the Feds add to that, because, like you pointed out, they cut the states, the states cut us, and it just keeps rolling down hill.

It's always been a cry of local government about unfunded mandates and about not having enough money. It's never gotten as worse as it is today.

MS. MC GREGOR:

I know.

P.O. LINDSAY:

I mean, I can absolutely show you where our costs went up over 100 million dollars this year because of mandates, and it's unsustainable. And we -- this body has been talking to everybody and anybody that will listen that we need some kind of relief. They can't keep doing this to us, because this County is going to go bankrupt. We can't -- we just can't raise the revenue to meet your demands. And my hope -- why I'm saying all this is my hope is that this message will be taken up by our electorate, by our citizens to our electorate, saying, "Stop, guys, stop." You have to solve real problems, and you can't solve them by just pushing the cost down to the next layer of government.

MS. MC GREGOR:

Just for the record, employees I work with next door at the Riverhead Health Center got their fourth layoff letter in the span of a year-and-a-half because they're on the bump-and-retreat list. So you have employees that are getting layoff letter after layoff letter. They're anxious, there's anxiety,

there's fear in the workplace because they volunteer. They don't know what they're going to do if this happens.

P.O. LINDSAY:

Well, the only thing that I can say is that it's really no way to run a government. You can't -- you can't get the most out of your employees by having them in a constant state of fear. And we got to figure this out, we got to figure this out. But my point where I was going is we need -- we need the help of all the citizens of Suffolk County to say "stop" to the State, "Stop, it's enough, we can't afford anymore."

MS. MC GREGOR:

One more question. With the discussion of employees paying towards their health insurance benefits, I don't know, I'm just asking for information, do the Suffolk County Legislator pay towards their premiums for health insurance?

P.O. LINDSAY:

We have the same health insurance that you have. And just to set the record straight from Mr. Naughton's testimony this morning, that might be the goal, but they -- how they get to that goal is bizarre. No one at the County Executive level, the Deputy County Executive level, or anybody that I can tell was in the hierarchy, met with the labor representatives to ask for this huge giveback. If you're serious about that, you should come to the table yourself. That isn't an easy negotiation, you know. And the meeting lasted ten minutes, and, "Well, we asked them and they didn't give it, so we're going to lay off 700 people." It's not the way to run a government. That's my opinion.

MS. MC GREGOR:

Are the Suffolk County Legislator like their Federal counterparts; do they have health insurance for life after serving one term, or no?

P.O. LINDSAY:

We have the same health insurance as any other employee in Suffolk County.

LEG. ROMAINE:

Exact same.

MS. MC GREGOR:

Exact same.

MS. MC GREGOR:

Okay. All right.

LEG. ROMAINE:

If we leave, we lose health insurance.

MS. MC GREGOR:

Okay.

LEG. KENNEDY:

Can I add one point, please?

P.O. LINDSAY:

Sure, Legislator Kennedy.

LEG. KENNEDY:

Okay. Linda, thank you for coming up and speaking. And, as a matter of fact, the resolution that I have on John J. merely goes through the mechanism. It's almost ministerial for creating the positions through the end of the year. We took acts earlier this year to provide the funding, so this notion that somehow there was insufficient revenue there for this year is just not true. And so my resolution goes through that artificial step of creating the positions to put them back.

But let's go towards what you spoke about with the health insurance. And as the Presiding Officer talked about, apparently the approach from the Executive's Office had nothing to do with meaningful dialogue or in its discourse. But also remember that the EMHP, which is the 18-member board that governs the health insurance that every one of us, as municipal employees, gets, that board has made several concessions over the last 36 to 48 months. And you know as a nurse the gamut of what's been done, including a significantly reduced formulary as far as prescription medications that are now covered, increased co-pays, a drastic increase in the co-pay for medical equipment, as a matter of fact, and a significant reduction in the number of physicians that are actually participating providers in the plan. So the notion that there's not been contribution is false. As a matter of fact, the body has made a number of steps. Now, there may be more to go, but it's being portrayed that there's been no concession or accommodation at all and that's just not true.

MS. MC GREGOR:

Newsday keeps reporting 15 million in concessions; that's wrong. It's been 15 million a year. It's been 45 million since 2009 in health -- in concessions by the public employees; 15 million a year, not 15 million.

P.O. LINDSAY:

I want to correct you, Linda. My understanding of the agreement, which I think is five years old now, it expires the end of this year, was 25 million dollars a year recurring savings.

MS. MC GREGOR:

I have the MOA, it says 15 million a year.

P.O. LINDSAY:

Fifteen? I understood it was 25, but -- and again, my understanding of that agreement is that at its expiration this year, if there isn't a new agreement to go into place, it goes to mandatory arbitration to resolve the next health care. So it -- my point is, at best, the demands were a little bit premature.

MS. MC GREGOR:

Thank you for your patience with me taking up too much time.

P.O. LINDSAY:

Nancy Mariano.

MS. MARIANO:

Hi. I've seen some of you. I haven't gotten to all of you, so I'd like to bring you up to date on Friends of Karen. And I'd like to thank you all for all the years of your amazing support. We've been helping families for 33 years with their day-to-day challenges of having a child with cancer or other -- some other form of life-threatening illness.

Cancer remains the number one disease killer among all American children. And every day, every single day in our office, someone else calls after hearing the devastating diagnosis regarding their child. Last Friday I was in the office by myself and I received five E-mails from Stony Brook Hospital alone of new inquiries. That's just one hospital out of the 25 that we're dealing with.

I want to give you three reasons why our families need Friends of Karen:

One parent must give up their job to care for their ill child. Since many of our families are single parents to begin with, the loss of income, coupled with illness-related bills, travel to treatment, rent, mortgage, utility bills, child care, etcetera, leaves a family financially devastated. Friends of Karen pays these bills, these direct financial bills, medical bills, at least \$100,000 a month.

Two, many of our children we serve are in treatment anywhere between three to six years. Friends of Karen is there to keep the family emotionally stable.

Three, most protocols and treatments are administered on an out-patient basis, which means the hospital depends on Friends of Karen even more to be the bridge between the hospital and the home to be sure there are no gaps in care. Friends of Karen social workers are in the family homes. We talk to the mom and dad about their child's diagnosis, about getting second opinions, about the needs of their other children. We are in their homes and can determine the emotional and financial needs of the entire family. Through our sibling social worker, we provide an avenue for the brothers and sisters of the sick child to express their feelings, many times their angers and fears; also about their hopes and their dreams. And in the cases where treatment does not work, we spend countless hours helping these families prepare for end of life, and then help the family move forward. So sadly, we lost 70 children last year. We lose more children than any of the top hospitals in the metro area because we're across the board in all of them.

Since I met with you last year, I promised we would hire a bilingual social worker. We have done that through a wonderful grant from a donor, and this way we're better able to service everyone in our communities. And with the continual support of Friends of Karen, from the time of diagnosis until treatment ends, we are able to sustain the family unit. With Friends of Karen's help, our families will remain in their own home, the children will get the medical treatment they need, and the siblings are not forgotten, and the medical bills will be paid. When this is all over, a family will remain intact.

I put a poem in with your package because I wanted you to get a piece of one of our children. It's from Mayra, who's eight years old. I shared this poem with over 300 people at a major event this summer. And I wanted you to feel some of the sentiments of just even one of our children, the sentiments that are kept to that level because our siblings support counselor is working with not only the sick child, but the sisters and brothers and making sure that they remain stable.

We work very hard to make sure that we have resources there for our families, we don't depend on any one source. We have been working with more than 20 hospitals, providing in-service education to the medical professional support teams about Friends of Karen for them to share with families when their child is first diagnosed, encouraging the families to contact us as soon as possible. We have social media, the world. We were on the big screen in Times Square, compliments of another donor, able to share our mission with millions of people. We want everyone to know about us so no family has to make this very difficult journey alone.

Four years ago, little Luke from Setauket was diagnosed with leukemia. Friends of Karen kept his family stable during Luke's three years of cancer treatment. Mom wanted to give back to Friends of Karen, and so the walk/run for Friends of Karen started part of the Long Island Marathon with just 25 people. Fast forwarding to now, this past year we had close to fifteen hundred people that either walked, run -- ran or supported our efforts. And for the second year in a row, we won the trophy for having the largest team.

It would not be able possible to provide the kind of long-term financial and emotional support without the generosity and kindness of people like you. Cancer is much too big for anyone to do alone, and your partnership means so much.

We are again zeroed out this year, not 5%, but zeroed out. We lost 81% budget, which was down from the year before, but we were so happy to get the money last year. If there's any way to restore this, families would be so grateful, because you really help us restore hope to our families and we can't do this alone. And I thank you so. Any questions?

P.O. LINDSAY:

Yes, Legislator Anker.

LEG. ANKER:

Hi, Nancy. I just want to thank you for coming by my office, and I really appreciate, you know, your visit. You know, you're an inspiration. I gave a proclamation to two ladies this morning of their volunteer work that they've done for breast cancer. And, you know, Suffolk County, and especially my district, has one of the highest rates of cancer, and particularly breast cancer. But there's nothing more heartening, more almost tragic is when a child has cancer. And your service provides the safety net to help these families get through, like you said, financial, emotional, and it just goes beyond what people normally do and what people normally expect. You provide that caring, that nurturing and that support. So I just wanted to say thank you very much for what you do.

MS. MARIANO:

And thank you. And in one of those E-mails on Friday from Stony Brook Hospital was a 15-year-old whose cancer metastasized, and she just had to have a double mastectomy, 15 years old. So the breast cancer is getting to even younger females. I thank you so much.

P.O. LINDSAY:

Okay. Kathleen Reeves.

MS. REEVES:

Good afternoon, and thank you for letting me speak to you. I'm a nurse at John J. Foley, and I know you've heard from us before, but I just want -- we're a part of the budget operations, simply because we're not in the budget. And Mr. Naughton this morning, he had said that they lowered the price of the license to sell, and they kept the same price for the building, the equipment and the property, but he didn't put any price on the lives of the residents who live there. He also didn't put any price on the fact that John J. Foley is an evacuation center. And during Hurricane Irene, we took in over 100 residents of Suffolk County. We took from hospitals, two hospitals that evacuated. We took from residents at a nursing in East Northport, and we also took from residents from a nursing home in Kings Park. We also took in residents in Mastic where they were flooded out. We took in 109. We had the capacity to take in more. We only used the fifth floor. We still had the second floor, which is a huge dining room. We also had the third floor and areas in the first floor. The fourth floor, granted, wouldn't be used, because that's where our dementia residents are. All right?

To say that closing the nursing home was a hard decision for the County Executive is I think kind of not so. I mean, he's been trying to close this for years. And you're also talking about -- when you talk about layoffs, everybody's saying 400 and something, 400 and something. There's over 200 people that would be laid off from the Suffolk County nursing home, and these are people -- a lot of these people are single mothers, and a lot of these people who wind up on the welfare rolls. Okay?

We do provide a vital service for Suffolk County. The facility has provided a vital service for over 100 years. It lasted through World War I, it survived World War II, it survived the Great Depression, and we're hoping that it will survive what -- the 2012 budget, because it is not just for the residents of the facility, it is for the residents of Suffolk County, and we proved that -- I think we proved that especially during Hurricane Irene. There's more disasters to come and we are the only evacuation center that can care for this -- people with special needs. One of the people that we did take care of was a Corrections Officer, who, if he couldn't come here, would have been shipped out

to Southampton. So I ask you, please, put us back in the budget. Override the veto, because we know it's going to be vetoed if you put us back in. And I know money is a problem. Money's a problem all over the country. But money -- you know, it's the old saying, when you need to do something, you do it. And to find the money, you really need to do it, because it serves all the Suffolk County, not just -- not the Yaphank area. Thank you.

P.O. LINDSAY:

Does anybody have any questions for Kathy? No? Thank you very much, Kathy. Denise Marzano-Doty.

MS. MARZANO-DOTY:

Good afternoon, Mr. Lindsay and Members of the Legislature. I am the Senior Staff Attorney for the Senior Citizens Law Program, which is located at Touro Law Center. We, too, are facing a 5% cut in our funding, which adds up to approximately \$10,928. Again, not sounding like a large amount of money, except that this is a program which is already running on an extremely tight budget.

We're approaching the end of year two of this program. Our staff is small. We're comprised of two attorneys, Gillian Alman and myself, and a paralegal, who's also a gerontologist, Judith {Lespenas}. We're the only public interest program that's dedicated to providing legal representation to the 285,000 senior citizens who reside within Suffolk County. The latest 2010 census shows an increase of 60,000 senior citizens in Suffolk County within the last ten years.

I'd like to give you some statistics about our program. In the last six months, since April 1st, 2011, these are some of the things that we have done. We've assisted 363 senior citizens on legal matters, to which 1,225 hours of legal time were dedicated. We gave information and assistance or referrals to an additional 353 senior citizens on a variety of matters. We attended 41 court appearances. We made 10 home, hospital or nursing home visits. We attended eight Social Security conferences and two administrative hearings, and we provided 19 community education seminars, with five more scheduled before the end of the year. Additionally, we have settled numerous cases of medical and credit card, and other types of debt, which resulted in savings to our seniors in excess of \$25,000.

Just this week, Gillian Alman, our staff attorney, won a motion for summary judgement on a case in a personal injury action. The senior was 79 years old and disabled. She was sued because she lives in a house owned by her daughter and there was a slip and fall on the property. We were able to get the case against her dismissed by proving that she did not have any liability in the matter. This week we also won a case where a disabled senior brought suit against a former friend who refused to give her the proceeds of a check that he had agreed to cash for her as a convenience. He kept the money and she was forced to sue for its return. These are examples of the types of cases that we are handling every day.

As you may recall, when the program was relocated to Touro in 2010, its budget was reduced approximately 55% to an Operating Budget of two-eighteen-five-sixty-seven. This budget, which is our current budget for 2011, covers the program necessities with no funds left to spare. Now we have been advised that our 2012 budget will be reduced another 5%. This further cut will reduce the budget below the level required to cover salaries, fringe and malpractice insurance. We will have no money for travel of any kind. We will not be able to make court appearances or meet with clients in their homes, hospitals or nursing homes. We will not be able to attend conferences or administrative hearings. Additionally, there will be no money for basic office supplies, stationary, program fliers, telephone or postage.

Recent cuts in funding to other programs, such as to Nassau-Suffolk Law Services, have led to a very large daily increase in calls to our program. We want to be able to assist these seniors, many of whom have no family or support system to fall back on. Again, while a 5% cut may seem

insignificant, it's very significant to our program. A 5% cut will result in a reduction in legal services to the neediest seniors in our community, and at a time when there is an increase in demand.

I ask you to strongly reconsider the decision to reduce funding to the Senior Citizens Law Program. Our senior population is struggling in Suffolk County and there are few places for them to turn. Please restore these funds and allow us to continue providing quality of legal service to our seniors who are the backbone of this County. Thank you for your time and your consideration. Any questions?

P.O. LINDSAY:

Anybody have any questions? Thank you very much.

MS. MARZANO-DOTY:

Thank you.

P.O. LINDSAY:

Antonio Arvizu.

MR. ARVIZU:

Good afternoon, Ladies and Gentlemen of Suffolk County Legislature.

My name is Antonio Arvizu and I have been a Suffolk County Case Manager at the Long Island Association for --

P.O. LINDSAY:

Antonio, we want to get every word. If you could move that mic right -- there you go.

MR. ARVIZU:

Okay. All right. Sorry about that. I will start. Good afternoon, Ladies and Gentlemen of Suffolk County Legislature. My name is Antonio Arvizu and I have been a Suffolk County Case Manager at the Long Island Association of AIDS Care, LIAAC, for the last 17 years. During this time I have had the opportunity and the challenge to be at the phone lines in the fight against AIDS. It has been a difficult and relentless fight. Difficult, because I have seen firsthand what the AIDS virus do to people, and relentless, because in this country, in the State of New York, the epicenter of this epidemic, it has been an ongoing struggle.

Approximately 30 years ago the first cases of Human Immunodeficiency Virus, HIV, were reported. Since then, over 575,000 Americans have lost their lives to AIDS, and more than 56,000 people in the United States become infected with HIV each year. This means that every nine-and-a-half minutes a new person is infected with HIV. Without treatment, the virus slowly debilitates a person's immune system until they succumb to illness. Currently, there are more than 1.1 million Americans living with HIV. Moreover, almost half of all Americans know someone living with HIV.

We all know that at the present time our country and its local governments face a deep and wide economic downturn. However, we should be aware, as the above numbers reveal, that we are continuing experiencing a domestic epidemic that demands a renewed commitment, increased public attention and leadership. We, at LIAAC, are committed to pursue the goals as stated in the national HIV/AIDS strategy that aspires to reduce the number of people who become infected with HIV, to help these people in the process of their access in care and improving their health outcomes, as well as be instrumental in the reduction of HIV-related health disparities. In Long Island, to reach these goals, we need the continued support of our local governments, because continued and relentless should be the fight against this AIDS epidemic. In order to be successful in this fight in Suffolk County, it is essential that -- it is essential the leadership and economic support of you, our local Legislators.

Over the years, many policy, research and services programs have been implemented to fight this epidemic, and thanks to them, it has been calculated that more than 350,000 new HIV infection cases have been averted in the United States. In Suffolk County, LIAAC has taught us how to provide HIV testing, educational, case management, outreach and substance abuse quality services. HIV is preventable.

We, at our local communities, cannot allow the number of new HIV infections to rise or to remain the same, because besides the great pain that it causes to those who suffer from it, this imposes on our local governments exorbitant costs. We have to remember that the life cost of treating HIV is estimated to be approximately 355,000 per person. If we as a community decrease our efforts to fight this epidemic, the number of people being infected with HIV will continue to grow.

I think this moment represents a good opportunity for the Suffolk County government to show its commitment to continue its fight against this epidemic. It is for this reason that on behalf of our clients at LIAAC, and on behalf of our communities in Suffolk County at large, that I have come before you to try to persuade you to reconsider your decision to cut off the funding to one of our programs and to ask you to reinstate this \$40,000 grant so that we at LIAAC can continue our ongoing fight against this epidemic by providing the services that these grants support.

On behalf of these clients and communities, I would like to thank you beforehand the time and consideration that you might give to this request. Thank you very much.

P.O. LINDSAY:

Thank you, Antonio. Diane Saunders.

MS. SAUNDERS:

Good afternoon. My name is Diane Saunders and I work with Antonio. I'm here to testify that I'm an individual that goes out into the community and works with individuals to educate them on prevention of HIV.

I want to say first and foremost that HIV does not stop at the borderline of the counties of Nassau and Suffolk Counties, so it's very important as -- us as people that are working towards preventing things to come to Long Island, as team members amongst each other, to continuously have funds available for us to go out into the communities, to educate people.

I go into the most poverty communities where people really need to be educated on how to protect themselves from contracting HIV and AIDS, and it's a constant repetitive thing that we have to do. So when our funds get cut, we're not able to go out in teams, we have to go out individually. And it takes a team to go out into the community to be able to inform people of why it's important to keep their health up, why it's important to know how HIV is transmitted, why it's important that they teach their generations up under them why HIV can be transmitted the way it's transmitted. So I say that because I know everyone is getting cut across the board in different ways, in health care performances, and things of that nature. But if we don't fight HIV on Long Island, a lot more than just people that are in poverty communities are going to pay for it, because you're going to have hospitals flooding with people that contract HIV, you're going to have generations up under them affected by it, because you're going to have parents dying, you're going to have children that are parentless, and things of that nature.

I think it's really important for us to stop and really look at how HIV has not just affected the world, but how it's affected Suffolk County. And it's real important for me to do my job and go out into the communities and continuously educate people on how HIV is transmitted. If we don't work together and do this, I believe we're going to pay a bigger price than we're paying right now. Like I said, HIV doesn't stop at the borderline of Long Island, so it's an ongoing issue and we just continuously need to address it.

You know, Antonio case manages people that have already been affected by HIV, but my job is to go out and find people who are affected by HIV and need to be educated on it. So I'm just asking that our agency has been cut back 5%, plus another 40,000 after that. And I'm just asking that we could be reconsidered to have monies reinstated for our agency so that us, as a team, the case manager, outreach person, and you, you all as Legislators, would work together with us to make sure that people in our community don't have to, you know, die from contracting HIV, or a child doesn't have to have a parent, a single parent raising them because one of their parents died from HIV, or somebody in their family, their grandparent. So, if you all would just consider that and consider restoring our cut, we would greatly appreciate that. That's it.

P.O. LINDSAY:

Thank you. Kym Laube. Hi, Kym.

MS. LAUBE:

Hi. Good afternoon, and thank you very much for this opportunity. My name is Kym Laube and I'm the Executive Director of HUGS, Incorporated. I'm also the Vice President of the Suffolk County Quality Consortium, which represents the 22 drug, alcohol treatment and prevention providers in Suffolk County.

I'm aware that the QC has sent information, so my attempt is not to be redundant. There's a big challenge that lies ahead with our budget in Suffolk County. With that said, I'd like to highlight some of the concerns for the alcohol and drug field. Throughout the last year, we witnessed multiple wrong-way DWI crashes, teens being rushed to hospitals for alcohol poisoning, death from overdose, and one of the worst tragedies ever to make national headlines when a man walks into a pharmacy and guns down four innocent people just to get prescription drugs.

We live in a time when a bag of heroin is cheaper than a pack of cigarettes; when parents are providing alcohol to their teens under the illusion of keeping them safe; and at a time when over 90% of all youth who report drinking report binge drinking. That's over 90% report binge drinking, which is defined as five or more drinks in a two to four -- a two to three hour period.

In March of 2011, the New York State Office of Alcohol and Substance Services released their County planning document, service need profile, which indicated an insufficient capacity to address the growing number of alcohol counseling needed within Suffolk County. Upon review of the proposed 2012 budget, a 5% decrease of County funding for contracted drug and alcohol treatment and prevention agencies is being proposed. When we add the cost of living increase that has taken place since our three-year contract period, we're looking at an 11% deficit of funding. This is just from one of our funding sources. Additionally, many of our agencies are facing cuts at the level of town and state as well.

Historically, drug and alcohol abuse spikes during difficult economic times, and those in need of services are less able to access them. Providing proven alcohol and drug prevention programs for our children and adolescents, and prompt treatment services demonstrates a reduction in associated costs. Every public dollar invested in prevention in our schools saves our communities 10 to \$18 in addiction treatment and recovery costs alone. Should continued decreases in funding occur, our communities will have more individuals in need and fewer treatment and prevention opportunities available.

Simply put, we have a large problem, in some cases, larger than we can presently handle. We've been doing more with less for a long time now and cannot sustain anymore loss. We ask you to reconsider the proposed 2012 budget reduction for our drug and alcohol prevention and treatment agencies and restore them back to the requested amounts. Thank you.

P.O. LINDSAY:

Thank you, Kym. Linda Gottlieb.

MS. GOTTLIEB:

Good afternoon, and thank you for the opportunity to speak. My name is Linda Gottlieb and I'm a Parent Counselor with the Child Care Council of Suffolk. I'm here to talk about the \$7,000 cut to our supportive services contract for the 2012 fiscal year, and to give you a more human perspective to this issue.

Our counselors are currently on site at the Department of Labor five days a week, and our presence at the Department of Labor is essential. We not only provide child care referrals, counseling and resources to families, but we also work as a liaison between the Department of Labor and the Department of Social Services Child Care Bureau. The following story best illustrates the broad and vital spectrum of our services:

I recently spent about an hour-and-a-half with a mother and her four-year-old son. She spoke very little English. I could see that this child had some obvious developmental delays and was in need of evaluation and early intervention. This mother had never left him with anyone and was terrified. She broke down. She knew he needed help, but had no idea how to go about helping him. She was also faced with the fact that she was required to report to a work site and to be in compliance, and she was terrified of being in noncompliance. So I spent time comforting her and reassuring her that I would help her to find a place where her son could receive services and be well cared for. I placed a call to a school for special needs children that wasn't too far from their home, and I arranged for the family to meet with the Director the next day to discuss evaluation and child care options.

In the meantime, since is the school -- when talking with the Director, I found out that the school was closing for a two-week vacation. So I went ahead and worked with the Department of Labor Assessment Counselor and the Department of Labor Supervisor to rearrange her work site activities, so that this child could get the help he needed, and to ensure that this parent would participate in her activity and stay in compliance. I then followed up the next day with the Director of the school to see how everything went. This family was so grateful to finally get assistance for their child.

So many of these families and children fall through the cracks and fail to receive services because they have no direction, and our agency provides vital information and resources. And by being on site at the Department of Labor, we are working firsthand with these parents, and we're really catching a lot of these issues that -- God bless you. And we're catching a lot of these issues that are right there on the spot, and we're also providing referrals for these parents on site. If we weren't on site at the Department of Labor, they -- many of them would not call our office for referrals, or they would wait until the time that their paperwork was due back to finally make that phone call, and then the whole cycle would have to start again because they would be in noncompliance.

Our services are very important at the Department of Labor. And I want to thank you for hearing me today.

P.O. LINDSAY:

Thank you very much. Audrey Rudolph.

MS. RUDOLPH:

Hello. Thank you for the opportunity to speak today. I work with Linda at the Child Care Council of Suffolk. The Council is dedicated to improving the quality of child care to all of Suffolk County's diverse communities. I'm the Director of the Resource and Referral Department.

At the council, we strongly disagree with the \$7,000 cut by the Suffolk County Executive to our supportive services contract for the 2012 fiscal year. This cut to an already underfunded program will greatly hinder the Council's ability to provide the high quality service who the residents of Suffolk County rely upon. The Suffolk County Department of Social Services supports the return of the \$7,000 to the contract.

The Council's Resource and Referral Department provides staffing to Suffolk County's Department of Labor site in Hauppauge five days a week full-time. Our staff offers assistance, guidance and child care options to parents who must complete a work assignment that is required as part of receiving TANF, Temporary Assistance to Needy Families. Child care is often an obstacle to parents to complete that work assignment, which is why the Council offers an onsite -- onsite child care referrals and access to other resources that may be needed for a parent to complete this mandatory requirement.

The Council offers referrals to almost fifteen hundred parents each year at the Suffolk County Department of Labor. Parents are often confused after undertaking the process of applying for and receiving work assignments at the Department of Labor. Our caring staff offers the opportunity to review what the parent is required to do, discuss any of the services that may be needed, such as HEAP or food pantry access, and establish a relationship with the parent to become an ongoing resource as they work their way to self-sufficiency. The supportive services that the Child Care Council of Suffolk provides -- that we provide are aligned with the core mission of the Suffolk County Department of Social Services. Suffolk County is required to meet a minimum Federal level of participation in work requirements. The Council services help keep the County's participation rates up so as to avoid Federal penalties.

Further, parents who do not receive these child care referrals may be forced to use unregulated care, which may expose their children to dangerous situations. The quality of unregulated care may also have a long-term effect on the development of these children. Parents who are already dealing with many difficult situations should not be forced to choose between completing their work assignment and requirement for TANF and the safety and well-being of their children.

The Child Care Council of Suffolk strongly urges the \$7,000 be returned to the supportive services contract for 2012. We look forward to continuing our collaboration with Suffolk County Department of Social Services for many years to come. Thank you for your time regarding this matter. We are available to you if you need any -- have any questions or need additional information. Thank you.

P.O. LINDSAY:

Thank you. Okay. That completes my cards on the Operating Budget. Is there anyone else in the audience that would like to speak to us? Yes, Alex, come forward.

MR. STRAUSS:

Good afternoon. A couple of things. I come here because I like to watch government work, and I think that 99% of the time you do a great job. But it comes to a point in time where we're talking about buying 350 acres of property, which is probably a great deal, it's probably going to be the best parks we've ever had, but it's going to get to a point in time where there's nobody going to be able to go to these parks, because all we do is keep laying off people, cutting and cutting and cutting. We're down to the bone, we're past the bone now, we're into the marrow. Pretty soon we won't have anybody working here. Maybe the next thing they're going to do is consolidate Legislative districts. Instead of having 18, maybe we can only have five and have those people work until they drop.

You people do a good job, and it's getting to a point now where somebody has to take the ball and hit it. Somebody has to say we have to raise revenue. I know nobody wants to do that, because you'll be out in the street and the next guy will come in here and promise the world, and again, we'll

be in the same thing we are now.

The State keeps telling us that we have to provide services and we can't pay for them. And everybody just keeps saying, "Well, what we'll do is we'll cut and we'll cut and we'll cut," and eventually there's going to be nobody here. There has to be a point in time where revenue has to come in. You know, maybe you have to wait until after the next election and then somebody has to come and get to a point where you can't cut anymore.

I mean, I sat here and listened to nine different people get up here and telling you about their services, and there's none of them I can argue with. There's none of them I could say, "Well, you know, we don't need that. We need all of that.

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

MR. STRAUSS:

It's to a point now where I don't know what you do. But I think if we raise revenue is one way of helping, and I know nobody wants to do that. I don't know what the answer is. I don't know, because you people get elected every two years, which is kind of ridiculous; you promise one thing and then two years later you've got to promise again and again and again. And nobody wants to raise taxes. I know it's a bad word. I'm on a fixed income and you know what? There comes a point in time where you have to. There's nobody here in this room that their expenses have gone up. Nobody here can tell you, "No, they all went down last year."

You know, there has to come a point in time where somebody has to raise revenue. I know it's a hard subject and it's probably never going to get done until, I don't know when. But thank you for listening.

I don't know what else to tell you.

P.O. LINDSAY:

Thanks, Alex. Anybody else want to address us? Yes, ma'am?

MS. ROWLANDS:

Good afternoon. Pat Rowlands. I did place a card earlier, I don't know, it got lost. As you know, I'm from John J. Foley. I've been coming here for many years now, it's just an ongoing battle. And I just want to say a couple of things.

As far as revenue, you know, our place has the potential to make money. As we've talked about many, many times. With all the bad press and publicity, we're down many, many patients. Families that loved us and wanted to stay with us fearfully took their families out of there. If we could get back up to bed-hold, we could make money.

As far as the HIV, we're the only designated place in the County.

We have 12 designated beds, a thousand dollars a day we have for these beds. But there's so much fear about the nursing home, nobody wants to take the chance and the risk of putting their family in there.

I want to thank you again for allowing me to speak. I once said we were like the little train that could, like David battling Goliath. We at John J. Foley fought a long and hard and valiant fight, and then suddenly we found our facility sold. But then at our eleventh hour, amid claims of corruption, the buyer backed out. Miraculously there was no sale. Then there was a hurricane, we were needed for Suffolk County residents with special needs and we fulfilled those needs. And it makes me wonder, divine intervention? Is somebody up there trying to tell us something? Is anyone listening? I was going to get into the whole thing with the agency people but, I mean, that's just a whole

nother (sic) ballpark.

I'm going to tell you about my mother. I told you in the past that my mother, in 2010, was up there and she went to the rehab unit and they did wonderful for her, she got better, everything turned out well. This is going to be a little difficult for me. In September we were told to prepare ourselves for the worst as she now had cancer throughout her tiny, frail body. She was dying. I brought her to the one facility that I knew could take the best care of her anywhere. I brought her there to die. Not because the staff there were my friends and Mom would get special treatment, because the staff there are professional, compassionate, any resident facing their last days gets special attention. I notice I you've been there caring for dying residents supporting their families as expected. The staff was spectacular, when my mother screamed for pain they ran for attention. I am so very grateful that she was able to receive most excellent care available anywhere and that's what we did at John J. Foley. My mother felt safe and was comfortable.

I have a little bit more. On Saturday, October 1st, my mother, who I cherished beyond words, passed away in our facility. I thank God that and I thank all of you that have kept us hope that I was able to bring her there to die because I could not bring her home, that was my last gift to her, that she could die peacefully and with dignity in our place and I just want to say thank you so much for the past support and thank you for all my County workers who were so wonderful to my mother. This place is a necessary place and I go back to wondering about divine intervention; is that why we are still here, so my mother was able to pass peacefully? Thank you.

P.O. LINDSAY:

Is there anyone else that would like to address us on the budget? Seeing none, I'll make a motion to close.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: D.P.O. Viloría-Fisher & Legislators Romaine, Cilmi & Horsley).

P.O. LINDSAY:

Next up is *Public Hearing on the Southwest Sewer District Assessment Roll*. I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close. Do I have a -- second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: D.P.O. Viloría-Fisher & Legislator Cilmi).

LEG. ROMAINE:

I'm here.

P.O. LINDSAY:

Public Hearing on Procedural Motion No. 29-2011 - To authorize a public hearing for transfer to Retirement Reserve Fund (Presiding Officer Lindsay). I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I'll make a motion to close.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: D.P.O. Vilorio-Fisher & Legislator Cilmi).

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 have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Yes, please come forward.

MS. MCGREGOR:

Linda McGregor. I just wanted to speak in support of this resolution. Anything that goes to more truth, transparency in the election process and the fundraising process, anything that will eliminate the actual act of improper funding or the appearance of improper funding goes to reestablished trust in our elected officials.

I know, speaking personally, you know, our union collects political action committee dues and we're not told what happens with that money. You have to go to the State Board of Elections to find out what happens with your political action dues. So anything that brings more transparency and -- to the government I really appreciate and it restores trust in government. Thank you. And I also mean that for Resolution 1468 as well.

P.O. LINDSAY:

Thank you. Is there anybody else? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: D.P.O. Vilorio-Fisher & Legislator Cilmi).

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 that 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 by Legislator Romaine. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: D.P.O. Viloría-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public Hearing on 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 no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator Montano, recess?

LEG. MONTANO:

Recess, yes.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: D.P.O. Viloría-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public Hearing on IR No. 1704-11 - Adopting Local Law No. -2011, 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 have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, do I have a motion?

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Browning. Seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: D.P.O. Viloría-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public Hearing on IR 1716-11 - Adopting Local Law No. -2011, A Local Law to reduce the use of disposable bags by retail stores (Viloría-Fisher). I've got one card, Patricia Broadhagen.

MS. BROADHAGEN:

Good afternoon. I'm Pat Broadhagen, I'm the Vice-President of Public Affairs for the Food Industry Alliance of New York State, the trade association that represents retail and wholesale grocery stores.

MS. MAHONEY:

Can you pull the microphone up, please?

MS. BROADHAGEN:

Up? Is that okay?

MS. MAHONEY:

Yes.

MS. BROADHAGEN:

I haven't addressed this bill. Many of you know that the Food Industry Alliance has remained neutral on this particular proposal to impose a five cent surcharge on plastic and paper carry-out grocery bags, other bags, too, in all stores. But after sitting through the first two hearings on this and discussing it with our members, they thought that we should address some of the issues and questions that were brought up during the two previous public hearings. So I really just came to sort of bring you up-to-date on where we're at with bags.

So, food merchants have a really strong interest in reducing the use of paper and plastic bags, both at the front end for environmental reasons, but obviously, I won't kid you, for self-interest. Bags are a cost center, and so to the extent that we can contain costs, that's a good thing. So we certainly support bag reduction at the front end and as well keeping bags out of the environment and out of landfills at the back end.

And to that end, our message is pretty simple. The first is when you shop, don't take a bag if you don't need one, and by all means, bring your own. And we try to make that easier in stores by selling reusable bags right up front, pretty much at cost, 99 cents; I'm sure you've all seen them. But also, many of our members reward shoppers with a nickel for every one of their own bags that they bring to put groceries in. And, you know, those bags that you bring can be those durable bags, but they can be other plastic bags that you got the week before, too, they can be paper bags, it doesn't matter. If you bring your own bag, you in some stores, not all, but will get a refund for the bags that you bring. That's one of the things that we're trying to do.

The other thing is if it's a small purchase, you know, maybe you don't need a bag. Stick it in your purse or your pocket or carry it to the car or whatever.

The second message is that if you do take a bag, paper or plastic, do not throw it away. Either reuse it at home, and I know a lot of us do that, we have all kinds of ways to reuse them at home, keep that up. Or we use it, as I mentioned, when you shop bring it back, collect the refund or recycle it. There were questions raised about bag recycling, and whether or not plastic bags were recyclable, whether they were being recycled, whether the towns were taking them, whether they were gumming up the recycling machinery, etcetera. The point is that they are being recycled because we have set up an independent infrastructure to collect and recycle those bags and that started right here in Suffolk County. I'm looking at Legislator Horsley, it was his bill. Once Suffolk County passed that bill, it moved on to some other jurisdictions and the State ultimately passed it as well.

So what the law is is that any store, any store that uses plastic bags to put goods in must, if it's over 10,000 square feet, accept plastic bags back for recycling. So it's not an issue whether they can be mingled with other plastics, they're not mingled with other plastics. We have established this separate, very convenient recycling infrastructure that is, in fact, being used pretty successfully in all of our stores.

And just so you know, in those bins we'll take back our bags, we'll take back competitor bags, we'll take back dry cleaner bags, we'll take back newspaper bags, we'll take back produce bags. As long as they're thin plastic bags, you can bag them up or however you want to do it and stuff them in to those bins. You heard comments that it didn't seem like -- you know, from some speakers that maybe those bins never got emptied. They get emptied all day long, six times a day, eight times a day. A lot of stores have more than one bin. The numbers -- and I wish I had them for you, I'm trying real hard to collect good numbers; I can go into the reasons why that's hard. But in any event, tons of plastic bags have been collected, they are recycled. So that system, that

infrastructure is working.

Our concern, though, with the testimony that you heard previously is that while a number of speakers supported intro 1716, the bag surcharge, they said they would prefer to see a plastic bag banned. But I need to say on behalf of my members is we do not support a plastic bag ban, and the reason for that is it doesn't address the primary goal of reducing bags. What it does is it fosters the substitution of paper bags for plastic bags. Nobody thinks that that's a good idea environmentally anymore because of the increased weight, water, all the other energy impacts of paper bags. But it is also economically, hugely problematic for stores.

Somebody asked earlier in a hearing about the cost. The paper bags are about three times the cost of plastic bags. So when you've done that, you know, you fostered that switch instead of that reduction, what you've done is increased the cost three-fold. And that will, when you take into account all of the retailers, certainly the hundred or so stores I represent, that will result in millions of dollars in new costs and that, in a penny-on-a-dollar business, you know, that couldn't be absorbed.

So those are really the issues I wanted to address. I wanted that to be on the record, that a ban is just not a good idea. And the program that is in place is working pretty well and we've sort of stayed agnostic on the surcharge. Thank you.

P.O. LINDSAY:

Pat, Legislator Cilmi has a question for you.

LEG. CILMI:

Thank you, Mr. Chair. Hello again, Pat.

MS. BROADHAGEN:

Hello.

LEG. CILMI:

Good to see you from a different chair, different perspective.

MS. BROADHAGEN:

Thank you.

LEG. CILMI:

I have three quick questions for you. Do you have any idea how much money is spent by your members on these bags, annually or whatever?

MS. BROADHAGEN:

I have some ideas. It's mostly -- I don't have an average, you know, because I haven't collected that from everybody. And it clearly varies by the size -- actually, not so much by the size of the stores, by the volume of business; that would be the key variable. But it's in the thousands of dollars annually. A paper bag costs about a nickel and a plastic bag costs about a penny and a half.

LEG. CILMI:

Do you know if most of the manufacturers of these bags are based in the United States or if they're buying them overseas?

MS. BROADHAGEN:

There are lots and lots of United States manufacturers. Some bags do come in from abroad, they tend not to be sold through traditional channels. So most of our members here I think are buying through traditional channels.

LEG. CILMI:

Any feel for -- and I apologize if I'm asking questions that you weren't prepared to answer.

MS. BROADHAGEN:

Okay.

LEG. CILMI:

But any feel for what's happening with the bags once they're recycled, how they're being recycled and what they're being used for, etcetera?

MS. BROADHAGEN:

I think the primary use is that lumber and decking, you know, that whole industry, that has really sprung up and gotten pretty strong.

And so I think that's the major use of bags.

LEG. CILMI:

I guess it's safe to say that the more we recycle these bags, the more raw product for these lumber companies, you know, the plastic lumber companies, and you would think that that in turn would drive down the cost of that plastic lumber.

MS. BROADHAGEN:

Yeah, right now I don't think they can get enough of the bags.

D.P.O. VILORIA-FISHER:

Right.

LEG. CILMI:

Right.

MS. BROADHAGEN:

But there is a pretty strong demand. It's not a big -- it's not a big money raiser, but it's in the black, not the red, in terms of bag recycling.

LEG. CILMI:

Right. So last question. Do you think the members of your association would be interested in embarking on some sort of a marketing campaign to further promote the fact that they do accept these bags even from stores that are, you know, unrelated to their business?

MS. BROADHAGEN:

In partnership with the Legislature, say, or with individual Legislators.

LEG. CILMI:

Sure.

MS. BROADHAGEN:

Yeah, I think they would.

LEG. CILMI:

Okay.

MS. BROADHAGEN:

I think if we can be -- I am always surprised how few people seem to be aware that we're taking these bags back. I mean, a lot of people are aware because we're taking a lot of them back, but still, the more I talk about it, people go, "Oh, really? I didn't know that." And so I think we do need

to do a better job of getting that word out.

There is an effort that's going to be launched, next month I think, where there will be a website that they're rolling it out in state by state by state and they're going to be rolling it out in New York where you can log on to a website and put in your zip code and find out what stores in your zip code take bags back. Because it's mandatory in New York State, we've encouraged our members, by all means, submit your store list so that you'll be included because it can only help.

LEG. CILMI:

So if the association and your members then could work with the Legislature, we could actually positively impact the environment and at the same time -- and quality of life, and at the same time not negatively impact our economy.

MS. BROADHAGEN:

We could and we should promote bring-your-own bags as well.

LEG. CILMI:

Sure.

MS. BROADHAGEN:

It could be -- yeah.

LEG. CILMI:

Yeah, it could be a combined effort.

MS. BROADHAGEN:

Absolutely.

LEG. CILMI:

Terrific. Thanks.

MS. BROADHAGEN:

Sure.

P.O. LINDSAY:

Anybody else? No? Thank you very much, Pat. I appreciate it.

MS. BROADHAGEN:

You're welcome.

P.O. LINDSAY:

Do I have anybody else that wants to speak on this subject?
Seeing none, do I have a motion?

LEG. BROWNING:

Motion to recess

P.O. LINDSAY:

Motion to recess. I'll second that, or Legislator Eddington will second that. All in favor? Opposed?
Abstentions?

MS. ORTIZ:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Okay. *Public Hearing on IR No. 1729-11 - Adopting Local Law No. -2011, A Charter Law to amend the Drinking Water Protection Program to fund remediation of contaminated commercial sites (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 recess.

P.O. LINDSAY:

Motion to recess. 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: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Public Hearing on IR No. 1782-11 - Adopting Local Law No. -2011, A Local Law to establish a reporting requirement for registered sex offenders in County Parks (Presiding Officer Lindsay). Do I have anyone in the audience -- I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Public Hearing on IR No. 1810-11 - Adopting Local Law No. -2011, A Local Law to address improved auction properties that remain unsold and increase affordable housing in Suffolk County (Browning). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- sixteen (Not Present: D.P.O. Viloría-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public Hearing on IR No. 1816-11 - Adopting Local Law No. -2011, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of a 50' X 116' parcel in

Brookhaven (SCTM No. 0200-418.00-04.00-004.000) to Stony Brook Medical Park Condominium (County Executive). I have no cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, do I have a motion?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Schneiderman. Do I have a second? Second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: D.P.O. Vioria-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public hearing on IR No. 1834-11 - Adopting Local Law No. -2011, A Local Law to lower the sewer connection fee for Canon USA, Inc. (D'Amaro). I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, Legislator D'Amaro?

LEG. D'AMARO:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- sixteen (Not Present: D.P.O. Vioria-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Public Hearing on IR No. 1839-11 - 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). I don't have any cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: D.P.O. Vioria-Fisher & Legislator Cilmi).

P.O. LINDSAY:

Okay, that concludes our hearings for today. I'd like to set the date for the following Public Hearings of November 22nd, 2011, 2:30 p.m., Caracappa Auditorium in Hauppauge, New York:

IR 1843-11 - Adopting Local Law No. -2011, A Local Law to increase the time animal abuse offenders must remain on the County's Animal Abuse Offenders Registry (Cooper).

I need a motion to set that public hearing.

LEG. COOPER:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen -- Sixteen (Not Present: D.P.O. Vilorio-Fisher & Legislator Kennedy).

P.O. LINDSAY:

Okay, that concludes Public Hearings.

We're back on page six, *Tabled Resolutions (continued)*:

We're up to *1556-11 - Adopting Local Law No. -2011, A Local Law in relation to disposition of auction properties (County Executive).*

LEG. BROWNING:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table by Legislator Browning. Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen (Not Present: D.P.O. Vilorio-Fisher & Legislator Kennedy).

P.O. LINDSAY:

IR 1713-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by -- didn't we do this?

MR. NOLAN:

No.

P.O. LINDSAY:

No -- *by Local Law No. 24-2007 (North Fork Preserve property) Town of Riverhead (SCTM No. 0600-021.00-01.00-001.004).* Isn't --

LEG. ROMAINE:

Yeah, I'll make a motion to withdraw this, this resolution. I believe the County Executive has said forward -- his resolutions went forward, if I'm not mistaken; no?

P.O. LINDSAY:

But isn't this -- isn't this the acquisition?

LEG. ROMAINE:

Oh, this is -- oh, sorry. Sorry, absolutely. No, we're ready to go on this. I'm sorry, I'm confusing it with the rest of the North Fork Preserve. Okay.

P.O. LINDSAY:

Maybe you could explain it?

LEG. ROMAINE:

Sure, absolutely. The North Fork Preserve is roughly a parcel of -- and I've heard all types of quotes from 306 to 311 acres. This is not that.

*(*Laughter*)*

Okay. What this is is a 50-acre parcel adjacent to the North Fork Preserve that used to be part of the preserve that the County bought the Farmland Development Rights for next door. That 50-acres, although we bought the Farmland Development Rights, have not been farmed for the 20 years that we've owned it because the owner had no interest in farming it, and now the North Fork Preserve is looking to liquidate all of their assets, including this parcel.

The Parks Department has approached me with an opportunity to create a -- excuse me, equestrian center which would produce income for the County because we would allow a private vendor to come in and run the equestrian center and also help the horse industry in Suffolk County. It's something I believe that Legislator Eddington has worked very hard for and I think this is worthwhile. This is a small -- well, it probably will be a small amount of money. This is only a planning steps to get forward, to go forward to buy the underlying fee simple title. We already own the development rights.

I think it makes sense. I think it will be an economic shot in the arm for the north fork and I think it will help the equestrian industry and I think it will also produce revenue for the County. For all those reasons, I've supported this planning steps resolution and that's what this is. This is a planning steps only for that 50-acre parcel. If any of my colleagues have any questions, I'd be happy to answer them. Yes, Jon?

LEG. COOPER:

Bill, I do have a question.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I'm confused. Legislator Romaine, are you saying that the Legislature, that we purchased Farmland Development Rights for this parcel from the owner, but then he --

LEG. ROMAINE:

Twenty years ago.

LEG. COOPER:

Twenty years ago, and then it was never farmed.

LEG. ROMAINE:

Never farmed.

LEG. COOPER:

Any idea what we paid for the Farmland Development Rights?

LEG. ROMAINE:

No idea, because I don't have that resolution in front of me. But --

LEG. COOPER:

And George, maybe this is a question, since Tom Isles isn't here.

LEG. D'AMARO:

He's not here anymore.

*(*Laughter*)*

LEG. COOPER:

Thank you. Since -- is there any requirement that if we purchase a property -- if we purchase Farmland Development Rights for a property, to require that the property be farmed? Which is the all intended purpose of the program. I think I know the answer, but if you can just for the record.

MR. NOLAN:

Well, it's the only thing they can use it for is farming. Now, I don't know what's in the contracts in terms of enforcing that, I'm not sure what the County puts in those contracts.

LEG. COOPER:

Well, I mean, they can't develop it.

MR. NOLAN:

Right.

LEG. COOPER:

But the whole idea behind this program was to make sure that the land remained under cultivation to support the farming industry. So in this case, 15, 20 years ago we spent County taxpayer dollars to purchase the Farmland Development Rights, but apparently the owner never followed through on their end and continued to farm the property, which is concerning to me.

MR. NOLAN:

I understand your concern.

LEG. COOPER:

And do you share my concern?

LEG. ROMAINE:

If I may, I'm glad you brought up that, because I'm looking at legislation to kind of close that loophole. I'm a great believer, if we buy Farmland Development Rights, that that property should be farmed.

This is a unique case because there's been litigation. The North Fork Preserve has shareholders and there was litigation for many years between the minority and majority shareholders, they finally came to some agreement and the agreement was to liquidate everything. So they're not going to maintain this property. They haven't farmed it, they have raised birds on that as part of the hunting preserve, but that's -- you know, that's not what I would consider farming.

I think an equestrian center that the Parks Department has come forward with, that I've had a lot of discussions with Nick Gibbons and Tracey Bellone on, I think it's the right use for this property. I think it will create some economic opportunities for people in the north fork. It will be a great boost. And I think Legislator Eddington did the equestrian industry a tremendous benefit by that task force and the report that they put out, so it will help the equestrian industry, and in the end it will produce revenue for the County. Because we'll have a private vendor that will run that equestrian center and return some of the money they're taking in to the County of Suffolk and make improvements to the property for the equestrian center.

LEG. COOPER:

And, Legislator Romaine, there's no chance that we would, in effect, paying -- well, not paying double, but we'd be paying more for this property to the owner than was warranted, since we first purchased the Farmland Development Rights, now we're acquiring --

LEG. ROMAINE:

The difference between Farmland Development Rights and fee simple title, as you know, is very small, it's a very small part of the equation. This is planning steps. We're not buying anything today. What we're doing is getting appraisals. So I can't even answer your question unless we pass these planning steps, then you'll get the answer of how much the value is, what the underlying value is, and at that point we can make a decision. But this is a planning steps, this gives us the opportunity to do a survey, an opportunity to see if the party is interested, which I suspect they are because they are liquidating their property, and an opportunity to find out what the appraisal price is.

LEG. COOPER:

I would ask if you could reach out to Planning and have them check the records so we can ascertain what was paid to the owners a couple of decades ago.

LEG. ROMAINE:

I will make an effort to do that. And if you e-mail me later this week, my office will get you the price that the County paid. We'll just go back and check the records.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

I've got a couple of more Legislators that want to talk on this, but I see Ms. Greene in the back. Would you mind coming forward? Because I've got a real basic question that I think you would probably be best equipped to answer. I mean, this is a very unusual piece of legislation. To your knowledge, have we ever done this before, where we bought development rights to turn it into active parkland?

MS. GREENE:

Well, I don't know that we haven't purchased full-fee after we've already purchased Farmland Development Rights. And in this instance --

P.O. LINDSAY:

So we have done that in the past.

MS. GREENE:

I would defer to my colleague, Janet Longo, who certainly has much more experience.

P.O. LINDSAY:

Okay, I'll be happy to ask Janet. Come on, Janet.

MS. GREENE:

And just also note that the use anticipated is one that is approved by New York State Ag & Markets Law for permissible use on an agricultural property.

P.O. LINDSAY:

For an equestrian farm.

MS. GREENE:

Use.

P.O. LINDSAY:

Okay.

MS. GREENE:

Okay.

LEG. ROMAINE:

Thanks. Good point.

MS. LONGO:

To my knowledge, this is unusual and we have not ever purchased the underlying fee to a farm after we've purchased the Farmland Development Rights. The equestrian use that's proposed is in Ag & Markets, it's a use allowed in the Ag & Markets Law because it will be boarding horses, so that's considered farmland.

Actually, your question earlier, since we bought the development rights so many decades ago, I'm sure we paid very little for them compared to today's values. So if you look at it that way, whatever -- you know, if we went to purchase the full fee right now --

LEG. COOPER:

It was a good investment.

MS. LONGO:

-- it would cost a lot of money. Whatever we paid for the development rights years ago is minimal and now it's just the underlying fee that's left. So, actually it's 50 acres next to the entire North Fork Preserve that we're trying to purchase, and I think it's a good compatible use and a great thing to do while you're camping.

P.O. LINDSAY:

So in effect, we're not -- we're buying the property with the development rights intact.

MS. LONGO:

No, the development rights have already been purchased --

P.O. LINDSAY:

I know that.

MS. LONGO:

-- under the Farmland Program.

P.O. LINDSAY:

But owner A owns this piece of property where he's already sold the development rights. Now we're buying the parcel with the development rights intact.

MR. NOLAN:

We have them.

MS. LONGO:

We already own the development rights.

P.O. LINDSAY:

Okay.

MS. LONGO:

So we're just buying the underlying fee. So now when we do that, we'll own the whole --

P.O. LINDSAY:

But we're not changing it to active parkland, that's my point.

MS. LONGO:

It must -- we have to purchase it under active parkland in order to be able to develop this equestrian center and utilize it, because we only have three funding sources. We have Open Space, and you can't develop that under Open Space; we have Farmland Development Rights, but we've already purchased the development rights; so the only funding source left is Active Recreation. The Active Rec funding source allows horseback riding and more active uses and the development rights part allows for the equestrian and for the boarding of horses. So actually, it's a perfect mix. And it is unusual, but it's -- this happens to work.

P.O. LINDSAY:

Thank you, Ladies, for clearing up that misunderstanding. Legislator Montano.

LEG. MONTANO:

Yeah. Pam or Ms. Longo, just a quick question. When we purchased the -- when we purchase a development rights, does the -- we don't have fee, so does the property continue to yield or pay taxes to the County?

MS. GREENE:

It does, the farmer retains the ag rights and retains title and also continues to pay taxes.

LEG. MONTANO:

So we have been collecting the taxes over the last 20 years on this property.

MS. GREENE:

Correct.

LEG. MONTANO:

All right. And if we pass this resolution and then we purchase it, we're basically taking all that property off the tax roll.

MS. GREENE:

Well, again, you'd be purchasing it for a County acquisition, correct. It would be County property.

LEG. MONTANO:

Right, but to take it off the tax roll.

MS. GREENE:

It would be County property, correct.

LEG. MONTANO:

And this -- maybe to Legislator Romaine. This planning steps resolution -- Ed, are you with me?

LEG. ROMAINE:

Yes.

LEG. MONTANO:

I'm sorry. This planning steps, your plan is to develop an equestrian farm so that we can make profit on the property?

LEG. ROMAINE:

That's not my plan, but that is the plan that was presented to me by the Parks Department.

LEG. MONTANO:

Oh, so that's the Parks Department plan.

LEG. ROMAINE:

Right. Nick Gibbons and Tracey Bellone presented this plan to me and I thought about it long and hard and I said, you know what? That makes sense because it's immediately adjacent to the bigger parcel that we'll deal with today, the North Fork Preserve, and that makes sense to me because the land is essentially sitting fallow now, let's put it to some use that's going to create a little economic opportunity on the north fork. Let's help the equestrian industry in Suffolk County which, if you read the very well written report --

LEG. MONTANO:

Well, let --

LEG. ROMAINE:

-- that talked about the need for a center like this and allow the County also to generate some revenue.

LEG. MONTANO:

Has a study been done yet on how much revenue this is anticipated to produce?

LEG. ROMAINE:

Again --

LEG. MONTANO:

Or is that part of the planning steps?

LEG. ROMAINE:

This is --

LEG. MONTANO:

I don't know why everybody keeps leaving the podium.

*(*Laughter*)*

There are more questions, Pam. Don't run away.

LEG. ROMAINE:

This is a question that --

LEG. MONTANO:

I may go back and forth. Go ahead.

LEG. ROMAINE:

Right. A planning steps resolution normally doesn't get into that, they get into what the price is, what the appraisals were, whether there's a willing seller. And then when the acquisition resolution comes up, Legislators ask those type of questions from the Parks Department since it was their conceptual plan that put it forward.

LEG. MONTANO:

Well, this -- if I may, Ed. This planning steps is for the acquisition of the land that we already own the development rights to.

LEG. ROMAINE:

Yes.

LEG. MONTANO:

Which is adjacent to your proposed preserve.

LEG. ROMAINE:

Well, not my preserve but the North Fork Preserve.

LEG. MONTANO:

The North Fork Preserve. Okay. And how do you appraise that? I.

Mean, isn't it difficult to reach an appraisal if we already own the development rights.

MS. GREENE:

No, because there is a value for underlying fee and our Appraisal Review Unit has to do that in order to put forward all of your acquisitions where we only acquire the Farmland Development Rights.

LEG. MONTANO:

All right, I'll wait till we see the appraisal. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Some of my questions have been answered. You know, first I wanted to figure out whether you could do this. It seems like you could do a riding stable, trail rides on a property and still be within the Ag Markets Law, still be within the Suffolk County Program. You probably want to build some kind of -- obviously you're going to be boarding or keeping these horses so there's going to be some kind of building. I know we have limitations on how much acreage can be used for that. You probably could do that and comply with this, too.

I have a concern, though, in terms of the viability of a horse riding stable like this. Because I know the one in Montauk which is -- already has a stable there and it's kind of a famous -- it's the first -- it's one of the first cattle ranches in the country, this is the Deep Hollow Ranch. And we've gotten notice from the person or the entity that leases that that they're leaving, they're leaving their lease early. And I had conversations with that individual and he said it's really hard to find somebody to take it over because insurance companies don't want to write insurance because it's just a dangerous activity, so it's very hard to find people to operate. So it's a nice idea to have the trail rides, but you may not be able to find an operator. In this case, you don't even have a stable, somebody's going to have to build a stable. It's really quite expensive.

So it's a nice idea, but I don't think it would happen. We may end up buying this piece of land and then just sitting on it because we can't find anybody to operate it. I know in Montauk we don't allow them to board horses, and apparently that's where the money is, in boarding horses. And I don't know if we'd put the same restriction on this piece, no boarding, but without that I don't think they can make enough money on trail rides to maintain the horses, to feed them, to maintain the buildings. So it's a nice idea, but I don't think it's a realistic one. Sorry.

MS. GREENE:

Just to comment. I was privileged to be a member of Legislator Eddington's Equestrian Task Force and can just share with you that in our course of preparing the task force report that I believe all of you have seen, we held public hearings throughout the County and received overwhelming testimony from equestrian enthusiasts that there is a crying need for more opportunities to avail themselves to equestrian activities. So, in fact, that report did identify as a task for the County to go out and look for additional resources that could meet those needs.

LEG. SCHNEIDERMAN:

Again, it's not that people don't want to go trail riding. It's just that as a business model, it doesn't work any more because of the high insurance costs and operational costs.

LEG. ROMAINE:

This is planning steps.

P.O. LINDSAY:

Are you done, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

I'm done. I just wish this wasn't before us actually right now so we could focus on the North Fork Preserve and not have it muffed up.

P.O. LINDSAY:

Well, if it didn't work as an equestrian center, you could always turn it into a trap and skeet range.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

That's agriculture, right?

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Sounds good to me, Bill. So now it still stays as farmland?

MS. GREENE:

Correct.

LEG. BROWNING:

Okay. And there's no issues with building structures on this farmland? Because I know that we read often about building structures on farmland.

MS. GREENE:

The structures must be ancillary to the use, the agricultural use.

And New York State Law, which just changed this past summer, now has allowed equestrian uses in that category as a permissible agricultural use.

LEG. BROWNING:

Okay. Well, let's get back to Southaven Park. We had an equestrian site, center, at Southaven Park and there's a stable there and there has been no effort on the part of our Parks Department to reopen that; or am I mistaken?

MS. GREENE:

I think there's a long history. And again, I wouldn't speak -- I wouldn't presume to speak for the Parks Department. But that was one of the field trips, if you will, that the Equestrian Task Force took to try to see what had happened there and what obstacles existed and how we could try to meet the need of the equestrian community.

LEG. BROWNING:

So what was the obstacles and what was the problem? Why aren't we reopening the stables in Southaven Park?

MS. GREENE:

I'm not qualified to address that.

LEG. BROWNING:

Jack, do you know?

LEG. EDDINGTON:

(Shook head no).

LEG. BROWNING:

Okay. I'm just curious. I mean, if there was not effort to do it in Southaven, I can't see why we'd be doing it on the east end.

P.O. LINDSAY:

I think that's something that you'd have to ask at the Parks Committee.

LEG. BROWNING:

Yep.

P.O. LINDSAY:

Ms. Greene isn't equipped to answer for Parks.

LEG. BROWNING:

Thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Yes, thanks. I was actually going to ask the question seriously that you sort of asked flippantly. I mean, is 50 acres enough to have a trap and skeet range as well as an equestrian center? And I guess as part of that question, does the New York State Ag & Markets Law allow for a certain small percentage of land that we've purchased for Farmland Development Rights to be used in a way that's not consistent with those goals.

LEG. SCHNEIDERMAN:

It might spook the horses, don't you think?

LEG. CILMI:

I guess it might.

LEG. BROWNING:

It used to be a trap and skeet range when the Southaven stables were open.

LEG. ROMAINE:

If you want, I could answer your question.

P.O. LINDSAY:

Go ahead, Legislator Romaine.

LEG. CILMI:

Yes, please.

LEG. ROMAINE:

Number one, it has to be consistent with New York State Agricultural Markets Law. I don't know if a trap and skeet would be allowed on development rights, land that we've purchased the development rights for. That was the first question. So it's not a question of having enough -- and I'll talk about trap and skeet when we get to that, when we talk about the bigger parcel, the North Fork Preserve.

P.O. LINDSAY:

I only said that in gest, you know that.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

I only said that in gest.

*(*Laughter*)*

LEG. ROMAINE:

Okay. Well, I thought I'd answer a question, take it seriously.

What was the second part of that question, sir? What was your second question?

LEG. CILMI:

Is there enough land. If it was allowed -- how many acres is the trap and skeet range?

LEG. ROMAINE:

No, because -- I'm reading from the trap and skeet report; in fact, I'm reading number two, North Fork Preserve, and they talk about requiring a goal of a 2,000 foot residential setback, a setback that the North Fork Preserve will not meet. So their own report talks about a set back that the North Fork Preserve will not meet because it has houses on the southern and the northern border of that property.

LEG. CILMI:

Okay.

LEG. ROMAINE:

And since we're only buying the southern for active recreation, the North Fork Preserve wouldn't even meet the recommendations of the skeet and trap report. But that's a totally separate issue.

LEG. CILMI:

I just thought there was some debate as to whether or not it should be allowed on the Preserve property. If we had an additional 50 acres that was adjacent to the Preserve property, maybe that was, you know, a good sort of compromise, but it doesn't sound like that will work.

LEG. ROMAINE:

Well, legally it creates a problem because it's preserved land and State law, besides County Law, dictates what can be done on preserved land in terms of Ag & Markets Law. As far as ancillary structures, those structures can only be ancillary to agriculture. So if you have a barn and the barn is relative to the land that you're farming, okay; other structures, not so okay.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

Legislator Cooper, you're next on the list. Do you have any questions for Ms. Greene?

LEG. COOPER:

Yes, I do.

P.O. LINDSAY:

Go ahead.

LEG. COOPER:

Number one, what is the rating of this property?

MS. GREENE:

It hasn't been rated yet. This is planning steps to start that process.

LEG. COOPER:

Okay, because --

LEG. ROMAINE:

No.

MS. GREENE:

Oh, I'm so sorry. I'm so sorry. Again, I'm not representing the Planning Department right now. So at the EPA meeting, there may have been a planning steps rating, and I apologize that I -- this resolution, if passed, directs the division to go forward and order appraisals; that's what it does.

LEG. COOPER:

Right. One of the key factors that we consider when deciding whether or not to approve a planning steps is the rating.

MS. GREENE:

Correct.

LEG. COOPER:

And my understanding is at committee they didn't know what the rating was.

MS. GREENE:

I apologize.

LEG. COOPER:

Unless the sponsor -- Legislator Romaine?

P.O. LINDSAY:

Legislator Romaine, do you know the rating on this property?

LEG. ROMAINE:

I have no idea because we haven't adopted planning steps. It's only when we --

LEG. COOPER:

No, we -- we usually have -- the Planning Department does a rating before we decide whether or not to approve planning steps.

LEG. ROMAINE:

I don't believe they did since we're the current owner of the development rights.

LEG. SCHNEIDERMAN:

Yeah, but you're buying it for different purpose.

MS. GREENE:

Again, I apologize. Perhaps there's a communication that can take place to the Planning Department right now to get you that information? But --

LEG. COOPER:

That's one question. I guess my bigger concern at this point is that -- well, let me ask a question first. The Suffolk -- this equestrian facility. Legislator Romaine? The equestrian facility that's envisioned for this property would be built by who and operated by who? By Suffolk County, I'm assuming. It's going to be Suffolk --

LEG. ROMAINE:

The presentation that was made to me by Nick Gibbons and Tracey Bellone was that they were very interested in the County acquiring this property, the title to it, so that they could put out an RFP for an equestrian center.

LEG. COOPER:

Okay, so let me get this straight. The owner of this property -- who's the owner?

LEG. ROMAINE:

It's a corporation with majority and minority shareholders called the North Fork Preserve.

LEG. COOPER:

All right. So this corporation reached an agreement with Suffolk County a couple of decades ago, took our taxpayer dollars at that time, made a commitment to keep this land under cultivation. This corporation --

LEG. ROMAINE:

Not necessarily, and that's part of the problem. There's no requirement to keep it under cultivation.

LEG. COOPER:

I think that there is. I think the problem is that if they fail to do so that there's no penalty that we can enact. But the understanding, if we're buying Farmland Development Rights, is that it's going to

remain farmed. So this corporation reneged on their commitment to keep this property under cultivation. It's been laying fallow for --

LEG. ROMAINE:

Reneged? I don't believe it was a requirement to keep it under active cultivation.

LEG. COOPER:

Well, I think that there was at least a moral commitment on there, but anyway, let me continue. So it's remained fallow for a couple of decades, so it's basically been open space. Now they've decided that they want to unload the property. They want Suffolk County taxpayers to buy this from us -- buy this from them with the understanding, apparently, that Suffolk County taxpayers will then build an equestrian facility --

LEG. ROMAINE:

That's true.

LEG. COOPER:

-- operate an equestrian facility; well, that's the rationale for this. So at the same time, we're considering closing our nursing home, we just heard about completely eliminating funding for HIV/AIDS treatment, we may be closing the Dolan Health Center, and now we're going to prioritize an equestrian facility over that?

LEG. ROMAINE:

If that's the question, I can answer that. The people involved in this property have never approached me about purchasing this property at all, ever. So they have never asked for taxpayers money. They have never said, you know, "We're interested in selling this." This was a proposal that was put forward by your Parks Department, by the Deputy Commissioner Tracey Bellone and Nick Gibbons as an opportunity for the County to expand recreational facilities and address some of the issues that were raised in the Equestrian Task Force. The owners have never spoken to me or approached me about this property.

LEG. COOPER:

All right. I've already decided -- I was planning to support this, but I'm going to be making a motion to table or to recommit to committee perhaps. But I just think at this point in time, we're -- we have to prioritize how we spend every penny.

LEG. ROMAINE:

This is a planning steps, this is not an expenditure of one penny.

LEG. COOPER:

Excuse me. To do a planning steps resolution, there's an expenditure of monies there; I don't know how much that costs, but it's thousands of dollars. But at anyway, the only rationale would be to put an equestrian facility that would be operated by Suffolk County. We don't have the personnel. We have to -- we're considering laying off 700 people as it is and we're going to hire someone instead to run an equestrian facility? Okay, thank you.

P.O. LINDSAY:

We did find -- the rating was 19.

LEG. COOPER:

Oh, there you go, a rating of 19 out of a hundred.

LEG. ROMAINE:

No, not out of a hundred, absolutely wrong. For farmland, the passing grade is ten.

LEG. SCHNEIDERMAN:

No, this is not farmland. So that's -- farmland is already preserved. This is active parkland.

LEG. ROMAINE:

It is farmland. We have purchased the development rights, it is farmland.

LEG. COOPER:

I don't think so. I think it's a rating of 19 out of a hundred.

P.O. LINDSAY:

Okay. You can sit down, Ms. Greene. Is there anybody else?

LEG. BROWNING:

I would just like to ask if we could table it for one more cycle so we can talk to Tracey Bellone.

LEG. COOPER:

No, I'd like to make a motion to recommit.

LEG. BROWNING:

Well, let me finish. I'd like to find out why there's a push on their part to want to build an equestrian center on the East End when we have one in Southaven Park that they're not moving forward with. I'd like to get an answer from them.

P.O. LINDSAY:

Well, again, I don't think, you know, Real Estate people have those answers, I think it's something you have to ask the Parks Department.

LEG. COOPER:

I'd like to make a motion to recommit to committee.

P.O. LINDSAY:

To recommit?

LEG. COOPER:

Please.

P.O. LINDSAY:

Is there a second to the recommit?

LEG. D'AMARO:

(Raised hand).

P.O. LINDSAY:

Okay, we have a second. And we have a motion to approve; am I correct, Legislator Romaine?
Okay.

MR. NOLAN:

You need a second.

P.O. LINDSAY:

And there's a second, right?

MR. LAUBE:

I never got a motion to approve. We didn't --

P.O. LINDSAY:

Legislator Romaine made a motion to approve. I don't know who seconded it.

LEG. KENNEDY:

Second.

LEG. EDDINGTON:

(Raised hand).

P.O. LINDSAY:

Okay. Seconded by Legislator Eddington. Okay, the motion to recommit takes precedence. Roll call on recommit.

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

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

To recommit, right? Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes to recommit.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Nine.

LEG. MONTANO:

Motion to table.

P.O. LINDSAY:

Okay. We've got a motion to table.

LEG. BROWNING:

I'll second that.

LEG. ROMAINE:

I'll second that motion to table.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Let's table it for one session. And what I would invite anyone with questions -- because I don't want my colleagues to feel uncomfortable voting for something that they're not sure of. What I would encourage everyone around this horseshoe to do is reach out to the Parks Department and the other people in the bureaucracy that would have the answers to the questions that you have so that when we're back here in November after the budget vote, we can have all the answers by that time and satisfy whatever questions you have. I want you to feel comfortable about this. So I'll second that motion to table.

LEG. MONTANO:

Thank you.

P.O. LINDSAY:

Okay. Instead of me calling a roll call, then, if the sponsor is willing to table it, we have a motion and a second to table. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen(Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

And Legislator Nowick, maybe in the next Parks meeting you could bring this up to the department, this whole issue, and maybe we can get a further vetting of the whole thing.

Okay. **1715-11 - Confirming appointment of County Director of Probation, (Gerald J. Cook) (County Executive).**

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

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

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. I'm going to make a motion to table.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Tabling goes first. I guess I better call a roll; roll call.

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

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Motion to table? Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Pass.

LEG. EDDINGTON:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Pass.

D.P.O. VILORIA-FISHER:

(Not present).

LEG. MONTANO:

Yeah, I'll vote to table.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Twelve.

P.O. LINDSAY:

Okay. 1753 -- 1715 stands tabled.

1753-11 - Appropriating funds in connection with installation of Guide Rail and Safety Upgrades at various locations (CP 5180) (County Executive). I have no idea. I make a motion to approve.

LEG. HORSLEY:

Second, sure.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. HORSLEY:

I love safety.

LEG. SCHNEIDERMAN:

We didn't have the Bond at one point, right?

LEG. MONTANO:

On the motion.

LEG. SCHNEIDERMAN:

We do have it now, I think, right? The Bond is the next one.

LEG. BROWNING:

Gil's here.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Ah, Mr. Anderson, thank you.

LEG. SCHNEIDERMAN:

We have the Bond now.

P.O. LINDSAY:

Could you refresh our memory and tell me why this table; was it a bonding issue last time?

COMMISSIONER ANDERSON:

I was advised that the original resolution had to be revised. I don't honestly recall what the reason was.

P.O. LINDSAY:

Okay. Do you know --

COMMISSIONER ANDERSON:

It was resubmitted.

P.O. LINDSAY:

Is this resolution defective now? Do you have any knowledge of it being defective?

COMMISSIONER ANDERSON:

I apologize; what do you mean?

P.O. LINDSAY:

Do you -- is this resolution defective now?

COMMISSIONER ANDERSON:

No, I believe it's been corrected and resubmitted.

P.O. LINDSAY:

Okay. Thank you very much. We have a motion and a second to approve.

LEG. CILMI:

I have a question --

P.O. LINDSAY:

Yes. Legislator Cilmi.

LEG. CILMI:

-- for Commissioner Anderson. Commissioner, how are you?

COMMISSIONER ANDERSON:

Good, thank you.

LEG. CILMI:

Does any of the apparatus that's talked about in this resolution or that the department plans to install by way of this resolution in any way resemble the railings or --

P.O. LINDSAY:

The cables.

LEG. CILMI:

The cables that we saw happening on the Expressway or wherever it was?

COMMISSIONER ANDERSON:

Absolutely not.

LEG. CILMI:

Okay.

COMMISSIONER ANDERSON:

We do not use those systems. We use the standard systems you see, you know, on all our highways, the heavy gauge metal ones.

LEG. CILMI:

And did we ever get that report from New York State detailing wrong-way driving?

COMMISSIONER ANDERSON:

No, we did not. I'll ping them as soon as I leave here.

LEG. CILMI:

Okay. Thanks.

COMMISSIONER ANDERSON:

You bet.

P.O. LINDSAY:

Okay, we have a motion and a second to approve 1753. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

On the accompanying Bond, ***1753A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of Guide Rail and Safety Upgrades at various locations (CP 5180.346).*** Same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yep.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

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:

(Not present).

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

LEG. MURATORE:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Muratore.

LEG. MURATORE:

Can I ask my colleagues if they would help me and take Resolution 1464 out of order?

P.O. LINDSAY:

Okay. There's a motion to take 1464 out of order.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Is there a second?

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator -- it's on page nine under Ways & Means. Seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1464 s before us.

1464-11 - Declaring as surplus and authorizing the sale and/or lease of real property in Selden pursuant to County Law Section 215 (Presiding Officer Lindsay). I'll make a motion to approve.

LEG. COOPER:

I'll second.

LEG. MURATORE:

Motion to table.

P.O. LINDSAY:

Who made the seconding motion?

LEG. COOPER:

I did.

P.O. LINDSAY:

Legislator Cooper seconded. Motion to table by Legislator Muratore. Seconded by Legislator Kennedy.

LEG. MURATORE:

Mr. Lindsay?

P.O. LINDSAY:

Yes, Legislator Muratore.

LEG. MURATORE:

Can I speak on the bill?

P.O. LINDSAY:

Go right ahead.

LEG. MURATORE:

You know, today I'm asking my colleagues to realistically vote no on this. You know, I had a press conference just prior to coming in this morning about this property. We all know where it's located, it's located in the Ammerman Campus in Selden right adjacent to it in the middle of a nice, pristine, middle class Suffolk County Community.

We're talking about raising money here and realistically, this is not about just a few pieces of silver here. This is about our community, our kids, our environment, our groundwater. Legislator Anker talked about cancer in her neighborhood, what's going on with the spiking. If we allow this to be developed -- first of all, we don't even know how it's going to be developed. It has no price. You know, we seem to be in a situation right now we're just putting amounts on items and saying it's worth this or this. We have no firm value of this, we don't know how it's going to be developed. I mean, somebody might come along and want to put a nuclear plant there. How do we know? You know.

So realistically, I want you to think about the kids in my community. You know, we're land-locked. My aide is giving out some letters from various organizations in the community that are standing behind me in trying to keep this property from being developed. And I feel kind of slighted that, you know, you came into my district and, you know, it was a project that's been worked on for many, many years. I know Legislator Caracappa was working on this, my predecessor worked on this, and now all of a sudden we get blind-sided and we're going to be -- it's going to be sold for a few pieces of silver.

So I would ask my colleagues, you know, if we can't get it tabled -- and maybe we can go back and come up with some new ideas and a new way to put this resolution through. We seem to be rushing here to judgment for, again, a few bucks to be made. I don't know if it's really going to come to pass. Are we going to make money to fill the budget, or is it kind of that monopoly, make-believe money that, "Okay. Yeah, we'll put it in and maybe we'll have it and maybe we won't." So realistically, I'm asking for a no vote on this, if you can find it in your heart.

You know, I look across at Legislator Stern, I know he's involved in his community with children. He coaches Little League, he knows the value of parkland for children; it's important that we have that for our kids. We need to grow. You know, we give away this property, we sell it, we never get it back. So we're not selling property here, we're selling our children and their future. So that's all I can ask you, that you find it in your hearts to support me and vote no on this resolution. Thank you.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

My inclination had been to approve until I found out that Legislator Muratore had held a press conference on this, so now I'm reconsidering. But serious -- and I'm also greatly concerned that we may be building a nuclear plant on this site.

LEG. MURATORE:

We don't know.

*(*Laughter*)*

LEG. COOPER:

But seriously, in that vein, will the Legislature have any -- this is for George. Will the Legislature have any say in how this parcel is developed if we do indeed declare it a surplus? Do we just give carte blanche and they can put anything that they want there or will it have to come back to us at some point?

MR. NOLAN:

No, no. Now it's just to declare it surplus and authorize its sale. We're not -- there's no indication in the resolution about how the property is going to be developed, that's going to be according to zoning in the Town of Brookhaven, what they allow. That's the way the resolution is structured.

LEG. COOPER:

So how would you rate the odds of a nuclear plant going up on-site?

*(*Laughter*)*

You're not an expert on this, but you're gut.

MR. NOLAN:

You don't really want me to answer it, do you?

LEG. COOPER:

Thank you.

P.O. LINDSAY,

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I certainly know the sponsor understands the dire financial situation the County finds itself in and why everything is on the table and why we're trying to come up with revenues to avoid layoffs and service reductions. This is a property I don't think that's completely new to this Legislative body. I think, and correct me if I'm wrong, this is Legislator Caracappa when he was here or Beedenbender had -- was trying to carve out 15 acres of this; is that correct, Legislator Muratore, to do active recreation?

LEG. MURATORE:

(Nodded head yes).

LEG. SCHNEIDERMAN:

I think you're looking to do the whole thing as active recreation. And I'm kind of curious, 40 acres is a lot for active recreation, typically these are smaller parcels. You know, maybe this is a situation where, you know, the baby could be split, so to speak, and we could see a section of preserved land or active recreation and then some commercial development that might help lower taxes in this area. Maybe, you know, an office park or something that, you know, the community might find favorable.

The one other thing I wanted to throw in the mix is the possibility of development rights that could be sold on this property as well which could bring in some revenues for the County and still preserve a section of it. So I just wanted to know from you, Legislator Muratore, if you are willing to look at a smaller active parkland so that we could bring a few million dollars into the County budget for next year.

LEG. MURATORE:

Again, you know, I'm open for anything. I mean, again I say we're rushing into this and no one sat down really to talk it over with me and come up with any ideas or sit with the town and come up with ideas. It was bang/bang and we're going with it.

LEG. SCHNEIDERMAN:

Let me ask one other question. I don't know who can answer this; maybe you, Legislator Muratore, since it's in your district. This is -- sits next to the Ammerman Campus, I could see it on this aerial, and it looks like the campus is pretty full in terms of buildings and parking.

LEG. MURATORE:

Very full.

LEG. SCHNEIDERMAN:

Is there room, adequate room for expansion? Has there been any long-range planning for that Ammerman Campus?

LEG. MURATORE:

Some of the land has been designated to the college for parking. I mean, right now, you know, they have like 4,000 spots for parking and they have 14,000 students. It's a mess up there with traffic and parking. So yes, there is some land set aside for expansion of the college.

LEG. SCHNEIDERMAN:

No, I see that. I'm just curious whether they -- if that is ample for any future plans for that campus.

LEG. MURATORE:

We don't know that. Again, if we give away this property and we sell it to a developer, we'll never have it to help the college out.

LEG. SCHNEIDERMAN:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. And I have seconded Legislator Muratore's resolution to table this and I do so for a variety of reasons, not the least of which is that our predecessors back in 1964 actually approved the condemnation that brought this property into the County inventory. And I have the takings map that I'm going to pass to my colleagues, and I'm going to ask the Clerk to actually enter it into the record associated with this resolution.

Like so many other things that we're called on to act on, it seems that we only get half the story. And my contention has been that as we are struggling to work through this absolutely abysmal excuse for a budget that was shipped to us by the Executive, nevertheless, it shouldn't compel us to have to make more poor decisions.

As I said this morning, we're looking at a requiem of Suffolk County that came from an Executive, but that doesn't mean we have to go down that same path. And we do need to look at what the original intent of our predecessors when it was the Town Board of Supervisors had in 1964, when they took a series of these parcels under Resolution 591; I've been sitting here all day today struggling trying to compile that.

At committee I raised another fundamental concern I have, that there is no meets and bounds description for the 40 acres that's being purported to be surplussed. And quite frankly, I think that's something that's a failure of specificity, if you will, under any act that we take. And if you look at our basic rules and regulations, it compels us to have definitiveness with the action, not to have it be open-ended, ambiguous or subject to various interpretation.

So this resolution's not ripe, Ladies and gentlemen. We need to table it, it needs to have some more work. It needs to be able to be vetted for the concern that the Legislator for that district has, as each and every one of us does amongst us with the notion that we have for the importance of our position. But on a more technical perspective, it's not ripe. It's not ready. It's just not been drafted in proper fashion. So I ask that we table and I'll circulate this for all to see.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Legislator Kennedy raised most of my basic questions. Number one, when I looked at this resolution, I looked for the attachments for the meets and bounds description to adequately describe the parcel that we were surplussing, and it was absent any meets and bounds. You look at any deed for any piece of property in this County, it's going to have a meets and bounds description.

The second thing, and I'll just echo what my colleague Mr. Kennedy said and I'll do it by asking Counsel a question. Counsel, when this County takes land by eminent domain, by condemnation, are there restrictions on the use of that land?

MR. NOLAN:

Legislator Kennedy -- this is the first time I've heard about the condemnation issue earlier today.

LEG. ROMAINE:

Right.

MR. NOLAN:

And he talked to me about a section of law he wants me to look at. I haven't had a chance to research that question, whether or not there are restrictions that come with -- you know, I have to first confirm that it was -- we took it by condemnation; I believe Legislator Kennedy when he says we did. But in terms of restrictions, no, I haven't had a chance to research it. It's the first time the issue's been raised.

LEG. ROMAINE:

Well, I'll ask a more simple question. In State law, are there restrictions when you take land by condemnation?

MR. NOLAN:

In terms of reconveying it later or using it later?

LEG. ROMAINE:

No, just restrictions; I'll make it simple.

MR. NOLAN:

Like I said, I did not have a chance to go and look and see what type of restrictions there are, if any. There may be, but I haven't had a chance. It's the first time it's been raised today, was today.

LEG. ROMAINE:

Okay. Thank you.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I would be inclined to support Legislator Muratore's request just for the simple fact that, you know, I know I wouldn't appreciate the Leg -- someone coming into my district dictating what's in the best interest of my community. If there weren't previous discussions as to whether it be an active park or some type of park facility, I think that would be one thing. But I vaguely recall Legislator Beedenbender, you know, advocating for a park on this particular parcel. I don't think the 40 acres certainly -- you know, I think that's a little over kill, but I also understand and respect and the need for us to generate some revenues.

I think there's adequate room for some type of compromise. I think what Legislator Schneiderman had brought up is it seems reasonable enough. I think we have some -- you know, I think maybe we should look at this in a different way. Maybe we can meet both concerns, but I certainly would defer to the community and what they would like this property to be developed as.

P.O. LINDSAY:
Go ahead, Counsel wants to talk.

MR. NOLAN:

Just one other thing I just wanted to mention in terms of the meets and bounds description, also the condemnation issue is a meeting or two ago we conveyed part of this parcel for the Empire State College and, you know, there was not a meets and bounds description of that parcel and the condemnation issue did not come up in connection with that conveyance.

P.O. LINDSAY:
I'm going to talk now.

MR. NOLAN:

A 72-h conveyance of the five or six acres we gave for Empire State College. I just want to put that on the record.

LEG. GREGORY:
(Inaudible)

P.O. LINDSAY:
You're going to sit down with me to identify the 80 people that are going to get laid off (addressing Legislator Gregory).

Okay, let me --

LEG. MURATORE:
Mr. Chairman?

P.O. LINDSAY:

No, let me just talk. You talked, now it's my turn, okay? And then you can talk. This parcel we've addressed twice in the last three months. We sold some property to Empire State, we transferred some to the Community College. At no time did any of these issues come up, at no time.

Folks, we're broke. How many times do I have to tell you? We're about this far away of insolvency. We have a resolution later on in the agenda to issue short-terms bonds so we don't -- we don't default next month. We need this money to not layoff people. This is going to save about 80 jobs. I don't want to go into your district, your district or anybody else's district. I don't know what else

to do. I can't make it any simpler than that.

We exceeded 250 acres in Legislator Browning's district and there was no cry of, "You came into my district and didn't tell me." Folks, we're broke. If we don't pass this resolution, every one of you's that don't go along with it have to help me identify 80 people to be laid off, because I'm not doing it by myself. Legislator Muratore.

LEG. MURATORE:

Well, you know, first of all, are we guarantee we're going to sell this property? I mean, it seems to me we have no purpose, we have no price. You know, going back to Ways & Means, Legislator Stern spoke and said, you know, maybe we should sit down and compromise, so why can't we do that? I mean, that's what I'm looking for right now. I don't want to see my district suffer, but I don't want to see the entire people in Suffolk County either suffer. So I'm willing to compromise. You're just stuffing this down my district's throat, that's all you're doing.

P.O. LINDSAY:

Nobody's stuffing anything down your throat.

LEG. MURATORE:

Well, what do you call this then?

P.O. LINDSAY:

I'm trying to balance a budget. There's 18 --

LEG. MURATORE:

Well, we need to work a little bit harder on it then.

P.O. LINDSAY:

There's 18 of us here that are going to make that decision.

LEG. MURATORE:

Yes, I understand that.

P.O. LINDSAY:

And what I'm simply saying, without this revenue you have 80 jobs that have to be sacrificed.

LEG. MURATORE:

Well, I don't know that that would be the case. I'm not sitting on the Budget Committee and, you know, the Working Group.

P.O. LINDSAY:

Well, figure it out.

LEG. MONTANO:

You know, what are --

P.O. LINDSAY:

Figure it out. Our average employees makes 50 grand.

LEG. MURATORE:

Whatever you say. But I'm saying, you know, let's listen to Legislator Stern when he spoke at Ways & Means and let's try and compromise. Maybe we can get a little bit here instead of getting it all, or hurting a little bit instead of hurting me all.

P.O. LINDSAY:

Well, I'm willing to compromise, and I think I offered you a compromise. But I will go along with tabling at this point in time, but we have serious, serious problems with this budget. And if we don't start waking up and realizing that soon, we're not going to be able to do this, guys. We're not going to be able to do this. The County Executive's budget is going to carry the day and you're going to be faced with 700 layoffs.

LEG. MONTANO:

Bill, I have a question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

No, it's just a question in reference to what you just said. We're tabling it now, but if we are going to include this revenue in the budget, by when do we need to pass it? Can we wait till the next meeting?

P.O. LINDSAY:

Well --

MR. NOLAN:

Well, if you put in the budget money from the sale, at some point, you know, later this year, early next year, you'd have to pass the resolution to authorize.

LEG. MONTANO:

Okay. So we have to do it. Okay. Thank you.

P.O. LINDSAY:

Anybody else? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

That was my question, same question as Legislator Montano.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

I just want to say thank you that you brought up Yaphank. And like I said, you had said, nobody had an issue to vote and surplus Yaphank land. It was done very quickly, very swiftly, very little discussion from anybody around this horseshoe. I understand what you're saying. And to say, "I'm not on the Budget Working Group and I don't know;" I'm not on the Budget Working Group either, but I've attended and I see the crisis that we have. And I think each and every one of us agree, we don't want to see layoffs and we have to come up with some kind of money to avoid those layoffs. We've done it in Yaphank and I can see no reason why we can't come up with a compromise with the Legislator from that district to bring that revenue in for our budget for next year. And the Yaphank land also, that was put in the budget before it was even voted on. I did criticize it as being speculative revenue. But again, we have to avoid the layoffs, I don't think anybody around here wants to see any. So I think we are going to have to start seeing everybody pulling their weight and taking their fair share of hits in their district to help our budget.

P.O. LINDSAY:

I'll make a motion to table.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Oh, we already have a motion to table.

MR. LAUBE:

You have a motion and a second.

P.O. LINDSAY:

I'll withdraw my motion to approve. We have a motion to table and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

LEG. NOWICK:

Bill, can I just say something?

P.O. LINDSAY:

Go right ahead.

LEG. NOWICK:

I just want to say one thing. For those of us who sit on the Budget Operating Working Group, if any of you have any questions about what's going on, there is a schedule of meetings you can all come and attend; am I correct, Presiding Officer?

P.O. LINDSAY:

I believe everybody has been notified of the meetings, I purposely only put eight Legislators on it to leave one open chair that it can be rotated between anybody that isn't officially on the committee to act as like a per diem member of the committee. I don't have the solutions, folks. I really don't. I'm willing to take any ideas from any source. If somebody's got a better idea, God bless you.

Okay, moving along, page seven.

Introductory Resolutions

Budget & Finance:

1771-11 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover the shortfall in Safety Net appropriations in the Department of Social Services (County Executive).

LEG. NOWICK:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Nowick.

LEG. COOPER:

Where are we?

MR. NOLAN:

Budget & Finance, page seven.

P.O. LINDSAY:

Started the Introductory agenda.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. KENNEDY:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a quick question to Budget Review. There's been amendments to this resolution and it previously had been included offset -- a local match for the IGT, I believe that's it; has that been removed, Gail?

MS. VIZZINI:

Yes, absolutely.

LEG. KENNEDY:

Okay, good. Thank you.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present:
D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1775-11 - Amending the 2011 Operating Budget to support the Portuguese American Center of Suffolk (Muratore).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Is this Omnibus money?

MS. VIZZINI:

Yes, it is.

P.O. LINDSAY:

Okay.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

IR 1777-11 - Amending the 2011 Operating Budget to support Mount Sinai Heritage Trust (Anker).

LEG. ANKER:

I make a motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

IR 1778-11 - Amending the 2011 Operating Budget and Transferring Funds to the Department of Public Works to provide rent for the East Hampton Health Clinic (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning. On the question, anybody?

LEG. KENNEDY:

Can I ask a question?

P.O. LINDSAY:

Ask.

LEG. KENNEDY:

Through the Chair, I guess Chair of Budget & Finance or the sponsor. What's the offset? Where are we moving the funding from?

MS. VIZZINI:

The offset is coming from the pay-go money; it's 16,250.

LEG. KENNEDY:

Okay. Pay-go, that's pretty much depleted anyhow, as I would imagine. Does this take it all?

MS. VIZZINI:

It doesn't take it all, but it's -- the rest of it would be used for the fund balance that's being generated at the end of 2011.

LEG. KENNEDY:

Okay.

LEG. SCHNEIDERMAN:

It's also what we used for Dolan.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1787-11 - Amending the 2011 Operating Budget to transfer funds to the March of Dimes Perinatal Program at SUNY Stony Brook (Nowick).

LEG. NOWICK:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

1838-11 - Amending the 2011 Operating Budget to transfer funds to the Suffolk County Assigned Counsel Defender Plan (Montano).

LEG. MONTANO:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second. What is that?

MR. NOLAN:
18-B.

P.O. LINDSAY:
Oh, that's 18-B?

LEG. MONTANO:
Yeah.

P.O. LINDSAY:
And this is a half of million dollars? This is the half of million dollars?

**(*THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY
LUCIA BRAATEN-COURT REPORTER*)**

LEG. MONTANO:
Yes. And this is money that actually is mandated, mandated services. And the County Attorney testified that we have at the moment over \$500,000 in outstanding vouchers that have not been paid. So we're going to pay it now or we're going to pay it later, but we have to pay it.

P.O. LINDSAY:
Previous testimony, there was a backlog caused by the judicial system. Has that been cleared up?

LEG. MONTANO:
No. What it is is that originally it was thought and the complaint was that the County was delaying in processing the vouchers. That's not the case. The case is in, number one, the Judge is not signing the vouchers quick enough. It's going to an assigned 18-B Panel Administrator. So it has various stages of review before it gets to the County Attorney. But what we're doing now is that, if you recall, you asked myself, Legislator Stern and Legislator Kennedy to meet with the Administrative Judge, and I spoke with Judge Hinrichs on Saturday. We're setting up a meeting probably this week. And also, we're going to meet with the Administrative Judge over in the Family Court who do the 18-B, because what we want to do is ensure that those attorneys that are appointed 18-B are appointed to represent people that actually qualify for the services so that we can streamline the process, make it better, and make sure that the County -- because it is a mandated service, that we're not paying for services that we shouldn't be paying for. But these are outstanding bills that we have.

And the problem was complicated because in the 2011 budget, the Budget Committee deleted \$500,000 worth of funding and transferred that money to Legal Aid. But in the prior year, there was a balance due of 500,000 that we simply delayed. So we came into the budget year with a million dollars under-budgeted in this program. So now we have to -- we have to catch up and make up the difference.

P.O. LINDSAY:
Okay. But my question is --

LEG. MONTANO:
Yes.

P.O. LINDSAY:
-- is the vouchers ready to be paid?

LEG. MONTANO:
Oh, yeah, they're ready. They're sitting there with no money.

P.O. LINDSAY:

So you got --

LEG. MONTANO:

Running out of money.

P.O. LINDSAY:

You got a half a million dollars worth of vouchers that went through.

LEG. MONTANO:

No, 500. It's 500,000 that's --

P.O. LINDSAY:

Which is a half a million.

LEG. MONTANO:

It's actually \$593,000 outstanding.

P.O. LINDSAY:

Okay. But they've all been cleared through the processing?

LEG. MONTANO:

They've all been cleared by the County Attorney.

P.O. LINDSAY:

Okay.

LEG. CILMI:

I have a question.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

I guess through the Chair of Budget Review. The offset is red light camera money here?

MS. VIZZINI:

That's correct.

LEG. CILMI:

I mean, do we have -- knowing that our red light camera money is coming in a lot scarce --

MS. VIZZINI:

You're talking about the --

LEG. CILMI:

More scarcely than we had budgeted for.

MS. VIZZINI:

Well, that's precisely right. You're talking about the revenue. There was 14 million dollars in appropriations which we expected to pay the vendor. We don't have to pay them 14 million. They knew -- the 2012 budget shows we're only paying seven million, so we're using \$500,000 of those available appropriations in 2011.

LEG. CILMI:

Just repeat that one more time for me. So we expected a certain level of revenue from the ticketing, the tickets.

MS. VIZZINI:

No, you're talking revenue.

LEG. CILMI:

I'm sorry?

MS. VIZZINI:

You're talking revenue.

LEG. CILMI:

Right.

MS. VIZZINI:

Right. We expected a certain level of --

LEG. CILMI:

Expense --

MS. VIZZINI:

Expense.

LEG. CILMI:

-- associated with the number of tickets that we were issuing.

MS. VIZZINI:

Right. We did not incur that much expense.

LEG. CILMI:

Nor did we incur as much revenue as we expected.

MS. VIZZINI:

Correct.

LEG. CILMI:

So, did the -- did the amount of expense that we generated -- I'm not sure how to ask this question.

MS. VIZZINI:

There's a seven million -- seven million dollar difference between the original authorization and that line.

LEG. CILMI:

Right.

MS. VIZZINI:

Fourteen million, and the seven million that we estimate we'll be spending.

LEG. CILMI:

But, if we --

MS. VIZZINI:

So, from the budget as a whole --

LEG. CILMI:

Right.

MS. VIZZINI:

-- there are appropriations there.

LEG. CILMI:

But if we -- if we -- what were we supposed to net out, revenue versus --

MS. VIZZINI:

Oh, the revenue would have --

LEG. CILMI:

-- expense.

MS. VIZZINI:

Yeah. The revenue would have offset most of the expenditure.

LEG. CILMI:

What were we supposed to have netted, based on our budget, at the end of this year in this program?

MS. VIZZINI:

In Red Light Camera revenue?

LEG. CILMI:

In the Red Light Camera Program money.

MS. VIZZINI:

Probably in the neighborhood of 20 million dollars.

LEG. CILMI:

Net, so --

MS. VIZZINI:

Originally, yeah.

LEG. CILMI:

Okay.

MS. VIZZINI:

I'd have to check the 2012 estimate.

LEG. CILMI:

Well, put 2012 aside for now.

MS. VIZZINI:

The 2011 estimate in the budget --

LEG. CILMI:

Right.

MS. VIZZINI:

-- is probably less, but, originally, we expected to have 20 million in revenue.

LEG. CILMI:

Okay. So -- and I'm sorry if you don't know the answer, but what are we now, based on -- what is our expected now, not budgetarily, but actually?

MS. VIZZINI:

I have to look.

LEG. CILMI:

My point is that if it's significantly less, which we all know that it is, do we have this money to utilize to pay these attorneys? And why not wait until, you know, we finish the budget process in a month and deal with it then? That's a question.

MS. VIZZINI:

It certainly is.

*(*Laughter*)*

From a budgetary point of view, there are available appropriations. Where can you take this from? The other larger question on your behalf is, is there any money in 2011 to do this? That's a policy decision.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Can I take a shot at it? There was 20 million dollars of estimated revenue in 2011. It's coming in, estimated, somewhere around 11, or something. On the expense side, there was an appropriation of close to eight million dollars to pay the vendor from their share. That isn't coming in as rapidly either.

LEG. CILMI:

Right.

P.O. LINDSAY:

So it's a valid offset to use some of the expense side, that eight million dollars. We're not going to spend anywhere near that, so there's money there. Somewhere down the line we're going to have to pay the piper, it's as simple as that.

LEG. CILMI:

Right, because while there's a valid offset from an expense side, there's nothing to offset the loss of revenue --

P.O. LINDSAY:

From the --

LEG. CILMI:

-- from not getting as much.

P.O. LINDSAY:

From the revenue side.

LEG. CILMI:

Right. Okay. And I guess to that point, it is a policy question.

P.O. LINDSAY:

Yes, yes.

LEG. CILMI:

Whether to deal with it through a resolution here or whether to wait and put it, you know --

P.O. LINDSAY:

The other side of it is --

LEG. MONTANO:

It's mandated.

P.O. LINDSAY:

-- it's another mandated cost that we have to pay. We have to find the money someplace.

LEG. CILMI:

While the service may be mandated, the cost -- it's not mandated that we pay now. I mean, we have cash flow problems now, and if we -- if we weren't paying these 18-B attorneys now, theoretically, we'd have an additional \$500,000 of cash.

P.O. LINDSAY:

So make a motion to table.

LEG. MONTANO:

We just can't not pay our bills, and these bills are outstanding.

LEG. CILMI:

I think if you talk to many of our vendors, that's exactly what we're doing.

LEG. MONTANO:

We've been --

LEG. ROMAINE:

We've stopped paying bills a while ago.

LEG. MONTANO:

No. We've been through this with other groups, that when we had the not-for-profits take out the bridge loan. We went through this with the day care providers. To ask people to simply just tell our vendors that we're not paying our bills anymore I think is something that would be bad policy. If you want to do that, that's up to you.

P.O. LINDSAY:

I agree --

LEG. MONTANO:

But I don't think that's a way to run a business, and I don't think that's a way to run a government.

P.O. LINDSAY:

We would be called New York State, then.

LEG. MONTANO:

No, no, I --

*(*Laughter*)*

P.O. LINDSAY:

They only owe --

LEG. MONTANO:

I agree, that it's --

P.O. LINDSAY:

They only owe us 177 million as we sit here.

LEG. CILMI:

Exactly. And I agree, that it's bad policy, but the fact of the matter is, is that we have a cash flow problem and we should -- that cash flow problem should impact all of our vendors equally. And we shouldn't be, you know, trying to make, you know, arrangements to pay certain vendors before others, and that's what this would do.

P.O. LINDSAY:

Legislator Romaine, did you want to add to this conversation?

LEG. ROMAINE:

I just would add that we should always try to pay our bills. We should not follow the example of the State.

P.O. LINDSAY:

I agree.

LEG. ROMAINE:

I hear err from many vendors that the County stopped paying its bills on or about September 1st, and that those bills are going to go over until next year. And I looked in that budget and I said, "Where in the 2012 proposed budget is there money to pay the bills that we're not paying this year?" You know what, I couldn't find that spot. So the person that inherits the Office of County Executive next year is going to be looking -- even if the budget was perfectly balanced, and I know it's a legacy for our taxpayers, but even if it was perfectly balanced, that person would wind up with 10 to 20 million dollars in vendors' bills from 2011 that aren't being paid and not being accounted for at all in the 2012 budget. That kind of destabilizes the entire financial underpinnings of this County.

And I know your frustration in trying to put together a 2012 budget, because that's only one tiny issue that we're dealing with. All the vendors that aren't getting paid, that by 2012 will say, "I've waited, where's my money," and we're looking in the 2012 budget to see where the money is, where the money was put to pay the bills that we're not paying now and it wasn't put there at all, and there's a real problem.

And let me tell you, there's a debate. And I've listened to a lot of people, and the guy that I'm listening to very carefully is my esteemed senior elected colleague, Tom Barraga, because he has pointed some ways, and they're radical, but in the times that we live in, not as radical as we think to make us whole. My goal in this budget is to give the next County Executive a functioning government and a year's start to figure out what we do in 2013. There's some people that don't want to do that, "Don't use all the reserve," "Don't use the tobacco." I say I'm with Tom. Use it all, because the next person, I want them to inherit a functional government, and they have a year to figure out what we're going to do after that.

MS. VIZZINI:

Mr. Chairman.

P.O. LINDSAY:

And we just did table four million dollars worth of one-shot revenue. Go ahead.

MS. VIZZINI:

If I may answer Legislator Cilmi's question in regards to red light camera revenue. We did adopt 33.4 million, but the estimate for 2011 is 17.1.

LEG. CILMI:

Okay, so half. So we adopted 34, roughly, million, and our adopted expense was how much?

MS. VIZZINI:

The revenue would have covered the expense, it's in that area.

LEG. CILMI:

There was more revenue than expense. I mean, it wasn't -- it wasn't a zero balance, right? I hope.

MS. VIZZINI:

There was -- there was 14 million dollars for the vendor.

LEG. CILMI:

Okay.

MS. VIZZINI:

And then there was associated positions. We were --

LEG. CILMI:

But it's roughly a 50-50 split, right, roughly?

MS. VIZZINI:

For the purposes of discussion, okay.

LEG. CILMI:

Roughly. Okay. So we should have netted roughly 17 million, really rough numbers, and now we're grossing roughly half of what we expected to bring in in terms of revenue. And, therefore, the expense will be roughly half, so it's 17 and eight. So, I don't know, do the -- I can't do the math that quickly. You're the mathematicians over there.

MS. VIZZINI:

We were going to spend 14; we only spent seven. We hoped to get 33, we only got half of that. It's still back to the policy decision as to whether --

LEG. CILMI:

Right.

MS. VIZZINI:

-- we address this now or we address this in a housekeeping resolution --

LEG. CILMI:

But --

MS. VIZZINI:

Or we punt it to next year.

LEG. CILMI:

Net to bottom line, my point is that it's a significant negative in terms of the impact on the overall budget.

MS. VIZZINI:

Correct.

LEG. CILMI:

Right? Okay. That was it. Thanks.

P.O. LINDSAY:

Okay. Mr. Clerk, what do we have? We have a motion to approve and a second?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

And that's the only motion we have?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

Okay. We have a motion to approve and a second. All in --

LEG. CILMI:

I'll make a motion to table.

P.O. LINDSAY:

A motion to table by Legislator Cilmi. Is there a second? There's no second, so we'll go forward with the motion to approve. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

MR. LAUBE:

Sixteen. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

1840 - Amending the 2011 Operating Budget and restoring currently filled positions at the John J. Foley Skilled Nursing Facility (Kennedy).

LEG. KENNEDY:

I make a motion to approve.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Okay. What does this actually do? I thought we did this.

LEG. KENNEDY:

Do you want to explain, George? Do you want me to explain? How do you want to do it?

MR. NOLAN:

Well, I could certainly defer to Budget Review, but my understanding is this just recreates the positions at Foley in the 2011 budget. We put the money in the budget early this year to fund these positions.

LEG. KENNEDY:

Yes.

MR. NOLAN:

The positions were never recreated, they were abolished, I guess, in the budget. We have to do this now because I believe the County Executive's trying to move forward with, you know, terminating the people working there.

LEG. KENNEDY:

The purported rationale, from what I've heard, for the layoffs was that notwithstanding the fact that we were funded through December 31st, the absence of actual titles in the 2011 Operating Budget allowed him to technically go forward with eliminating and laying off the personnel. So, technically, I'm recreating the positions so he doesn't have the benefit of yet another technicality to undue what we put in place from a policy perspective.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

J.R. 1774 - Establishing a new policy for FIT reimbursement (Cilmi).

LEG. ROMAINE:

Excuse me, Mr. Presiding Officer. Just so the Clerk would reflect mine as a recusal on 1840.

P.O. LINDSAY:

I'm sorry, Legislator Romaine.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

I didn't see your hand over there and I should have known that.

MR. LAUBE:

You're recused on the last vote?

LEG. ROMAINE:

1840.

P.O. LINDSAY:

Yes, yes. So you should have -- it should have --

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

It should have been 15/1 --

MR. LAUBE:

Correct.

P.O. LINDSAY:

And one recusal.

P.O. LINDSAY:

Okay. *1774 - Establishing a new policy for FIT reimbursement (Cilmi)*. Legislator Cilmi?

LEG. CILMI:

Motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Motion to approve; second by Legislator Horsley. I just have one question. I'd love to do this. Is this real, though? Can we -- can we realistically do this?

LEG. CILMI:

This is based on a lawsuit between Nassau County and North Hempstead, the Town of North Hempstead, and the details of which I can't exactly describe. But the long and the short of it is that Nassau asked the Town of North Hempstead and the other towns to reimburse them for the amount of tuition expense relative to FIT. The courts held that North Hempstead was only liable for that amount of tuition inclusive up to two years of education at FIT and nothing more. So now, what has to happen as a result of this lawsuit is that FIT must provide to the County and to North Hempstead a breakdown of their tuition, you know, basically two years, etcetera. So what this does is it basically tells our Comptroller, based on that lawsuit, based on the outcome of that lawsuit, let's not pay FIT for anything more than two years. And if FIT wants to argue the suit in Nassau County or wants to come after us for anything more than two years, then have at it.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, either to Counsel or Legislator Cilmi. So this bill is in conformity with the decision that was rendered in Nassau? We're complying with that decision until it's either affirmed or reversed on appeal, is that correct, or is it the opposite?

LEG. HORSLEY:

No, that's it.

MR. NOLAN:

Well, it's -- the case in Nassau, it's not directly on point, because that was a situation where, you know, the County was charging back to the Towns the FIT tuition, and North Hempstead said, you know, "We don't have to pay this," and the court issued a decision basically saying, "North Hempstead, you only have to pay back for the first two years," because the definition of a community college is -- you know, is a two-year institution. I think the question is really -- it's

money. You know, whether or not we would prevail in a court of law or not, certainly the North Hempstead decision is a good decision from our point of view and in terms of this resolution.

LEG. MONTANO:

That's what I'm getting at. Even though -- I just want to be sure that even though the case may not be directly on point, this bill is close enough to the decision so that we're not -- we're not out there on a -- without any cover. In other words, we have a good faith basis for passing this bill; is that a fair statement?

MR. NOLAN:

I would agree with that.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Just don't spend the money yet.

LEG. MONTANO:

No, don't take it to the bank.

P.O. LINDSAY:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Just through the Chair, I want to ask the sponsor. I mean, I view this as a cut to education in a sense. I mean, who's really getting penalized here? You know, there are students out there that, up until this point, were having -- getting assistance from the County in paying this tuition. It was four years, not two. Now we're saying, "No, we're not willing to do that anymore." And I was wondering if you knew how many people does this affect and how much more would they have to pay?

LEG. CILMI:

Last time I checked, of the roughly 14 million dollars or so that the County pays, 12 to 14 million that the County pays in out-of-county tuition, about half of it goes to FIT. There's approximately, if my memory serves me correctly, 700 or so students from Suffolk County attending FIT that are taking advantage of this subsidy. The subsidy itself equates to -- whereas our subsidy to students that attend Nassau Community College, for example, our subsidy equates to something more than \$2,000 per student. In the case of FIT, our subsidy equates to something more than \$10,000 per student. So we're giving kids very specialized -- we're subsidizing very specialized Bachelor's Degrees and Masters Degrees at FIT. It's roughly -- the number of students is about 18% of our total out-of-county student population, and, again, the cost is roughly 50%. So this is -- this is just an attempt to make the playing field even across all community colleges in New York State.

LEG. D'AMARO:

Okay, I appreciate that. But if I am a student going to the four-year program and this subsidy is no longer available, how much more does it cost me, per student?

LEG. CILMI:

I don't know what the tuition is at FIT, so I can't answer at that question. I could probably do some math and try and figure it out, or you could look on FIT's website, I'm sure that would tell you.

LEG. D'AMARO:

Right. And my other question is, you know, who are these students? Are they students that have the means to pay, or are they students that are getting the subsidy because they don't have access to education otherwise? Do we know the answer to that?

LEG. CILMI:

There's no means test to the student -- to the reimbursement, the State's reimbursement regulations.

LEG. D'AMARO:

So we don't know whether or not the students who would lose this subsidy for the remaining two years have the wherewithal to go forward and pay for the education themselves.

LEG. CILMI:

I'd say that's a fair statement.

LEG. D'AMARO:

Okay.

LEG. CILMI:

At the same time, however, if you would endorse subsidizing education four years into Masters Degrees from Suffolk County -- from Suffolk County tax dollars, then why not -- why not offer subsidies for any other private institution? And if you didn't, then you could make the same argument, where we're taking money from education. This is just -- again, we have a State mandate, a State regulation that requires us to subsidize students who go to community colleges outside their resident county. The fact of the matter is that while FIT is legally constituted as a community college, as it once literally was, at some point in time, in the '70's or '80's, it turned into a four-year college and then they started offering Masters Degrees. And there was -- there was a period of time during which New York State reimbursed the counties, you know, for reimbursing the College. At some point in time, the State decided not to do that anymore, as they often do.

LEG. D'AMARO:

And just one more question.

LEG. CILMI:

We should not be liable for that expense.

LEG. D'AMARO:

Right, and I appreciate that. Would this affect students who are currently enrolled and were anticipating the payment by the County?

LEG. CILMI:

Well, this, again, this bill prevents Suffolk County from paying FIT, so ultimately --

P.O. LINDSAY:

Not all.

LEG. CILMI:

No, no, no, not all of it, just for more than two years of education.

LEG. D'AMARO:

Right.

LEG. CILMI:

So what's going to happen, I'm sure, is that FIT is going to make some attempt, be it administratively or legally, to either force us to pay, or they're going to say to their students, "Suffolk County's not paying us any longer, Nassau County is not paying us any longer, you guys are on your own after two years."

LEG. D'AMARO:

All right. So my question is, if I'm a student in the school right now and I'm in the four-year program, and I went there anticipating that the funding would be available, if we pass this bill, the funding will not be available; is that correct?

LEG. CILMI:

If we pass this bill, the funding will --

LEG. D'AMARO:

In other words, should --

LEG. CILMI:

Checks will not be cut for more than two years.

LEG. D'AMARO:

Should perhaps it apply only to new students coming in, as opposed to students who are there now?

LEG. CILMI:

No, I don't think so.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. Actually, Legislator D'Amaro raised some very good questions and point. One thing I'm not clear on, you indicated earlier that half of the money goes to FIT. Are there other schools that we wind up paying tuition for other than FIT, or is this strictly an FIT/Suffolk County problem. Do you understand where I'm going?

LEG. CILMI:

This is -- we pay -- we're required by New York State law to pay for any of our residents who attend any community college throughout New York State. We are required to pay the difference between the resident tuition and the out-of-county tuition.

LEG. MONTANO:

Okay.

LEG. CILMI:

So the only instance in which we're required to pay for more than two years of education is with FIT. You follow?

LEG. MONTANO:

Yes, I do. So what you're saying is FIT is the only community college in the State that offers the four-year program that we have to pay tuition for.

LEG. CILMI:

Four-year program and Master's program, that's correct.

LEG. MONTANO:

And this amounts to how much a year, currently?

LEG. CILMI:

This is roughly a seven million dollar cost to Suffolk County at present. Gail, am I correct in that?

MS. VIZZINI:

That's the --

LEG. CILMI:

That's what we're budgeted for next year?

MS. VIZZINI:

Yeah, that's the total FIT. This is really more of a 3.7 million dollar cost avoidance.

LEG. CILMI:

Right, because we're paying for --

LEG. MONTANO:

3.7 million.

LEG. CILMI:

We're paying for two years. In other words, we have a total cost of roughly seven million dollars. If we say we're only paying for two years, then it's the balance of the two to the four or six year that we're avoiding the cost of. So, as Gail said, it's 3.7 or so million dollars.

LEG. MONTANO:

And do you know how many students this applies to at this point in time? You know, to follow what Legislator D'Amaro said in a sense that there are students in college now that are pursuing degrees that are relying on this tuition. How many -- or this reimbursement. How many students are we affecting?

LEG. CILMI:

We don't know, and that's part of the problem, because FIT has been -- they're not required to provide us with any information as to how many of the students that we're paying for are two-year students, how many are four-year students, how many are Master's Degree students. None of that information is required from FIT right now and they're not offering it. So this is more of a means of getting FIT to recognize that, you know, they should be on par with every other community college. And I'm sure this is more of a starting point than it is an ending point. We're not going to automatically, just because we passed this resolution, be absolved from paying FIT. It will end somewhere else. And, hopefully, where it ends up is with FIT saying to us, "Suffolk County, finish paying us for the students who are here in college, and then going forward you won't have to pay us any longer." And New York State's involved as well, because right now this is a New York State law.

LEG. MONTANO:

But this -- just so -- I really want to be clear on this, because there were some points that were raised that I thought were very good. If we simply eliminate unilaterally the reimbursement, then those students that are taking courses now who re-register, or maybe have just registered -- first of all, does this apply to this year?

LEG. CILMI:

That's the distinction. We cannot unilaterally eliminate the reimbursement. All we're saying is we're not going to write the check. There's a difference. And the distinction is that by us saying we're not going to write the check, it then -- it then sparks a conversation between us and New York State and FIT, whereas without this, there's no impetus for that conversation. And FIT will keep going along fat, dumb and happy, collecting their seven million dollars from our taxpayers.

LEG. MONTANO:

But I just want to be clear. If we're not writing the check, then it seems to me that the students' tuition is not being paid, unless they have alternate means of coming up with that money. And if there are no alternate means in the short term and we don't write the check, isn't it very likely that the school will simply say, "You didn't pay your tuition, we have to dis-enroll you" from the course, or from the university? Is that not the practical effect of the bill? Because, if you don't pay the bill, you don't -- you don't go to class. At least that's what I -- you know, when my daughter went to school, she said, "Dad, you better have that check here next week or I'm not attending classes," and that's what we're doing.

LEG. CILMI:

I think the answer to your question rides on how FIT decides to -- you know, decides to deal with this resolution.

P.O. LINDSAY:

Okay. Are you done, Legislator Montano?

LEG. MONTANO:

I could go on all day, but I'm done.

P.O. LINDSAY:

Yeah, I know, but it's getting -- you know, we're not getting anywheres.

LEG. MONTANO:

I'm done.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I'd like to thank Lou for taking the argument to its end result, that we've actually got young people who were expecting this in the future. I'm not so sure that FIT is dumb on this thing. I'm wondering if they're out there recruiting Suffolk students, and Nassau students, and outside students, say, "Hey, we'll pay for half of your four-year degree." That's -- what a wonderful opportunity that is for sale of the -- of a community college.

I just wanted to bring that up. But I do -- I feel for those students who are thinking that this is part of the package and they're not going to get it now. I would like to see it prospectively into the -- where we're not going to pay after the -- for any new student. I think that might make more sense.

LEG. CILMI:

See, if I did that, you really -- we really can't do that, because we're not in charge of -- you know, we can't change the reimbursement, you know, legally. We can change it through advocacy and through pressure, which, hopefully, is what this resolution will do, but it can't change the requirement until a court rules as such in Suffolk County's favor.

LEG. HORSLEY:

There's a gross injustice on the part of -- or an inequity in justice on the part of this, because other schools can't do this. It's not right.

LEG. CILMI:

And, you know, none screamed bloody -- forgive me for interrupting, but no one screamed bloody murder when New York State all of a sudden decided -- or maybe they did. I wasn't here at the time. But at some point New York State had been reimbursing the County for this and then decided not to. And, you know, I'm sure FIT didn't step up at that time and say, "You know, we're sorry, Suffolk County. Let's work together and we'll figure this out." I'm sure they continued to collect their money from Suffolk County.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yeah, thank you. Maybe this for Legislator Cilmi, maybe for Gail. How do we not have that information, the questions that Legislator Montano raises regarding the number of students that are in two-year, or four-year, or graduate programs. We're presented with a bill at the end of the day. How do they justify the amount of money that we need to pay them as the reimbursement? How do we not have that information? How do we not have those statistics? That doesn't seem possible.

LEG. CILMI:

They give us a total amount. Gail, correct me if I'm wrong. They give us the total amount and require us to pay 50%. I think that's the way it works.

MS. VIZZINI:

Based on the data that we included in our the review of the 2011-2012 College budget, there are 3,789 students who opt to go to community colleges outside of Suffolk. Of this, 17% go to FIT, which is 644 students. Since we do not currently differentiate what we pay, we just pay the sponsor's share, there is no breakdown, no finer breakdown of the 644 in terms of how many are there for the four years.

LEG. CILMI:

And no effort -- I mean, nothing has been required of them in that regard, because all of the other community colleges are strictly two-year colleges.

P.O. LINDSAY:

Okay. Maybe I can wrap this up. I agree with your resolution, Legislator Cilmi. I'm not sure we're going to see the money, but this is another fiscal issue. Guys, it's three million dollars. I feel sorry for the students, but I feel sorry for the people we're going to lay off, too, three million dollars worth of people. FIT in my mind is a scam. It isn't a community college, it's a four-year college. They have 47 million dollars in reserves.

Last year we paid 12 million dollars in out-of-county tuition. This is another unfunded mandate that I'd like to see repealed. We only pay -- this year it's 14 million dollars. We only subsidize our three campuses to the tune of 38 million dollars. I'm all for education. I'll be happy to subsidize our kids that go to school in-county. I'm not happy about subsidizing them going to another school. It's out of proportion, it's just out of proportion.

I vented. Okay. We have a motion and a second.

LEG. HORSLEY:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

Just on your comment. When you think about -- they've got 47 million, you said, in their --

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

In reserves?

P.O. LINDSAY:

Yes.

LEG. HORSLEY:

They made that contract with their students, and that should -- they said, "We'll give you" -- half of this will be paid by somebody, and they probably don't even give us credit for that. And I bet this is part of their internal advertising. Let them take it out of their 47 million dollars in reserves. I mean, that's -- they're the ones who sold the bill of goods to their students, as sadly as that is. You convinced me.

P.O. LINDSAY:

We have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1808 - Authorizing a lease agreement with Sheahan Communications, Incorporated, for use of property at Francis S. Gabreski Airport (Co. Exec).

LEG. SCHNEIDERMAN:

Motion.

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

Motion by Legislator Horsley, second by Legislator Schneiderman.

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1821 - Authorizing a lease agreement with Rechler at Gabreski LLC for the use of property at Francis S. Gabreski Airport (Co. Exec). Same motion, same second, same vote, okay?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1544 - Adopting a Local Law amending financial disclosure requirements for Farmland Committee members (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Okay. Motion by Legislator Romaine. Do I have a second? I'll second it. All in favor?

LEG. D'AMARO:

Hold on. On the motion.

P.O. LINDSAY:

On the motion, who?

LEG. D'AMARO:

Right here.

P.O. LINDSAY:

I'm sorry. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. I just want to point out for the record that it's my understanding that the Farmland Committee members, although not compensated, do serve in a public capacity, just as all of us do. And I'm questioning this form in the sense that it doesn't require disclosure of any assets or liabilities. And I'm questioning the usefulness of the form, and in my mind, nondisclosure of assets and liabilities is just a glaring omission. And I wanted to ask, maybe to Counsel, the -- is there a current disclosure requirement before this -- the enactment of this legislation for the Farmland Committee?

MR. NOLAN:

When we amended Chapter 8 a year or two ago, that was the first time there were disclosure requirements for Farmland Committee members, and they complete or supposed to complete the same form that employees and elected officials fill out, it's the longer form.

LEG. D'AMARO:

Right. So this form would take a step back from that. It requires disclosure of your occupation, requires disclosure of income, it requires disclosure of your real estate holdings, but it doesn't require any disclosure of assets and liabilities. And I don't see how the form really has any useful purpose. It's one thing to know income and your occupation, it's another thing for someone confidentially to look at this form and know whether or not from year to year that there's any undue rise in assets and liabilities. That's what the disclosure forms are for. And I think that enacting this form is as good as having no form, so I'm not going to support this.

P.O. LINDSAY:

You want to respond, Legislator Romaine?

LEG. ROMAINE:

Yeah. Like myself, Legislator D'Amaro is here in this Legislature for six years. There was no requirement to file any disclosure forms. This is a voluntary committee of farmers that are sitting on it. They're not the only people on the Farmland Committee. There's a number of government officials of this County that by virtue of their office also serve on that committee.

We like to hear from the farmers. They're not keen to disclose all of their liabilities and they're not keen to disclose all the stockholdings for both themselves and their spouses. When Chapter 8 passed, they raised great objection.

We sat with the Planning Director and the Farm Bureau Executive Director, Joe Gergela, to work on a form that would be as close to the County form as possible, that would disclose for these volunteers. They're all in private business, they're not elected, they didn't take Civil Service tests, they're not working for government, they do this, they put in countless hours. They feel very uncomfortable in doing that, and they've never had to do that before. I'm trying to get them to comply with some form of disclosure. The only thing that they're not listing -- I don't know about assets, I know liabilities were taken out, because they don't want to reflect who they owed their loans to, because most farmer borrow in the Spring and pay it back in the Fall. And they didn't want to reflect what stocks they held, because they didn't feel that had any bearing on their service in the Farmland Committee, because most stocks and bonds don't deal with farmland.

So we took those two provisions out, and absent that, this is the same disclosure that we, who are elected, who vote on things constantly, fill out. I think that's a fair compromise. That's why I'm putting it forward. I'm sorry that there wasn't disclosure before by Farmland Committees, that no one ever raised this issue before, but since it's been raised, I'm trying to put out a form that is less onerous. And, by the way, people on other committees of this County, such as the Planning Commission, etcetera, fill out less onerous forms than we do. So this is no different than what we do for other volunteer organizations. I think Park Trustees also don't fill out the exact same form that we fill out. So, for that reason, I've put this forward for the Farmland -- for those Farmland members who are farmers. All the government members of that committee fill out the full disclosure form.

LEG. D'AMARO:

Well, if I could respond. The fact that the farmers have debts that they're concerned about disclosing gives me even more pause, frankly. You know, when we all took a public -- when we all enter public office, we all have that same uneasy feeling about these disclosure forms. I mean it's -- you kind of feel a little invaded, frankly. You know, when I first had to do it, I don't know, I can't speak for anyone else, but I know when I had to first fill out that form, I felt, well, you know, this is a private matter, this is my business. But there's a valid public purpose to disclosing this financial information, and the valid public purpose is that it enables those charged with the responsibility of determining whether or not there's undue influence to make that decision. That's the whole purpose of disclosure.

This form eliminates the very disclosures needed by whatever committee is going to review this to make those determinations. How do you know if a red flag is coming up and if there's undue influence and maybe against even somebody's will? You don't know unless the person charged with the responsibility of looking at this form actually knows what those assets and liabilities are. So we all have that uneasy feeling, but I -- now I understand the public purpose behind that.

We've had a lot of discussion about ethics in this Legislature over the last two years, and I see this as a rollback of a requirement. It's not strengthening our Ethics Code, it's not strengthening ethics disclosure, it's simply telling a certain select group that make very influential recommendations to this Legislature that you don't have to live by those same disclosure rules as everybody else serving a public purpose, and I don't think that's appropriate.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:

I just would say this to you: This is a concern of yours. I respect that concern, I understand that concern. I hope you'll look at our Planning Commission. I hope you'll look at our Parks Trustees. I hope you'll look at a whole range of volunteer people that we appoint to boards, because they do not fill out the same disclosure form as we do. It's less onerous, and that is the model that I followed in putting together this for the Farmland Committee, because I didn't think that they should be singled out of all the volunteer boards that we appoint people to.

Now, I hear your point. I'm sure we'll have a roll call or show of hands. You can vote against this, but what I would say, if you do, please make the effort, and I'm happy to point you -- work with you on this at the other boards and see what they're doing. Because to single out the farmers and treat them differently than we treat other volunteer boards I don't think is the right thing. If you're going to establish one standard, that every board has to adhere to this, I'll pass this, I'll cosponsor it. And I have a pretty good feeling what would happen to all the existing members of each of these boards. I have a pretty good understanding, because I have to listen to what the farmers tell me. In fact, they're upset with me that I'm even putting something forward, because they never had to file anything before.

But I would suggest that let's set the standard, then. And I'll look forward to that bill that you'll put in that all boards have to meet that standard and fill out the exact same disclosure form that elected officials and commissioners have to fill out. Thank you.

LEG. D'AMARO:

Well, just a quick response and then, of course, we can move to the vote. I am not 100% familiar with what every board in this County is required to disclose or not disclose, and I appreciate your suggestion of perhaps working together and taking a look at that. But what I do know is that this bill, this bill guts financial disclosure. It is simply not worth the paper it's written on, because no one is going to be able to know whether or not there's any undue influence occurring with any of these members. And, of course, I'm not making that accusation, but that is the purpose of this type of disclosure. So I would suggest to you, that if you really want to take a look at all the boards, we should start right here with this legislation and not pass this, and then we should decide what should we really be requiring, because this is worthless.

P.O. LINDSAY:

Okay. Has everybody had their say? I just would like to put on the record is the Ethics Committee looked at this issue in depth and we agree with Legislator Romaine. The voluntary boards we felt should fill out a less onerous reporting form for the simple reason they're volunteers, and, probably, we'd lose all of them if we made them fill out the full disclosure that we fill out.

LEG. SCHNEIDERMAN:

They're advisory at this point.

LEG. ROMAINE:

They're advisory.

P.O. LINDSAY:

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

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Sixteen. (Not Present: D.P.O. Vioria-Fisher)

P.O. LINDSAY:

1658 - 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 - the Starkie Farm property - Town of Southold (Romaine).

LEG. ROMAINE:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

I'm going to make a motion to table, and I'm going to make that motion consistently on all the land acquisition proposals until we can get this budget fixed. I just think it's inappropriate that we've notified a bunch of our people that they're going to be laid off and a bunch of other people on notice that if the current budget goes through, they're going to be laid off. And I know it's a separate fund, and I know it's a dedicated fund. I just think it sends a horrible message to our employees. Yes, Legislator Romaine.

LEG. ROMAINE:

See, I would argue a different point, Mr. Presiding Officer. And I hear your point loud and clear. But what you're looking at is apples and then oranges, because the people of this County, the people of Suffolk County voted repeatedly to tax themselves for open space acquisition and for farmland acquisition. That is a dedicated fund. We can't raid that fund unless we go back to the very people that authorized us to tax them for this purpose. They voted for this tax on themselves because they wanted to preserve what is left. They wanted to save some open spaces and they wanted to preserve farmland.

Farmland preservation was brought to us by then County Executive John V.N. Klein in 1975. This is a dedicated fund. Wish that we could use this money, but if we did, we would break faith with the very people that elected us, with the very people who have repeatedly voted to tax themselves, to bond out this money even so that we could buy this open space and this farmland.

I know we have a financial crisis, but this should not blind us to the fact that this is a separate, totally untouchable parcel of money, piece of money that could be only used to buy open space and farmland that people have agreed. So I would say I hear your point, but it really has nothing to do with this resolution.

P.O. LINDSAY:

I really hope it doesn't come to that, but if things keep going the way they are, we very well might have to go back to the voters some day and ask them if they want to reconsider this dedicated fund just to exist. All right? Let me just finish.

LEG. ROMAINE:

I agree.

P.O. LINDSAY:

And my opinion is just my opinion, is whether -- everything you say is absolutely correct. If I'm a County employee out there with a layoff notice in my hand and I see their County government spending 10, 20 million dollars on land acquisition when I'm not going to have a job, that don't make me feel very good.

LEG. ROMAINE:

I would simply say from the point of view of having to go home every night and speak to a County employee that has got a layoff notice, several of them, that I don't disagree with you. You want to spend land acquisition money to bail us out? Go back to the voters. I will vote for that referendum.

P.O. LINDSAY:

I'm not --

LEG. ROMAINE:

I think people should have a right to have that vote.

P.O. LINDSAY:

I'm not -- I'm not suggesting that. What I'm simply suggesting, until we can get through this budget process, I won't be voting on anymore land acquisition proposals.

Okay. We have a motion to approve and a second. I made a motion to table. Do I have a second to the tabling motion?

LEG. EDDINGTON:

I'll second it.

P.O. LINDSAY:

Second by Legislator Eddington. Okay. The tabling --

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

I intend to do a roll call. We have a tabling motion. Roll call.

LEG. MONTANO:

1658, right?

MR. LAUBE:

Correct.

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

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes to table.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. ANKER:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Four.

P.O. LINDSAY:

Okay. Tabling fails. Motion to approve.

MR. LAUBE:

Who was the second on that original?

LEG. KENNEDY:

I was.

MR. LAUBE:

Thank you.

LEG. SCHNEIDERMAN:

On the motion. Because, really, this is -- the questions we should be asking is do we have enough money to do this in the fund to meet our other priorities? And what's the score, because we've rated these things. How much are we -- how much are we paying for the land? Do we have any of that information? Maybe the sponsor -- do we know what the --

P.O. LINDSAY:

Planning steps.

LEG. ROMAINE:

Planning steps and it's totally surrounded by preserve developed --

LEG. SCHNEIDERMAN:

Do you know the rating?

LEG. ROMAINE:

-- development rights.

LEG. ROMAINE:

I don't have it off the top of my head in front of me. Okay. We're getting it. It rated 12.75.

LEG. SCHNEIDERMAN:

The threshold is ten, I think, on farmland preservation. Okay.

LEG. ROMAINE:

That's correct.

P.O. LINDSAY:

Did you get your question answered?

LEG. SCHNEIDERMAN:

Yeah, it's fine.

P.O. LINDSAY:

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

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

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

No.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

1772 - A Charter Law to authorize the use of development rights for municipal fire, ambulance and police districts in Suffolk County (Kennedy).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Kennedy, second by Legislator Muratore.

LEG. BROWNING:

If I can, can I have an explanation?

P.O. LINDSAY:

We ask for an explanation.

LEG. KENNEDY:

What this resolution would do is direct Planning to establish a process by which special districts, fire departments -- I'm sorry, fire districts, ambulance districts, East End police districts, to apply to the Planning Department for access for one of our development credits. As of today, the estimates from our Planning Director are that we have in excess of 9,000 credits that have been acquired since the time that Legislator Romaine spoke about with John Klein, and the 50,000 acres of property that we purchased throughout this County.

When emergency service districts seek to expand their facilities, just like any entity that proposes development in Suffolk County, they have to get approval for their septic and waste water systems, and that occurs by a very strict and rigid formula derived under our Sanitary Code. And what happens is, in the case of Smithtown, as a matter of fact, Legislator Nowick and I know it well, the Smithtown Fire District was compelled to go out and attempt to purchase a 6,000 square foot landlocked barren piece of property in an effort to fulfill the sanitary credit and to the contract for \$75,000. Fortunately, the contract didn't go through, because, ultimately, our Health Department found that that parcel would never be deemed a buildable parcel and, therefore, not yield a credit. So, by taking a look at what we have already banked, and allowing a very tailored specific access for our constituents who are residents in these emergency districts, we're facilitating necessary construction in order to go ahead and have the emergency districts meet their needs.

Finally, this resolution is subject to a mandatory referendum. So it will, if passed, go before the voters and have the voters be able to express what they would say. Therefore, I ask that my colleagues support it.

P.O. LINDSAY:

Legislator Cilmi, Montano, and then Anker and Schneiderman. Cilmi.

LEG. CILMI:

Who manages this TDR Program, which department, is it Real Estate or Environment or --

LEG. KENNEDY:

The language in the resolution directs Planning to promulgate rules and regulations in an application process.

LEG. CILMI:

So is Planning the department that manages the whole program?

LEG. KENNEDY:

Yes.

LEG. CILMI:

You said we had how many thousand credits banked right now?

LEG. KENNEDY:

Nine thousand.

LEG. CILMI:

Nine thousand?

LEG. KENNEDY:

In excess of 9,000, actually.

LEG. CILMI:

How many typically do we go through a year?

LEG. KENNEDY:

Essentially, none. There is no methodology other than our Workforce Housing Program, which in the time that it's been created has dispensed, I don't know, five, ten credits, maybe, at most, if that much.

LEG. CILMI:

Okay. So explain to me the whole program, if you don't mind, if you'll beg my indulgence here. Explain how we get these credits in our possession.

LEG. KENNEDY:

We purchased parcels such as the North Fork Preserve, or property like the Commerdinger Estate in the 12th Legislative District. And in that case, that five acre parcel had a yield map that had been obtained by a prospective purchaser, developer, with the Smithtown Planning Department that showed the potential to construct nine forty-five hundred square foot two-story three-car garage homes. Hence, a credit for each buildable lot. This body supported the purchase back in 2005. We succeeded in then centralizing that property, and, in essence, we stripped off those nine credits. They have sat in limbo, as has every other credit that this County has acquired through quarter cent, multi-phase, legacy, and all the other land purchase programs, in essence, for the last four decades. At the same time, emergency service agencies have been forced to either not expand, to minimize expansion, or to expend their constituents' funds to fulfill a sanitary credit requirement for a facility that oftentimes has personnel in it once, twice, maybe three times in a month at most. They don't flush the toilets every day, they don't run the sink every day. They come there to fulfill a fire, and maybe they wash their hands up afterwards. But, nevertheless, they have to adhere to the same strict Sanitary Code requirements that every residence and every other facility in Suffolk County must.

LEG. CILMI:

So how much did we pay for these 9,000-plus credits, any idea?

LEG. KENNEDY:

You know (*Laughter*), I did do an MBA in Finance, but, no, I don't have 40 years worth of calculations associated with 50,000 acres.

LEG. CILMI:

How much are we -- how much would -- how much do we sell them back for?

LEG. KENNEDY:

We don't sell them, there's no market.

LEG. CILMI:

There's no market.

P.O. LINDSAY:

That isn't true. We're not allowed to sell them back. I sponsored a resolution two years ago for us to sell them instead of Pine Barrens and you guys turned it down.

LEG. KENNEDY:

Mr. Chair, if you will, I think what happened was there was an outcry, a hue and cry from the environmental community saying that when the land was purchased, it was purchased with the notion that it would remain protected in perpetuity, and it was not with the intention that it would ultimately facilitate wide-scale development. Hence, I offer this resolution for the narrow purpose

only of the 110 fire districts, 20 ambulance districts, and five East End police districts, all public safety functions, taxpayer-driven.

LEG. CILMI:

Now, would we -- I'm sorry. Would we be allowing them just to use these credits, or would they be paying us for these credits, which we paid for, apparently?

LEG. KENNEDY:

No, I'm not looking to facilitate a double-bang. The people of the County of Suffolk paid for it once.

LEG. CILMI:

Right.

LEG. KENNEDY:

We would make them available so that they could facilitate their construction. That's not fair to go back to district personnel and make them pay again for what they paid for once already.

LEG. CILMI:

Okay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. Just to follow up on what Legislator Kennedy was saying. But, John, isn't it also a situation where, while these credits -- these credits were developed on the concept that we would preserve open space, but then we would use these credits for higher development in other areas. And the problem is that we can't get a town to approve any project, because every Legislator says "not in my district," or every community group says "not in my backyard," and that's the problem that we have. It's really a sham program, in my opinion.

LEG. KENNEDY:

You know, look, there's a multitude of issues that come to bear, and whether or not particular towns or villages embrace increased density, again, we all know -- we can talk to ten town Planning Boards and thirty-one village Planning Boards and we'll get a whole host of different responses.

LEG. MONTANO:

Right. But we don't have the -- we don't have the ability to use those, they have to go to the Town?

P.O. LINDSAY:

No.

LEG. MONTANO:

Where do they go?

P.O. LINDSAY:

No, they don't go anywheres, they don't go anywheres. I'll give you -- if you'll excuse me, Legislator Kennedy.

LEG. KENNEDY:

Sure. Go ahead.

P.O. LINDSAY:

I'll give you a quick story. A friend of mine just opened a small restaurant. He didn't have enough property for all the waste water, so he had to buy --

LEG. MONTANO:

Right, so he had to sanitize, he had to buy something somewhere else.

P.O. LINDSAY:

He had to buy it from the Pine Barrens. And while we're sitting on 9,000 credits, we don't have the ability to help that small businessman and sell it to him.

LEG. MONTANO:

Are they only used for business sanitation?

P.O. LINDSAY:

No. Our 9,000 --

LEG. MONTANO:

Or are they used also for development?

P.O. LINDSAY:

Our 9,000 units can only be used for affordable housing.

LEG. MONTANO:

Well, that's -- okay. So we're on the same page on that. But that's the question I had. John, these special districts that you mentioned, do they pay taxes to us or are they tax -- or we don't collect taxes? I honestly don't know.

LEG. KENNEDY:

No, their properties, their facilities would all be tax exempt, because --

LEG. MONTANO:

They are tax exempt.

LEG. KENNEDY:

Well, just like a town or a village hall --

LEG. MONTANO:

Right.

LEG. KENNEDY:

-- a firehouse by definition under the statute is not a taxable entity, because it serves a public purpose.

LEG. MONTANO:

Right. Okay. I just wasn't clear on that. They fall under the same category. And now is your bill -- the way you described it, I thought it was a study to find out which of these taxing districts need to get property for purposes of sanitizing so that they can expand. So is your bill a study or is your bill actually authorizing the use?

LEG. KENNEDY:

It's authorizing the program subject to mandatory referendum, and it's directing Planning to go ahead and promulgate rules and regs to effectuate the program.

LEG. MONTANO:
Okay. Thank you.

P.O. LINDSAY:
Legislator Anker.

LEG. ANKER:
What is the most beneficial part to this legislation?

LEG. KENNEDY:
The most beneficial part? What I would say, Legislator Anker, is that it will provide -- provide relief, if you will, to any of the emergency service districts that need to be able to remodel, expand or adapt their current facilities and allow or furnish to them the sanitary credit so that they can go forward. Again, let me turn to the practical example for Smithtown for a second. It's now been three years since the Smithtown Fire District adopted a resolution authorizing an expansion of a substation on Plymouth Boulevard, only about a halfway from where we sit in Hauppauge. What that expansion would allow for is housing of a new piece of fire equipment and an assembly instructional area on the second floor. But because the Fire District has not been able to acquire a satisfactory parcel for sterilization, they've not been able to receive approval from our Health Department waste water treatment office, and, therefore, the expansion has been thwarted. So, hence, it occurs to me that once again we're impeding, not just some of the development that we talk about for commercial entities, but we can't even allow our public safety entities to go ahead and move forward to provide the facilities necessary to keep our constituents safe. Clearly, that's wrong.

LEG. ANKER:
The thing is, if you allow, whether it's a business, which we don't --

LEG. KENNEDY:
Right.

LEG. ANKER:
-- or a, you know, fire department, and there isn't -- they don't meet -- how can I say this? They don't meet what is needed to increase their sewer capacity, isn't that going to be a problem down the road? I mean, in other words, I know the TDR is -- you know, we're going to allow this parcel over here way -- 100 miles away, to make up for this possible issue with sewage has nothing to do, though, with that area right now with the sewage issue. So would it be a problem in the future if we allow them to expand their sewer capacity for their particular area?

LEG. KENNEDY:
I don't think that we're going to have any degradation, if you will, based on septic expansion, because, particularly in the case that I've just articulated to you, think about the frequency of actual use of these facilities. They have personnel in them when there's fires, when there's car wrecks, when there's other types of emergency needs. It's not like our homes that we live in each day, where we wash our hands, we use the shower, we flush the toilet, and we have that standard flow, 300, 400 gallons a day per a three bedroom or four bedroom. But, nevertheless, these facilities are held to that same artificial formula embedded in the Sanitary Code. So they're being compelled to make the expenditure and it's thwarting all of the actual intent associated with what the code is.

LEG. ANKER:
Yeah, but do you know for sure, do you know for a fact that these facilities do not have the same amount of sewage as a home? In other words, are you sure -- I mean, they use a lot of water when they do their -- you know, with their fire department, they --

LEG. KENNEDY:

Surface runoff. I mean, from time to time, you have surface, hose runoffs, but that's being handled in catch basins and other surface water catchment facilities. That's not taking what would be normal household or interior waste from showers, sinks or other types of things.

When the two septic rings were pulled for the Smithtown facility, one was bone dry, and the other one had six inches of water sitting in it. That facility was built 25 years ago. So, not to get into the nitty-gritty of septics, but here we are in the nitty-gritty of septics. This is an attempt to try to move forward with a pragmatic solution to something that once again is an impediment of government.

LEG. ANKER:

You know, and I'm looking at this, basically, it was -- it will expand the allowed usage of the Save Open Space and also the new Drinking Water Protection Program. I just want to make sure that we're not going to be making an issue at that particular facility of, you know, water protection. That's what I want to make sure, and it sounds like you have the proof that these facilities don't meet the same level as other residential housing.

LEG. KENNEDY:

I understand your concern, and, as a matter of fact, I've echoed that with everybody around this horseshoe, particularly with what we've seen most recently from the Health Department report about the increase in nitrates within the aquifer. I guarantee you, in this case, by adopting or supporting this resolution in this program, we will not be increasing nitrogen loading in the aquifer, we will not.

LEG. ANKER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

No, not me.

P.O. LINDSAY:

Oh, I'm sorry. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you. First, Legislator Kennedy, congratulations on getting this bill to this point. You may remember several years ago, I had a very similar bill. It was more expensive, though. It not only included the fire departments and the ambulances, but other community facilities like libraries and day care centers, community centers. It had come to my attention, similar to the way it came to your attention, when the Westhampton Library came to me. They were being told that they had to go out and buy another piece of land, a developable piece, and sterilize it so that they could convert their third floor, a section of the third floor and keep books over there, and I thought that was absolutely ridiculous. And I said, "Look, let's put it on the ballot," because that had been the issue when the Presiding Officer had a bill, which I also thought was a good bill, to spur economic development downtowns by using use these, much like we did with tax incentives, saying let's make them available strictly for smart growth. But that bill, if I recall, did not have the ballot provision. My bill did as your bill did.

My only criticism, and I'm going to support you're bill, is that, again, I think it could go further. I would like to see the libraries included. I'd like to see the day care centers, community centers, those types of thing that we all, I think, agree are necessary. Let's not make them go out and have

to buy a piece of land, it doesn't make any sense.

LEG. KENNEDY:

You bring up good points, Legislator Schneiderman. And, yes, I do recall your bill, and thank you for your support on this. I think, though --

LEG. SCHNEIDERMAN:

Can I ask, John, as you answer this --

LEG. KENNEDY:

Sure.

LEG. SCHNEIDERMAN:

It's going on the ballot. We passed the window, do you know, for getting it on this year?

LEG. KENNEDY:

Yeah.

LEG. SCHNEIDERMAN:

So we're not going to have this on a special election, we have a whole year. So I just -- assuming we pass this today, I'd like to talk to you about amending it to make -- at least giving it a shot to try to get at least the libraries and some of the other buildings, you know, community functions in this referendum as well.

LEG. KENNEDY:

Sure, I'd be happy to talk with you about it.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. To Legislator Kennedy, John, just a couple of quick questions. So the credits would be made available to the fire departments, ambulance --

LEG. KENNEDY:

Based on rules and regs that are promulgated by the Planning Department and put forward and then with a simple application process.

LEG. D'AMARO:

And there'd be no charge --

LEG. KENNEDY:

No.

LEG. D'AMARO:

-- for taking the credit? Okay.

LEG. KENNEDY:

No.

LEG. D'AMARO:

So is there a limit on how much -- how many credits any one facility could get? I mean, is there -- and I ask that because this all goes back to Article 6, which is State, State code.

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

Right. And the State code did not deem it advisable to provide this type of exception; we may. And there's also a mechanism in place where if a facility is subject to these strict requirements, there's a Board of Review, I believe, or there is a way to seek a variance from Article 6. So you have a forum to make the argument that I shouldn't have to purchase another property. So it's not -- what I'm saying is, you know, there will be no, in effect, oversight. You know, we're having a discussion here, you are with Legislator Anker about the impact, because this is contrary to groundwater protection in a sense; okay? So, if there's no limitation on the number of credits, and we don't really know the impact because you're not going to a Board of Review and saying, "Here's what I'm actually proposing in this specific case and here's why it won't have the negative impact and why I should get relief from Article 6," we're just kind of like turning the other way and we're not really sure how this is impacting our groundwater, especially without a limitation. So I was wondering if you had any thoughts on that.

LEG. KENNEDY:

Sure. Let's start first with the notion that how the application will be triggered. The application will be triggered -- and I've spoken at length with Commissioner Lansdale on this. Just like any building applicant, there would be an application to the Health Department, to the Waste Water Division, there would be a review, and the simple square footage formula would be applied, and very quickly there would be a rejection from Waste Water indicating that there would be a need for either sterilization or some other relief method. And, yes, you're correct, that there is a Board of Review that hears rejections. Let me speak to that for a second.

The Board of Review for the Health Department, and you know this in particular as do I, not everybody does know this, is a very specialized type of a board to appear before. And the average entity, certainly the homeowner or property owner is ill equipped to go ahead and do that pro se. It usually compels them to have to have, at the very least, counsel. And more often than not, you have to retain a groundwater expert that actually has to come and testify and give expert testimony to the board, no small expense on the part of any particular entity. The abject in this case, with the narrow tailoring, is to say for those entities, which is such a small universe, as I said, only 110 fire districts, only 20 ambulance districts, and only five East End towns, the likelihood that we would have some kind of over-building by any of those public entities would, in essence, I think be very, very remote. Because it's highly unlikely that the residents in any of those districts are ever going to approve the type of large scale building that might lead to an oversaturation or a degradation.

So I think the limiter, if you will, is probably the residents themselves of those districts, that, you know, even if they -- well, I was going to say if money is no issue. That's not the issue at all. As a matter of fact, think about what we're hearing from all our districts now. The 2% cap is -- I spoke at length last night with a Fire Commissioner who's saying they don't know how they're going to make it in Nesconset. I think there are enough built in constraints at this point that we're really not going to see the undermining or compromise.

As to the groundwater quality preservation issues itself, again, I'll go back to my discussion with Legislator Anker about the substation over on Plymouth Boulevard. There's people in it maybe three, four times a month at most. The rest of the time the building sits fallow, unused, with no water draw whatsoever. These buildings are atypical to what we traditionally see with the formula that comes out of the Sanitary Code.

LEG. D'AMARO:

Yeah, I appreciate that. That's not always my experience with these facilities, but I appreciate what you're saying. My last question, what's the value of a credit, do we know? Is there a price on these

things?

LEG. KENNEDY:

To the best of my knowledge, no, I don't know what the value is. The best that I can talk about is what I've heard regarding Pine Barrens credits. Anecdotally, I've heard 60,000, 70,000, somewhere in that neighborhood. But, in essence, we're talking about something that we have that's undefined. And, as Legislator Schneiderman spoke about, perhaps there's more dialogue that can be had regarding this going forward, but I think what you have before you is very tightly drawn, a very narrow universe, and based on that, quite frankly, I think that's why the Planning Department supported this resolution in committee.

P.O. LINDSAY:

Legislator Cilmi, just to point out, the true cost, if you can buy a credit from Pine Barrens, it's probably the cheapest way to go, if you're in that same hydrological district. If you're outside of that district, you have to buy a piece of property and sterilize it, which can really get expensive. And it's a continued expense because you have to pay taxes on the sterilized land. So it can be a huge expense for a district. I'm sorry. Just to add clarification. Legislator Cilmi.

LEG. CILMI:

Yes. Through the Chair to the sponsor. You mentioned that the Planning Department would be authorized to promulgate certain rules in relation to this program. Notwithstanding my respect for Commissioner Lansdale, is there provision in the bill for those rules to come before us for approval prior to promulgation, or do they get to administratively approve or promulgate those rules?

MR. NOLAN:

They have to be approved by the Legislature, and each transfer of a development credit would also have to be approved by the Legislature.

P.O. LINDSAY:

Anybody else?

LEG. CILMI:

Clerk, please list me as a cosponsor for this.

P.O. LINDSAY:

Anybody else? Seeing none, we have a motion and a second; am I correct?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

Cosponsor, Tim.

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

J.R. 1789 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Links at East Quogue, LLC property - East Quogue County Watershed addition Town of Southampton - (SCTM Nos. 0900-250.00-04.00-002.000 p/o, 0900-250.00-04.00-003.000 p/o, 0900-250.00-04.00-004.000 p/o, 0900-250.00-04.00-005.000 p/o, 0900-250.00-04.00-015.000, 0900-289.00-01.00-001.000, 0900-314.00-02.00-020.004, 0900-314.00-02.00-048.000, 0900-315.00-01.00-005.000 and 0900-315.00-01.00-015.000) (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. In the interest of time, I'm not going to make a tabling motion and go through the roll call again, but I am going to continue to vote no on land acquisitions until we get our budget in place. We have a motion and a second. All in favor? Opposed? I'm opposed. Abstentions?

MR. LAUBE:

Fourteen. (Vote Amended to 13 - Opposed: P.O. Lindsay and Legs. Eddington, Montano and Barraga - Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1790 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Ringhoff Family Limited Liability Company #1 property - Ringhoff Farm - Town of Brookhaven - (SCTM Nos. 0200-512.00-01.00-017.000 and 0200-512.00-01.00-018.000) (Co. Exec.)

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. All in favor? Opposed? I'm opposed.

LEG. BARRAGA:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. MONTANO:

Opposed.

MR. LAUBE:

Thirteen. (Opposed: P.O. Lindsay and Legs. Eddington, Montano and Barraga - Not Present: D.P.O. Viloría-Fisher)

LEG. SCHNEIDERMAN:

Tim, cosponsor on that.

LEG. ROMAINE:

Cosponsor on that resolution, please. Thank you.

P.O. LINDSAY:

1817 - Authorizing 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, Inc. Property - Town of Riverhead (SCTM No. 0600-021.00-01.00-001.002) (Co. Exec.).

LEG. ROMAINE:

Motion.

LEG. BROWNING:

Motion to table.

LEG. COOPER:

Second the motion to table.

LEG. KENNEDY:

Second the motion to approve.

P.O. LINDSAY:

Okay. On the question, Legislator D'Amaro, you wanted to speak?

LEG. D'AMARO:

No.

LEG. BROWNING:

No. I made the motion to table.

P.O. LINDSAY:

Okay. I know you made the motion to table. Okay. Anybody want to talk on the subject?

LEG. BROWNING:

Yeah, I would. We heard a lot of testimony today about the North Fork Preserve, and this is over a nine million dollar purchase. And we have the Town of Riverhead that has to be a partner, and they're being a partner and they're going to be a partner at \$500,000. And it amazes me how they can dictate to Suffolk County what we can and cannot do with this piece of property with a mere \$500,000.

LEG. MONTANO:

How much?

LEG. BROWNING:

Five percent.

LEG. MONTANO:

Five percent.

LEG. BROWNING:

I have been very supportive. I supported the planning steps resolution for the North Fork Preserve. You all received a report from Tom Isles, former Director of Planning, and as you see, that one and two others were on our priority list for the relocation of a trap and skeet range. I heard people talk about campers and family fun that's not conducive to a trap and skeet range. And it's amazing that Southaven Park has all of the exact same things, yet it's okay to have a trap and skeet range.

Prior to this, Legislator Romaine talked about the 2,000 feet from residential. We had a Yaphank resident 33 feet from the Trap and Skeet Range to his backyard, so that's not an appropriate location either. But when there was a vote to open up a trap and skeet range in Southaven Park, I think there was only three people that did not support the reopening of the Trap and Skeet Range.

The Northville community said that they should be stakeholders in the decision as to what's being made with the North Fork Preserve. The Yaphank residents did not get to be stakeholders or get to say anything about whether a trap and skeet should be there. So Southaven Park has a camping facility, it has ball fields, it has the Long Island Steamers, which is very close to the trap and skeet range. It's a place where families bring their small children to ride on steam trains, yet trap and skeet range is appropriate for Southaven Park, and I think that's not being fair to the Yaphank residents.

I met with Legislator Romaine sometime ago. We took a trip to visit an existing shooting range. I have a planning steps resolution coming to do the purchase on that. However, I have no guarantee at this point in time that every Legislator will support a planning steps resolution, that every Legislator would support the purchase. And I have no guarantees that when this is appraised that the seller -- I received a letter within the past few weeks from him, a letter of intent to sell. However, there is no guarantee from him that when it's appraised he will accept that offer.

All I'm asking right now is that you table it. Let's talk to the Town of Riverhead. Let's move forward with the purchase of the existing range that we're looking at. And I agree with my colleague, Mr. Romaine. I would like to not see a trap and skeet range at the North Fork Preserve. However, there's a hunting lodge there, there's trap and skeet there at this time. And I will say, I think it would be appropriate to at least keep this as a viable option until we finalize the plan for the other location. And that's all I'm asking for at this time. And I don't think that's unfair. I don't think it's unfair to the Yaphank residents who have had to listen to gunfire in their backyard for the past six years.

P.O. LINDSAY:

Legislator Romaine.

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

LEG. ROMAINE:

I'll try to make it brief. I put in a planning steps to preserve the North Fork Preserve because it's a unique, very special property for approximately 310 acres. That moved forward. I was hoping to preserve that, because I think by saving open space we can do a lot of things. Many of you don't get to see and won't get to see this unfold.

One of the first things I did when I was elected to the Legislature in 1985 was fight for a piece of property on Moriches Bay, now known as Terrell River Property, back then it was known as the Havens Estate. It was the last piece of property that hadn't been developed on the bay, it was 264 acres, it stretched from Montauk Highway to the bay. It took me four years of struggling and fighting and finally joining with then County Executive Pat Halpin in accomplishing that acquisition. To this day, that remains one of their most heavily used areas in Moriches Bay. And it's not

developed, it's all paths. The Audubon Society runs it for the County and every weekend there's people walking through it, every day there's people walking through it. It is something that I'm very proud of.

I look at this piece of land, and I took a Jeep ride -- and the gentleman that gave me that ride I believe is over there in the audience -- with my aide. I watched the run through the properties, it's all dirt paths, there's a lot of fishing ponds. I could tell you from some of the complaints we've had of the wetlands that have flooded some of the nearby roads, and I watched herds of deer run through this property almost as if it hadn't been touched. We're now looking at this property and just at the last minute the Parks Department came and said, "You know what? Let's put together a plan." We can't develop the northern half. And at one point there were two traps on this property, but they were on the northern half that can't be developed because of the wetlands. Let's save the northern half as open space. Let's take the southern half, about 129 acres, and make it active recreation. That's where the clubhouse is, there's some tennis courts there, that's where we can build spots for the campers, for campers, for people with tents, build a few cabins, but essentially, leave it as natural as possible so that people can enjoy. We'll put up some ball fields, but essentially it's going to be a County park, much like Indian Island. And I thought about it for a long time and I said, "Okay, I endorse that proposal." If that's the way the County wants to go and the Administration, I've had my differences with them, but this is one thing that we do agree on and I do agree with our Parks Commissioner and Deputy Parks Commissioner on.

The contract, I think, if I'm not misstating it, expired just a few days ago. We're willing to honor it if we take the vote. If we don't vote and we table it, it pushes it off. I don't know, come in with a site plan if not. I think this is an opportunity to save one of the last great pieces of undeveloped land in Suffolk County. Save part of it, the northern half, where there's a lot of wetlands, where the two traps that were there were used, can't be used again because they're in an area that can't be developed, save that as open space. Save the southern half and use it and develop it for parks. Everyone around this horseshoe has campers in their district. Everyone around this horseshoe have people that want to park their tent there and camp there. Everyone has groups like Boy Scouts, etcetera, that could utilize this. Everyone wants to see some return on their tax dollar. We don't give most people in Suffolk County a return on their tax dollar. This is an opportunity to provide them a place to go and recreate. This is going to be Suffolk's last great park.

There are other concerns, I've heard them voiced. They're certainly legitimate, but to tie the two together, to make them one issue I think is fool-hearty. I have no question that Legislator Browning is fighting for her constituents, but to do it as an either/or. This is our opportunity to vote for the last great park. This is an opportunity for all your constituents to have another place to go because it's the one place that most County residents can go, to the beach or to the park where they see a little bit of a return on their County tax dollar.

I would urge you, and the hour is late, I don't want to talk forever, but I would urge you to carefully consider this. Legislator Browning's issue is a legitimate one, but one that should not be tied to this issue. If you think that Legislator Browning has a legitimate issue, and I do, take that up separately. Take that up separately and then deal with our Presiding Officer's mantra, where's the money coming from, because we're going to have to move the existing one. And even if we close it, which is another potential option, we're going to have to spend several million dollars trying to clean up that site. So that's an issue that's going to take a lot of time, a lot of focus and it should not be tied to this issue.

This contract has been kicking around for almost a year, it's coming to the end, the time is now. Let's vote for the campers. Let's make sure that Suffolk has that last great park. Thank you.

P.O. LINDSAY:

I'm glad that was brief, Ed.

*(*Laughter*)*

Can I just ask a question? Am I dillusional; didn't we just pass the planning steps last month, or this is a different piece?

LEG. ROMAINE:

We passed the planning steps several months ago.

P.O. LINDSAY:

No, last month, last month.

LEG. ROMAINE:

No, no.

P.O. LINDSAY:

I voted for it last month, you talked me into it.

*(*Laughter*)*

LEG. ROMAINE:

Right, I did, I absolutely did. The planning steps that you voted for last -- we originally passed an open space for the whole thing. The planning steps you voted for last month was when the decision was made to divide the property and develop the southern half as a park. We had to start the process for the southern half over again, that's what you voted for.

P.O. LINDSAY:

But this is all one parcel, right? Is this -- how much is this costing us?

LEG. ROMAINE:

That I'm going to let Real Estate address.

P.O. LINDSAY:

Ms. Vizzini, instead of drudging Ms. Greene up here again, do you know what the purchase price is?

LEG. BROWNING:

This one is 9.7, I believe.

P.O. LINDSAY:

Now, is there other ones besides this one?

LEG. BROWNING:

There's a total of three.

P.O. LINDSAY:

And what is the total cost of the three? Oh, Ms. Greene's coming anyway.

MS. VIZZINI:

Well, it's \$9.5 million or \$55,000 an acre. The County share is nine million; is that right, Pam?

MS. GREENE:

The total purchase price for the entire preserve of 305-acres is just about \$18 million.

P.O. LINDSAY:

Eighteen million. What planning step did we approve last month?

MS. GREENE:

Legislator Romaine was correct, it was to change the use on the southern parcel from passive --

P.O. LINDSAY:

Okay.

MS. GREENE:

-- to active, to allow the County to realize some revenue back.

P.O. LINDSAY:

Okay. Legislator Montano, I'm sorry that I went past you, but I just had a -- while it was still in my mind, had to ask the question.

LEG. MONTANO:

Actually, I don't have a comment or a question; this is maybe more rhetorical, Legislator Romaine. I just read the other day that Assemblyman Thiele and Senator LaValle introduced a resolution to make this Peconic County, I think, which is a position I believe that you've supported in the past. I'm just curious, if we spend this money and then you become a different County, do we get our money back?

*(*Laughter*)*

LEG. ROMAINE:

Yes, and we get our money back, too.

*(*Laughter*)*

Because what happens is there's a division of assets, and whatever the County -- by the way, the chance of Peconic County happening is extremely rare and limited, as I'm sure you know.

P.O. LINDSAY:

Guys, it's twenty-five seven.

LEG. MONTANO:

All right, it's late, it's late. Let's move on.

P.O. LINDSAY:

Are we going to talk about Peconic County?

*(*Laughter*)*

LEG. HORSLEY:

Please.

P.O. LINDSAY:

Who else wants to talk?

LEG. HORSLEY:

I just have a quick question on the contract -- I'm sorry, I didn't mean to jump in there. Ed, you said the contract's about to expire; when does that expire?

LEG. ROMAINE:

That you'd have to ask Real Estate, but my understanding is that it's about to expire.

P.O. LINDSAY:

Can you answer that, Ms. Greene?

MS. GREENE:

I will. Yes, the seller entered into contract and had requested that the closing take place before September 1st. They are willing to honor the --

LEG. HORSLEY:

This was the one that just passed.

MS. GREENE:

Yes. They are willing to honor our request to have it closed by the end of the year. They're willing to maintain and to keep it pending until that time.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

Anybody else? Yes, Legislator Browning.

LEG. BROWNING:

Like, again, I said, the other two resolutions I will absolutely vote in favor. This one, again, like I said, I think we -- I'd like Riverhead to revisit and pull away their covenant. And like I said, for \$500,000 they get to tell us what we do with the \$9 million piece of land that we purchased; I think that's wrong. It's very wrong.

And again, let me move forward with the other piece of property with the shooting range that I'm working on the purchase, let me move forward with that. When that goes through, let Riverhead put their covenant in place.

LEG. ROMAINE:

Mr. Presiding Officer, just very quickly. This isn't Riverhead, this isn't Riverhead's covenant, this is State law. Riverhead is buying this with \$500,000 of Community Preservation Funds that was established by State law where the people in the five East End towns agreed to tax themselves 2% of the value of any house that is sold to -- there's only certain things that you can do with CPF money; skeet and trap, ATV, other things like that are absolutely prohibited. This is not Riverhead, this is State law.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Maybe, George, you can clarify. Because that was my main concern, was that a minor partner, in this case Riverhead, that's only contributing 5% towards the acquisition price was going to be dictating to the County these preconditions, and I was really concerned about the precedent that that might set. But is Legislator Romaine correct by using Community Preservation Funds as defined by the State?

MR. NOLAN:

I don't know.

LEG. COOPER:

I just want to get your opinion here. That's the first time I'm hearing that.

MR. NOLAN:

I don't know, I'd have to get back to you on that one. I don't know. And I don't know if the town is dictating that term.

LEG. ROMAINE:

They're not.

LEG. KENNEDY:

Mr. Chair?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. Legislator Cooper, actually when the Community Preservation Fund Program came into effect, I was then the official Examiner for Title here in the County Clerk's Office, and we actually worked on the preparation of the returns. CPF, as a matter of fact, is a tax that's actually -- a 2% tax incurred by the purchaser, if you will. It's different, actually, than what we have as far as a transfer of tax in the State of New York, and it was really a manifestation, a reflection that purchasers were willing to go ahead and do the enhanced investment, if you will, in keeping the East End, the five East End towns in the basically agricultural and rural fashion that they are. And on the south fork, it's been a very robust fund; Riverhead and Southold, not quite as much but there's been some there. But there were very strict limitations about the actual use of the property, the use of the funds as well, and it's all remitted from the Clerk's Office to the five towns based on the recording of transfers. So it really does have those limitations to it.

P.O. LINDSAY:

That's all nice. What do we need Riverhead for? If you're going to purchase it, why can't we purchase it ourselves and do what we want with it?

LEG. KENNEDY:

Mr. Chair, I'll take a page from your book; we've got no money. Because 500 grand is 500 grand.

P.O. LINDSAY:

Yeah, but what you're up to under this part of the agenda today, I'm figuring 28 million, 29 million today.

MS. GREENE:

I can answer you, Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MS. GREENE:

When the voters approved the 2007 referendum to accelerate the Drinking Water Protection Plan so money would be available for large purchases, which this certainly is, the component tied to utilizing those funds to purchase parkland for active use required the County to have a partner in another municipality.

P.O. LINDSAY:

Okay. So --

MS. GREENE:

The legislation says "shall"; it does not say "may", it says "shall".

P.O. LINDSAY:

So we have to partner with Riverhead.

MS. GREENE:

We have to partner.

P.O. LINDSAY:

Okay.

MS. GREENE:

Riverhead is willing partner. And Legislator Cooper, I don't know if you were out of the room before, but Deputy Town Attorney Prudenti testified to the fact that her funding source of the CPF strictly says that those uses are not permitted. I don't believe she would have been citing erroneous law.

P.O. LINDSAY:

Okay. Anybody else? Legislator Browning.

LEG. BROWNING:

Because they passed a resolution to prohibit the trap and skeet and ATV, are they required to pass a resolution to --

MS. GREENE:

The town board is --

LEG. BROWNING:

-- put a covenant in place being that the -- well, with CPF funds you're saying already says you can't do that? So why did I have to do a resolution?

MS. GREENE:

The town was required to pass the resolution stating their intent for partnership, so what language they choose to put in that resolution is certainly there. But we do -- we are required to have a partner.

LEG. BROWNING:

Okay.

LEG. MONTANO:

Pam, I can't hear you. I'm sorry, could you repeat that?

MS. GREENE:

Yes. The Town of Riverhead must pass a resolution stating their intent to be a partner. The language they choose to put in that resolution is certainly their prerogative, but we must have a partner to use the property for an active use.

LEG. MONTANO:

Can I interject? May I take over your time?

LEG. BROWNING:

Yes.

LEG. MONTANO:

But that wasn't the question. The question I thought was that -- or the statement made was that this is prohibited by State law and you're not stating that, you're saying that it was put in the resolution and they could put it in anything they want.

MS. GREENE:

No. I'm sorry, Mr. Montano, I said before -- I don't know if you were out of the room.

LEG. MONTANO:

No, I'm in the room. I may not have been listening, but I'm here.

*(*Laughter*)*

MS. GREENE:

I'm sorry. When Deputy Town Attorney Annmarie Prudenti testified to this committee, she stated that their use of the CPF funds strictly prohibits those uses. I was saying I don't believe she would have misstated that law.

LEG. MONTANO:

Right, I heard that and understood that. But if that's the case, then what was the point of putting it in the resolution if it's already State law? And I think that's the question. She may be right, I didn't read the Statute. I don't, you know, go along with what another attorney says unless I read the Statute for myself. But it seems then that it's a redundancy in the resolution if it was already in State law, so I kind of question that.

MS. GREENE:

Well --

LEG. MONTANO:

And I don't think you have the answer because I don't think you read the law either, right?

MS. GREENE:

Well, I rely on the Deputy Town Attorney to tell me what her position is.

LEG. MONTANO:

Right, but you did not -- but as an attorney, you did not read the law either, right?

MS. GREENE:

I have not.

LEG. MONTANO:

And that's, you know --

MS. GREENE:

But again, I believe she would know what her restrictions are and her use of funding.

LEG. MONTANO:

I don't know. I'm not going to buy that simply because she has a Law Degree. But I understand the question still lingers. Sorry, Kate.

LEG. BROWNING:

No, you're right. I mean, she could say they sky has to be blue the day you purchase it. I mean, she could say anything. So I don't necessarily want to take what she says as --

MS. GREENE:

Do we have the law?

LEG. BROWNING:

Do we -- can we get copies of that?

MS. GREENE:

"Rules and regulations for the CPF Acquisition and Stewardship Community Preservation Fund."

LEG. BROWNING:

Actually, what I would prefer is that George takes a look at this before we vote on anything.

P.O. LINDSAY:

I think you have the same document on-line, George?

MR. NOLAN:

She has rules and regs, I have the Statute.

P.O. LINDSAY:

Oh, okay. George has the Statute, Ms. Green has the rules and regulations.

MR. NOLAN:

I'll read from the Statute, if it helps. It states that, *"Lands acquired pursuant to this section,"* which is this program, *"shall be administered and managed in a manner which, A, allows public use and enjoy it in a manner compatible with the natural, scenic, historic and open space character of such land; B, preserves the native biological diversity of such lands; C, with regard to open spaces, limits improvements to enhancing access for passive use of such lands such as nature trails, boardwalks, bicycle paths and peripheral parking areas provided that such improvements do not degrade the ecological value of the land or threat an essential wildlife habitat; and D, preserves cultural property consistent with the accepted standards for historic preservation."* So that's the Statute, and it sounds like there may have been regulations formulated as well which provide more detail.

MS. GREENE:

If you drop down two paragraphs, it reads, *"Any physical improvements to the property for active recreation, including but not limited to an aquatic facility, sports fields, manicured park areas, fitness trails, restrooms, playgrounds cannot be expensed to the CPF. Any Capital Projects are appropriate for Town General Fund."*

LEG. MONTANO:

What does that mean?

LEG. BROWNING:

Right, what does that mean? It means they can't spend the money but we can. Right?

LEG. MONTANO:

Right, but they're paying 5% of it.

LEG. BROWNING:

Right.

LEG. D'AMARO:

Well, that clears that up.

*(*Laughter*)*

MR. NOLAN:

Well, I would read the Statute that it seems to be very passive, with the acceptable uses for properties purchased with that type of money.

LEG. D'AMARO:

George, if I can just -- that's in the acquisition as well as for improvement of the property; is that what you're saying?

MR. NOLAN:

It's just that lands a better purchase under that program are going to be administered and managed consistent with those three or four principals I just read which are, the way I read them, quite passive.

LEG. BROWNING:

I don't think that really answers my question, because it really doesn't say no trap and skeet, it doesn't say no ATV, I don't hear that. That's subject to interpretation.

P.O. LINDSAY:

Okay, but it's ten minutes to seven. We have a motion to table, we have a motion approve. Do you want to move?

LEG. ROMAINE:

Vote.

LEG. BROWNING:

Well, I made a motion to table.

P.O. LINDSAY:

I know you did. I know you did.

LEG. ROMAINE:

Table takes precedence.

P.O. LINDSAY:

Okay. We have a motion to table and a second and a motion to approve. Roll call.

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

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes to table.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes to table.

LEG. HORSLEY:

No.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ANKER:
No.

LEG. MURATORE:
No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
No to table.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Six.

P.O. LINDSAY:
Motion to approve.

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

LEG. ROMAINE:
Yes.

LEG. KENNEDY:
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:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Reluctantly yes, but here comes mine.

LEG. SCHNEIDERMAN:

Yes. Cosponsor, please.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

I'll continue with my blanket objection. We're spending almost \$30 million on land acquisition tonight, but we're laying off 700 people. It's a no.

MR. LAUBE:

Fourteen.

MS. GREENE:

Thank you.

P.O. LINDSAY:

IR 1819-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Active recreation --

MR. NOLAN:

No.

P.O. LINDSAY:

What?

MR. NOLAN:

You skipped 18.

P.O. LINDSAY:

Oh, I'm sorry, I skipped 18.

1818-11 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the North Fork Preserve Co. Property - Town of Riverhead. (SCTM No. 0600-007.00-03.00-041.000 p/o) (County Exec).

LEG. SCHNEIDERMAN:

Same motion.

LEG. BROWNING:

Same motion.

LEG. ROMAINE:

Motion.

LEG. SCHNEIDERMAN:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Anybody want to change their votes? Same motion, same second, same vote; is that all right, anybody object?

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

1819-11 - Authorizing 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 Co. Property - Town of Riverhead (SCTM No. 0600-007.00-03.00-041.000 p/o) (County Executive). Same motion, same second, same vote.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

MR. LAUBE:

Fourteen.

P.O. LINDSAY:

Okay, *1836-11 - To appoint member of County Planning Commission (Glynis Margaret Berry) (County Executive).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. Is there a second? By Legislator Schneiderman. She came before the committee, I assume?

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

LEG. ROMAINE:

Cosponsor.

Discharged by Petition:

P.O. LINDSAY:

A discharge petition for another land acquisition.

1791-11 - Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(B)] - for the Links at East Quogue, LLC property - East Quogue County Watershed addition - Pine Barrens Core - Town of Southampton - (SCTM Nos. 0900-219.00-01.00-026.000, 0900-219.00-01.00-027.000, 0900-219.00-01.00-028.000, 0900-219.00-01.00-029.000, 0900-250.00-04.00-002.000 p/o, 0900-250.00-04.00-003.000 p/o, 0900-250.00-04.00-004.000 p/o, 0900-250.00-04.00-005.000 p/o) (County Executive). Yeah, it's old money, that's the Town of Southampton.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine. I'm going to continue with my objection. All in favor? Opposed? Abstentions?

MR. LAUBE:

Thirteen (Opposed: Legislators Eddington, Montano, Lindsay & Barraga - Not Present: D.P.O. Vilorio-Fisher).

Health & Human Services:

P.O. LINDSAY:

1474-11 - Terminating a consultant contract (Degere Physical Therapy Services, P.C.) (Kennedy).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Is there a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second by Legislator Nowick.

LEG. MONTANO:

Explanation.

LEG. SCHNEIDERMAN:

List me as a cosponsor on the last one.

P.O. LINDSAY:

Legislator Kennedy, you've been asked for an explanation on why we should do this.

LEG. KENNEDY:

We have to save money, Mr. Chair. I know, seriously, this is a --

P.O. LINDSAY:

Well, who is -- I'm all for saving money, but who's going to provide these services?

LEG. KENNEDY:

There is staff, adequate staff within the facility. As a matter of fact, we have a physical therapy -- a licensed physical therapist that is a County employee, as well as physical therapy assistants in contract personnel that have been brought in per diem. This is a contract that was sought by the County Executive's Office for an individual who purportedly had some expertise in the claiming process. He has been in the facility for minimal amounts of time. I proposed this bill actually back in June. I deferred it, at the request of Dr. Tomarken, for several cycles.

In many ways, I'm in this case abiding by the County Executive's intention. He's looked to layoff all 220 employees come November 15th. Certainly there's no need to have a contract entity that's going -- I'm going to have to turn to Budget Review. I know the closure one was going at a buck eighty an hour. What does this guy go out? He's somewhere north of 150, 160 bucks an hour, I believe.

MS. VIZZINI:

I don't know the hourly rate, but it's \$17,000 in terms of the budgetary impact.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

He provides physical therapy at the --

LEG. KENNEDY:

No, Mr. Chair. As a matter of fact, if I can just correct. What he does is he reviews the claims that are prepared regarding the physical therapy that's furnished by others. I do not believe that he does any direct physical therapy whatsoever.

LEG. MONTANO:

If I may? Do we really need someone to do that; can't that be done in-house.

P.O. LINDSAY:

That's what Legislator Kennedy is proposing.

LEG. KENNEDY:

Thank you, Legislator Montano. And as a matter of fact, I think, yes, they do an excellent job with physical therapy there in the facility. And as we go forward with our public/private partnership RFP, I expect that that's going to be enhanced and be an additional source of revenue in the facility. So I think this termination is timely.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1811-11 - Establishing a Teen Pregnancy Advisory Board. (Viloria-Fisher)

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1813-11 - Amending Resolution No. 376-2011, directing the issuance of a request for proposals to increase services and revenue at the John J. Foley Skilled Nursing Facility (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. CILMI:

Can I ask a quick question?

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Can somebody explain exactly what RFP's are floating out there now and how this supplements those or differs from those?

LEG. BROWNING:

This -- okay. This is an amendment to the original resolution to change some of the designees to the RFP committee.

LEG. CILMI:

Gotcha.

P.O. LINDSAY:

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

LEG. ROMAINE:

Please note my recusal.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Recused: Legislator Romaine - Not Present: D.P.O. Vilorio-Fisher),

Labor, Housing & Consumer Protection:

P.O. LINDSAY:

1769-11 - Establishing a voluntary "Puppy and Dog Protection Rating Program" for pet stores in Suffolk County (Cooper).

LEG. COOPER:

Motion to table for one cycle.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

IR 1812-11 - Amending Resolution No. 206-2006, establishing an application fee waiver policy for Civil Service Examinations (Presiding Officer). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. MONTANO:

Explanation.

P.O. LINDSAY:

Yeah, I'll give you a quick explanation.

LEG. MONTANO:

Is this the one that -- does this eliminate the ones that we did last time?

P.O. LINDSAY:

No. What this does is we have many, many exceptions to people paying the fee to take the Police exam.

LEG. MONTANO:

Is this the one that cost us \$5,000? I mean five million?

P.O. LINDSAY:

I'm not sure whether it was that much, but I know 30% of the people that signed up for the last exam didn't show up.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

All right? And this limits the people that are exempt, heads of household, what was the other --

MR. NOLAN:

This just clarifies the exception for paying the fee. Right now it's for unemployed people, this adds that they be the head, primarily responsible for supporting a household. So unemployed and primarily responsible for supporting a household, and if they meet that criteria then they're exempt from the Civil Service fees to take the test.

LEG. MONTANO:

Everybody else pays?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Good.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Parks & Recreation:

1691-11 - To amend the user fee schedule for Suffolk County Parks to implement a discounted weekend resident junior golf fee (Nowick).

LEG. NOWICK:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. BROWNING:

I'll make a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Browning. Is there a second to the tabling?

LEG. D'AMARO:

I'll second it.

LEG. BROWNING:

I just think with the budget --

P.O. LINDSAY:

Seconded by Legislator D'Amaro.

LEG. BROWNING:

Yeah, I just think with our budget process under way, it would be appropriate to hold up.

P.O. LINDSAY:

The only reason I would disagree with you, that was my exact feeling and that we have so many discounts on our golf courses. But we had the two pros in here that operate Timber Point in West Sayville and they thought that this would be a great incentive to actually increase revenue. And what they envision is that because of the discounted rate for juniors, that one of the parents would come with the juniors and pay full rate and they thought it would be an incentive to get more young people involved in the sport. Legislator Nowick, did we put a sunset on this?

LEG. NOWICK:

It's going to be for one year. But just so Legislator Browning's -- and I understand where you're coming from. Just so you understand, our golf courses, which are four of the most beautiful golf courses on Long Island, have nobody in the afternoon -- on weekends, weekends, where you'll go to some of the other golf courses and you wait and you wait and you wait. So the idea is to bring in business. And if we don't do it now, it won't be in place for next year. So I would ask if you wouldn't mind, it's not costing us any more money; in fact, we're thinking that there will be more people playing. So if you could withdraw your --

LEG. BROWNING:

No, I can. I just felt, you know, again, we're all concerned about our budget. But, you know, my husband takes my son sometimes, he's trying to play, so is my husband. But at the same time, you know, I think maybe next year getting a report and seeing if it actually is getting us any revenue I think is a good idea.

LEG. NOWICK:

Hopefully there will be more players, and that's the intent here.

P.O. LINDSAY:

Yeah, that's --

LEG. BROWNING:

Okay.

P.O. LINDSAY:

Yeah, we thought we'd try it for a year and see if it works. Okay, we have a motion and a second. Are you going to stick with your tabling motion?

LEG. BROWNING:

Oh, sorry. I withdraw my table.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

LEG. SCHNEIDERMAN:

Cosponsor.

P.O. LINDSAY:

We already did 1827.

Public Works & Transportation:

1837-11 - Authorizing the Commissioner of the Suffolk County Department of Public Works to take measures to remove certain roads from the Suffolk County Road System (County Executive). I'm going to make a motion to approve.

LEG. SCHNEIDERMAN:

I'll second it.

P.O. LINDSAY:

Seconded by Legislator Schneiderman. Would you come forward, Mr. Anderson, and please explain this very difficult situation to everybody?

COMMISSIONER ANDERSON:

Good evening. I'll just briefly read a little statement into the record.

"Under a recent court decision, Suffolk County is now responsible to maintain an additional 161 miles of town roads. These roads were added to a map created in 1921" -- I'm sorry, "1929 as a County Road system to help gain Federal funding for those roads and towns at that time. Maintenance of those roads was pledged into the State law so that Federal and

State aid would not be disputed. As the State law changed, which it did in the 30's, the language mandating this maintenance of the roads was strengthened while the laws and program that inspired them was forgotten. Unfortunately, the Town of Huntington took advantage" -- sorry. "Took the County to court and convinced the court that according to the law, the roads identified on the County system map, and more importantly their costs, were the responsibility of the County, even though the roads were owned and are owned still by the town."

"The resolution before you permits the Commissioner of Public Works to seek to remove those roads in question from the County Road System. This will be attempted through negotiations, trying to negotiate an agreement with the appropriate municipality. If no agreement is reached, we will then take the issue by petition to the New York State Commissioner of Transportation. This is the first step in that process."

P.O. LINDSAY:

Thank you. Legislator Romaine has a question and then Kennedy and Barraga.

LEG. ROMAINE:

Does this involve other towns other than Huntington?

COMMISSIONER ANDERSON:

Yes, it does.

LEG. SCHNEIDERMAN:

I have the list here.

LEG. ROMAINE:

What towns does it involve?

COMMISSIONER ANDERSON:

It will actually involve every town, I believe, within the County.
The system --

LEG. ROMAINE:

Do you remember the Orient Road situation? The road that was owned by the County; would that be a similar situation?

COMMISSIONER ANDERSON:

No, it wouldn't.

LEG. ROMAINE:

Okay. Thank you.

COMMISSIONER ANDERSON:

Those were paper roads. This --

LEG. ROMAINE:

Right, right, I got it. Right. I just wanted to say that for the record. Thank you.

COMMISSIONER ANDERSON:

Gotcha.

P.O. LINDSAY:

Legislator Kennedy had some questions, but I'll -- he wants to ask.
Ms. Lolis some -- oh, you want to talk, Legislator D'Amaro? Go ahead.

LEG. D'AMARO:

Yeah, I just want to ask Commissioner Anderson or Gail, just so I understand this, that the roads are owned by the town or village, the municipality, but were placed on a map back in nineteen -- whatever you said.

COMMISSIONER ANDERSON:

Twenty-nine.

LEG. D'AMARO:

-- twenty-nine for the purposes of securing some --

COMMISSIONER ANDERSON:

Federal aid.

LEG. D'AMARO:

Federal aid.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And somehow that got twisted into we have to maintain or pay for the maintenance of the roads?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

But they're not our roads.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So what we're doing is kind of clarifying that now and giving you the authority to give these -- or to take them off that map which is no longer in use anyway.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay. All right, yeah, it makes sense.

LEG. KENNEDY:

Bill?

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah, I think I know the answer already, but I'm going to ask Ms. Lolis if she can -- just on the judicial process, this decision has been appealed to the highest court that it can and the decision has been upheld?

MS. LOLIS:

It's been appealed to the Appellate Division. The Appellate Division upheld the Supreme Court's decision. The New York State Court of Appeals, which is the highest court, declined to hear the case.

So right now --

LEG. KENNEDY:

So we've exhausted all our --

MS. LOLIS:

-- the Appellate process is over.

LEG. KENNEDY:

Okay. All right, thank you.

P.O. LINDSAY:

Just permit me. By us removing them Legislatively from the County Roads, is that legally acceptable? Can we just walk away from these roads?

MS. LOLIS:

By law, the maintenance reverts back to the town.

P.O. LINDSAY:

Okay.

MS. LOLIS:

The way the Court had looked at it, as Commissioner Anderson explained, these roads were put into the County Road System solely to fund them because the monies could not go to the towns directly, they had to use the County as the pass-through. But as the laws were amended over time, it is now been construed as saying, "Well, County, if it's on your road system, you must maintain the roads." They've also enacted a procedure under State law for the County to remove these roads from the system.

P.O. LINDSAY:

Okay.

MS. LOLIS:

And that was what the Court said, you have a process to implement, implement your process.

P.O. LINDSAY:

And the other thing that's evolved is over the years, towns can apply directly for Federal funds.

MS. LOLIS:

Yes, and they are.

P.O. LINDSAY:

Right. Okay, Legislator Schneiderman, I'm sorry.

LEG. SCHNEIDERMAN:

Yeah. Gil, I know that we had done one of these, Noyak Road out in my district where the town actually wanted the road because they feared the County may one day try to expand it, etcetera.

I want to know, as you do this, there's a lot of roads obviously -- you know, I have the list and they're throughout the County, many of them are in my district. They don't seem to be all created equal. Some I think the County actually does some work on like Three Mile Harbor Road, Springs Fire Place Road, Long Lane, I know that we have a Capital Project for Long Lane. You know, we are in the sense on some of these roads potentially saying to the town, "We're not maintaining these anymore, you're taking them over." Is there going to be a process by which you come back to the Legislature? I mean, even the Long Wharf is on this list as a County Road, which, you know, this body is still I think trying to figure out what to do with Long Wharf and we have a committee studying Long Wharf. Are you going in individual cases come back to the body and say, you know, "I have a town that's willing to accept it"? Or I guess you want to do this whether the town wants it or not, right?

COMMISSIONER ANDERSON:

Well, the first part of the process is going back to the town and talking to them about taking these roads back. Again, in anticipation that there's going to be some negative response, the next step is --

LEG. SCHNEIDERMAN:

Gil, can you just push the button, because --

COMMISSIONER ANDERSON:

No, there's no button. It's just I'm --

LEG. SCHNEIDERMAN:

Oh. Okay, I was having trouble hearing you.

COMMISSIONER ANDERSON:

In anticipation that there is going to be some negative response from the towns, we then have -- the next step of the process is to go to the Commissioner of Transportation for the State of New York and petition him to direct the road to go back to the towns. Beyond that, it will likely be some type of negotiation, I don't know at this point.

LEG. SCHNEIDERMAN:

So this body doesn't get another shot at it.

COMMISSIONER ANDERSON:

We could certainly advise you of our progress. I mean, it's adding 38% -- a 38% increase to our road system right now; that's a big impact.

LEG. SCHNEIDERMAN:

Right. But in many cases, the County owns it only theoretically on paper.

COMMISSIONER ANDERSON:

We don't own it. We don't -- let me --

LEG. SCHNEIDERMAN:

Well, maybe not even own it.

COMMISSIONER ANDERSON:

We don't own it. We basically --

LEG. SCHNEIDERMAN:

Okay? And it --

COMMISSIONER ANDERSON:

We've basically been told by the Court that we are responsible to maintain it, and thus the cost of maintaining it is ours.

LEG. SCHNEIDERMAN:

But I know some of these roads we've never done anything to, the towns have always maintained. And I understand that --

COMMISSIONER ANDERSON:

All --

LEG. SCHNEIDERMAN:

A long time ago we took what probably were town roads into our systems to qualify them for Federal funds or State funds.

COMMISSIONER ANDERSON:

Right.

LEG. SCHNEIDERMAN:

No good deed goes unpunished and, you know, today we're being told we have to -- at least in the case of Huntington, which has, you know, broader application. We could theoretically be on the hook for a lot of these roads. Some of them we do maintain, though, and I know -- like Springs' Fire Place Road, Three Mile Harbor Road, we have a contract with the town where I think they provide the plowing on those roads.

COMMISSIONER ANDERSON:

Right. There's a maintenance agreement between us and the town.

LEG. SCHNEIDERMAN:

Right. So I guess I'm really asking on some of these things that are -- where we have been paying historically, we ought to have a second look at this. Here we ought to -- I think this body ought to have a right to say yes or no. We're handing them all in this resolution to you to say you now have the power to get rid of all of them.

COMMISSIONER ANDERSON:

It's again -- yeah, I'm being directed here to negotiate. I don't know, and I'd have to defer maybe to Counsel, whether we would have to come back or not.

MR. NOLAN:

No.

COMMISSIONER ANDERSON:

At this point it's just to go and negotiate some type of agreement.

LEG. SCHNEIDERMAN:

Gail, do you have that answer?

COMMISSIONER ANDERSON:

Again, I go back to -- I go back to this is an increase of 38% on our existing road system; that's a huge impact. These roads have never been maintained up to County standards with the exception of the ones where we have agreements with the municipalities. So all of these have to be added

into the Capital Program.

LEG. SCHNEIDERMAN:

I don't -- for the roads that we haven't been maintaining, and we've been maintaining Long Wharf.

COMMISSIONER ANDERSON:

Right.

LEG. SCHNEIDERMAN:

At great expense. But the ones that we haven't been spending anything on, I have no problem with it.

COMMISSIONER ANDERSON:

Right.

LEG. SCHNEIDERMAN:

Give them to the towns, they probably would take them, in many cases. But for the ones that we have been maintaining, I would think the towns would be surprised if suddenly they had to budget for them.

COMMISSIONER ANDERSON:

Well, in that case it's a mutually beneficial agreement. They plow the roads for us during the storm, you know, extreme storm events so we don't have to go all the way out there to plow those roads. In turn, we then take care of the roads, you know, that we've agreed to; we do striping, we do maintenance, improvements, things like that. It was mutually beneficial. The other roads, there is no agreement.

LEG. SCHNEIDERMAN:

You take a road -- because I have approached the town about Springs Fire Place Road and Three Mile Harbor, I'd love for them to take it. They don't want to take on that expense, so they're going to see this as dumping these roads on them. And I think the process should involve a second look at this, personally, if there is a mechanism for that.

COMMISSIONER ANDERSON:

Certainly I can come back to the committee, I can come back -- whatever you guys want. At this point, I'm just looking for the first step to go back to them and say --

LEG. SCHNEIDERMAN:

Let's find out from Gail whether the mechanism does involve another look by the Legislature.

MS. LOLIS:

Yes. The law says that it's after you obtain the approval from the Commissioner -- of the State, the Commissioner, or if you have -- or otherwise if you have an agreement with the County. After that, it goes back to the Legislature to approve the roads being removed from the County system.

LEG. SCHNEIDERMAN:

Okay. That's fine.

MS. LOLIS:

The only thing is if there's an agreement, you're authorizing the Commissioner to enter into an agreement with the town.

LEG. SCHNEIDERMAN:

That's great.

MS. LOLIS:

But apart from that --

LEG. SCHNEIDERMAN:

If the towns agree, I don't want to have to see it again. But if there's a disagreement, I think we should take a look at it.

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Legislator Schneiderman had asked some of the same questions that I wanted to ask. So can you give us a list of which roads have agreements, unless you stated that already?

LEG. SCHNEIDERMAN:

I have the list, I'm sending it over to you.

LEG. GREGORY:

Okay. I know there's an issue currently with New Highway, which is in my district, with the Town of Babylon and there's Federal funds that may be lost or jeopardized, and there was a meeting a few weeks ago. So I'm trying to understand, how does this enhance your negotiating position and what position are you trying to negotiate if you're asking us to give you the authority to have complete control over turning these roads back to the towns? Because that would be the end of the question to me.

COMMISSIONER ANDERSON:

Again, it's the -- I believe that this legislation is directing -- giving me the availability to go to the towns and negotiate to return those roads to the towns. In the case of New Highway, that's a contract that the town entered into with the Federal government, you know, actually with a contractor. So we have no participation in that, and I believe we don't have any liability in that. And certainly at this point in the game, I don't know that the town really has -- I think they may have lost the funding for that project because they have to have it done by the end of the year.

This is really just the first step in a number of steps to try and get -- give these back to the towns so we don't have the maintenance responsibilities.

LEG. GREGORY:

Okay, so you're really not trying to negotiate. This is just a step in the process that--

COMMISSIONER ANDERSON:

I mean, I'm going to go to them -- yeah, first step would be to hopefully negotiate. If not, then the next step is to go to petition the Commissioner of the Department of Transportation.

LEG. GREGORY:

Okay. All right, thank you.

P.O. LINDSAY:

Gil, the only thing that I want to say is this is a big problem. One hundred and sixty miles of road, this comes at the same time that the current budget cuts 65 positions from Public Works. I don't know how we do it. I just don't know how we do it. And it's really more cost shift and it seems like everybody; the towns are shifting costs from the bottom up, the State's shifting costs from the top down. I'm all for helping any way I can.

COMMISSIONER ANDERSON:

Thank you.

P.O. LINDSAY:

We just can't absorb it. Okay, we have a motion and a second.
All in favor? Opposed? Abstentions?

LEG. ROMAINE:

I'm here, Tim.

LEG. BROWNING:

I'm here.

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

Veterans & Seniors:

P.O. LINDSAY:

1730-11 - Adopting Local Law No. -2011, A Local Law amending Local Law No. 5-2011, A Local Law to register non-profit veterans' organizations in Suffolk County (Cilmi).

LEG. CILMI:

Motion to approve.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Legislator Cilmi, didn't we do this once already?

LEG. CILMI:

Yes, you're right, we did. But the last resolution didn't make the penalties criminal so that it was incumbent upon the County Attorney to enforce the law. What we've done here is we've changed it so that now the Police Department can enforce the law.

P.O. LINDSAY:

Okay. Legislator Barraga, did you have a question; no?

LEG. BARRAGA:

(Shook head no.)

P.O. LINDSAY:

Okay. Anybody else?

LEG. MONTANO:

One question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

What's -- is it like a misdemeanor?

LEG. CILMI:

Yeah, and small fines. It's the same as it was previously. The numbers are the same as what they were previously.

LEG. MONTANO:

Okay.

LEG. CILMI:

It just allows the Police Department to do the enforcing.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

We did 1464.

Ways & Means:

1723-11 - Adopting Local Law No. -2011, A Charter Law to update and strengthen Ethics and Disclosure Rules (Presiding Officer Lindsay). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1724-11 - Adopting Local Law No. -2011, A Charter Law establishing a new Board of Ethics (Presiding Officer Lindsay). Same motion, same second, John?

LEG. KENNEDY:

That's fine with me.

P.O. LINDSAY:

Okay. Legislator Barraga.

LEG. BARRAGA:

As Mr. D'Amaro indicated earlier, there's been a great deal of discussion with reference to ethics and the Ethics Board, and I'm not going to go down that road of history. It's already a matter of public record in terms of the debates and the discussions on this particular issue.

And I do have a number of problems with this particular piece of legislation. I will not get into most of them, but the one area that concerns me has to do with the question of confidentiality, and it has troubled myself and I've spoken with a number of people and it's really in an area that I think as you read it, there is something that isn't quite right here. And if I could just read this one paragraph;

"Under confidentiality, except as otherwise provided by this law, testimony received or any

other information obtained by a member of the board of staff or the board in connection with the preparation of an advisory opinion or the investigation of a complaint or referral, or the conduct of a hearing related to a complaint or referral is confidential and shall not be disclosed by any such individual to any person or entity outside the board."

So far all well and good.

"However, the board shall provide all documents requested by the Suffolk County Legislature or a duly authorized committee of the Legislature that is exercising oversight of the Board of Ethics. Such a request for records must be approved by a two-thirds vote of the Legislature via a Procedural Motion."

The second sentence seems to negate the first, either we have confidentiality or we don't have it. It seems to me that the Suffolk County Legislature enjoys a privilege that no one else will have. There is a process. As long as you generate 12 votes in this body, this board shall give you the information that you're looking for. As opposed to an individual who goes in and makes application or the District Attorney or the U.S. Attorney or anyone else, there's a process that the board, I think, controls. They'll either give you the information in its entirety, they'll redact the information, they will say no, and if you're not happy you go to court.

Legislatures, by their very nature, are very political. I could see a situation developing in the future where something comes out, as we've had in the past, and all of a sudden 12 votes are mustered immediately and we're demanding this information, this documentation right away and the board has no choice but to give it to us. Either you do one or the other. I think there has to be some assurance on the part of the individual who requests an opinion that the board will control the disposition of the material based on their own expertise, as opposed to a Legislative body coming in and saying, "Hey, we got the 12 votes. This is the law, we want the documentation." Whether or not the board wants to give it or not is irrelevant. This bill says this board shall give that documentation.

We've had situations in the past where the County Executive, it could be in the future with another County Executive, it could be any one of you. I don't think this Legislative body should have that kind of power, it should be retained within the board. Let the board make the decision, they're the experts. You are carving out a unique niche just for this Legislature that nobody else enjoys and I think it's a flaw in this bill. And if we pass it, I think you're going to regret it.

MR. NOLAN:

I think Legislator Barraga raised an interesting point and this was a topic of discussion among the committee members. It's a tough issue, it really is.

The way this section came about was last year, I believe, or the year before, the Legislature -- the Legislature had some questions about the operation of the Ethics Commission, and of course, the only oversight of the Ethics Commission was through the Legislature. The law, as it reads now, says that the records were confidential, period. The Legislature, to carry out its oversight role, believed they needed to see certain records maintained by the Ethics Commission. When the Legislature asked for those records, the Commission said, "We're not going to give you the records because they're confidential. That's what the Statute says, so serve a subpoena," Legislative subpoena, which was done and then the Commission moved to quash the subpoena. The Court eventually went to Judge Whalen and he upheld the Legislature's authority to get those records. Okay?

So notwithstanding that the Statute said the records were confidential, the Judge said the Legislature, in its oversight role, can get those records. So this new language is kind of an outgrowth of that whole situation. This Ethics Commission, I think, felt they were in a bad position

because the Statute said it was confidential, so they had to rebuff the Legislature's attempt to get those records.

One other thing I'll add is the language about the two-thirds vote of the Legislature was added by the committee because they recognize that issue that you raised, and so that it would take a super majority vote of the Legislature to request records from the commission. So it's a legitimate question, it's a tough issue, but that's where the committee came out.

LEG. BARRAGA:

But you have explained in detail that there is a process. Even when you are refuted by the board, there is process judicially that you can pursue, which you have done in the past and you were victorious. All I'm saying is that I -- supposing you have a Legislature that's 15 members of one party and three of another? I could easily see that crowd coming in and doing 12 votes to get documents to embarrass someone in the opposition party. This shouldn't be a polit -- this is a political body. You really --

P.O. LINDSAY:

Let me just jump in for a minute. The Ethics Commission, whether now, in the future or whatever, is a product of this Legislative body. This Legislative body has oversight over that committee. One of the problems with the last committee is they ignored the oversight. They never reported back to this body, never. And when we went through a process of trying to clarify some of the things that were being said about the committee, for example, that there was absolute favoritism on how they honored FOIL requests, one media outlet was granted it in a week, another one it took months that they had to threaten legal action.

So it -- I agree with George, this was an issue that we stumbled over. But when all was said and done, I think the four of us felt very strongly that elected officials that have the power to create a committee should have the power to oversee that committee.

LEG. BARRAGA:

Well, I think what this bill does, in essence, it gives you the ultimate control. It makes them ineffective, and that certainly does not work for the individual who is requesting an opinion on an issue. You have to feel if I am making the request, that this board will have the power to rightfully make disposition on certain information that they feel is appropriate and not do it on other information which is inappropriate. As opposed to sitting back and saying, "You know, if I make this request for an opinion, these guys in the Legislature at any time, depending upon the makeup of the Legislature, if it leaks out in any way, shape or form, say on financial disclosure or something like that, they can muster 12 votes and all of a sudden everything I put in, all of my paperwork is now being exposed because the board shall supply that document to the Legislature."

P.O. LINDSAY:

Okay. Under the other process that we had before, my information was exposed, it was put on a web page that was obtained through a source. Okay? So it didn't work pretty well before.

LEG. BARRAGA:

Well, I think what happened, has happened in the past, I don't know about you individually.

P.O. LINDSAY:

I do.

LEG. BARRAGA:

But a lot of the information that came out was the result of someone saying someone filed one form versus another, there was a lot of media coverage and then it went on from there.

All I'm saying is that if one becomes aware that an individual that is not liked well politically by another party is having an issue with the board, this Legislative body can demand the documents associated with that. I don't think that's appropriate. You're taking on a unique perspective that is not available to any other entity except this Legislature.

P.O. LINDSAY:

I just --

LEG. BARRAGA:

It's an honest difference of opinion.

P.O. LINDSAY:

I disagree with you. Legislator D'Amaro.

LEG. D'AMARO:

I want to just follow-up with George on this point, because I think Legislator Barraga raises a very important point. An Ethics Commission or board has a very unique position in government. In fact, I think if you look at the Federal level, I think there was a big debate about oversight on the Federal level as well and ultimately it was decided that that board would be completely independent and not subject to oversight.

George, what I want to ask you is Legislator Barraga raises a legitimate concern that when you file with a Board of Ethics or an Ethics Commission, that there's confidentiality and the code tries to protect that. If the Legislature votes to obtain documentation, is it still subject to the same rules of confidentiality?

MR. NOLAN:

The Statute doesn't say that. I think it's -- I would hope it's that any committee or group that's exercising that oversight would treat those documents carefully, might keep them confidential, or try to, but the Statute really doesn't address that.

LEG. D'AMARO:

So there's no prohibition or guidance in the law on how information that was originally submitted thinking it's confidential can be used by this body or a committee of this body? I find that a little troubling, frankly.

MR. NOLAN:

Well, like I said --

LEG. D'AMARO:

What would be the restraint on confidentiality? What would -- you know, how do you take information that went to an independent commission for the sake of depoliticizing and then by releasing it not politicizing; what's the check and balance there?

MR. NOLAN:

Well, the Statute doesn't really address how a committee would handle those records. I guess that's left to the discretion of the committee that gets the documents. Like I said, this was a really a tough issue because there's a tension, because you do want the Ethics Board to be as independent as possible, so we've set them up as --

LEG. D'AMARO:

Let me ask it another way.

MR. NOLAN:

Go ahead.

LEG. D'AMARO:

And excuse me for interrupting, because I know the hour is late. Once the committee requests these documents, are they then public documents? Would they be subject to a FOIL request?

MR. NOLAN:

Well, somebody could make a FOIL request for the records, but they might be exempt from disclosure by some of the exemptions in the Public Officers Law.

LEG. D'AMARO:

Okay. All right, so that would handle FOIL requests. But the use of the documents themselves or the information, how that could be used or for what purpose or for what even what purpose they could be requested, the Statute is all silent on that. So it's basically if the Legislature decides by 12 votes that for some reason we need to have person A, B and C's records, we don't even have to state why just by virtue of the fact that we have oversight, the Commission would have to produce them. And then once this body or a committee of this body receives those records, there's no limitations on how they can be used other than a discretion of this body itself.

MR. NOLAN:

Right. But I do think, even though it's not stated in the law, I think there are going to be checks on any committee that would be exercising oversight. I think they would -- you know, there's the press looking at things and if they -- if you have a runaway committee --

LEG. D'AMARO:

Well, let's talk about that. Would it be inappropriate for that committee to release those documents to the press under this law? Would it be inappropriate or unlawful for the committee to release those documents to the press?

MR. NOLAN:

Like I said, it doesn't really address how the committee would treat those documents or handle those documents.

LEG. D'AMARO:

How about the Farmland Committee disclosures; could they be released?

MR. NOLAN:

Well, disclosure statements are always going to be released if there's a FOIL request, but personal identifying information will be redacted.

LEG. D'AMARO:

I think that it -- I think that Legislator Barraga raises a very legitimate point. And I agree with the Presiding Officer, that there probably should be some oversight, at least as to procedurally how this committee is operating; you know, favoritism and things like that that you spoke of, I agree with you a hundred percent. But there is a concern that once this documentation is out of the protection and confidentiality of the specific individuals on the Ethics Commission that have to keep these documents confidential, there's no guidance. There's no limits on how this material may be used.

P.O. LINDSAY:

The only -- you know, we were faced with a situation last year where a number of people FOILed our individual records and then published them. All right? There's nothing wrong with that. But when the Legislature, via subpoena, asked for records about how long does it take you to fill out a FOIL request, are the FOIL requests filled in chronological order, we had to get a subpoena. And when we got the subpoena, the Ethics Commission said, "We don't have to release them to you. We're going to go to court."

LEG. D'AMARO:

Right, but I think the difference there -- and I appreciate that -- is I think the request for documents that could come from the Legislature or a committee of the Legislature is well beyond what would be subject to a FOIL request; is that correct, George?

P.O. LINDSAY:

Most of the information that we were looking for didn't have anything to do with individuals. What it had to do with -- I mean, if you wanted an individual's FOIL -- an individual's filing, you just file a FOIL request. Anybody. Anybody. What we wanted was statistics. How many cases did they -- you know, how many requests did they have for opinions?

LEG. D'AMARO:

Right, I agree with you there. I agree with you there. Because that goes to the operation of the commission and procedurally, you know, I agree with you. But I'm just thinking about -- one thing I've always been told is that the opinion issued by an Ethics Commission --

P.O. LINDSAY:

Well, one of the things --

LEG. D'AMARO:

-- and the backup data that went along with them rendering that decision was proprietary to the commission and the person to whom it was issued.

P.O. LINDSAY:

Okay. But --

LEG. D'AMARO:

Would this then release all of that?

P.O. LINDSAY:

The opinions now are to be published with all information redacted.

LEG. D'AMARO:

Uh-huh.

P.O. LINDSAY:

Which is something that the State does. And --

LEG. D'AMARO:

Well, I don't think that's -- you know.

P.O. LINDSAY:

Huh?

LEG. D'AMARO:

It's going to be -- in other words, so it's going to be redacted to a point where you can't identify who it relates to?

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Yes. But, I mean, you know, when we're talking about the State, I mean the State passed an Ethics law early last year that they ballyhooed, but it's a committee that's a partisan committee that decides whether someone violated the Ethics Law or not.

LEG. D'AMARO:

Right, but we're not --

P.O. LINDSAY:

We're not doing it.

LEG. D'AMARO:

-- going to hold that up as a shining example.

P.O. LINDSAY:

No, we're not going there. No, no, no.

LEG. D'AMARO:

Right. My only -- I appreciate your answers, Mr. Presiding Officer, because I think you have thought long and hard about this. And I would just want to say on the record that in the event that this Legislature or a commission, a committee of this Legislature comes into information that's truly confidential, that it would be continued to be treated as such and not be used in any other way.

P.O. LINDSAY:

Well --

LEG. D'AMARO:

That would be my concern.

P.O. LINDSAY:

I would certainly go along with that. But agreeing with Legislator Barraga, I can't bind a future Legislator to that standard.

LEG. D'AMARO:

Right. So we can put standards in the code, though, that's my point.

P.O. LINDSAY:

This law has evolved over, God, how many meetings did we have? I don't -- you know, it took a long, long time to draft this Statute. And we were still making changes up to a week ago, two weeks ago, because we keep getting suggestions from people. And we don't -- it isn't a matter of ownership. We take suggestions from anybody if they make sense, we'll get together, kick them around. I mean, Legislator Kennedy just told me today that he's got some more ideas, and what I said to him is why don't we pass the boiler plate that we have and, you know, we could amend it further as we move forward. And certainly what Legislator Barraga and yourself are talking about, maybe there should be some confidentiality language in there once documents are obtained by this body.

LEG. D'AMARO:

I appreciate that. You know, my point in bringing this up is that ultimately, if there isn't maybe some further defining of how these documents can and cannot be used or how they're kept confidential, you may actually discourage the use of the commission itself, and I would hate to see that happen. So, but I appreciate the dialogue.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
Maybe, as you say --

P.O. LINDSAY:
I'm sorry, Legislator Gregory.

LEG. NOWICK:
Sorry.

LEG. GREGORY:
Thank you, Mr. Chair. I truly appreciate the comments of Legislator Barraga and D'Amaro. Just myself, I filed a complaint January 4th of this year in regards to, as many of you may remember, about the handling of the Hate Crimes Report. I received a letter approximately five days from the -- from that from the Ethics Commission saying that we received your letter and that the Ethics Commission will convene and we will make a decision as to what we're going to do. I think almost two weeks ago I sent another letter following up because I hadn't heard in nine months what the hell was going on, excuse my language, and I have yet to hear a response. So I appreciate and understand the frustration of just getting information, whether it's confidential or even just an opinion, as to whether they're going to investigate or made a decision about not investigating a complaint that was filed. But I do have concerns with confidentiality of information.

As I understand it, and maybe Counsel can correct me, there's a certain level of confidentiality. There's a penalty, actually, of those on the Ethics Commission if they were to release confidential information, I think they would be subject to a misdemeanor. I would believe, I would think it would be appropriate that anyone that has information, that confidential information, should be held to that same standard.

Because this bill would, in fact, create a loophole around that level, the criminal level where the members of the Ethics Commission will be held to a higher standard and that same information could be released to a Legislative -- a political Legislative body and not be held to that standard and, you know, mischievous reasons or not, there's certainly -- it's a different level of responsibility and I don't think that's appropriate. I think that, you know, if this body is to have that information, if someone's to release confidential information, there should be some penalty to that.

MR. NOLAN:
The only thing I'll say is, you know, the code says now it's confidential, period. A court said a Legislative committee could get those records.

The other thing I'll just throw out, because my recollection is the question of the Legislative committee keeping the information confidential did come up and I think discussion was what if, in the oversight process, the committee determines something had gone wrong; they got records and something was amiss. Now what do they do with the records? Do they have to keep them confidential in all scenarios or can -- in that situation I just spoke about, could they do something with those records? Would it might be the right thing in that situation to release the records? So I think that was the counter-veiling argument to the thing about the confidentiality and the committee, in all cases, keeping the records confidential. So there was a process and a discussion and that's where the committee, the sponsors of the legislation came out but, you know, again, tough issues.

LEG. GREGORY:

Yes, and I agree. But I do think that -- and correct me if I'm wrong; I do believe that in the code, as it stands today, that if there's mishandling, if I can use that word, of confidential information, that person or persons could be subject to a misdemeanor. Now, if the information is gathered and they -- you know, in the course of some other investigation or oversight responsibility, I don't think that's necessarily mishandling. But if someone had information, confidential information, disbursed it for political or other nefarious reasons, they will certainly be subject to some type of criminal penalty and I think that penalty should apply to everyone.

MR. NOLAN:

I think that a big consideration was the members of the Commission, that was their argument. It says it's confidential, there are potentially penalties, "So, Legislature, go get a subpoena, and when we get the subpoena we're going to move to quash." And we -- you know, we had to -- you know, attorneys had to be paid. Well, that was litigated and I think the committee did not want to have a repeat of that, so they put the language in there saying if a committee is looking for the records, give them the records. Because previously the Commission said, "We can't do it and we're not going to do it and we're going to bring you to Court to make you do it." And like I said, outside Counsel, lawyers were paid by the County litigating that issue which turned out to be a committee can get those records.

LEG. D'AMARO:

Bill, could I ask just one more quick question on this?

P.O. LINDSAY:

I have a list.

LEG. D'AMARO:

Go right ahead.

P.O. LINDSAY:

I'll put you on the bottom. Legislator Nowick.

LEG. NOWICK:

All I wanted to say is we worked on this for a year and a half and we tried to pay attention to every little minute detail. I would ask that my colleagues pass this so we can get it started and amendments we can do down the road. And maybe -- the only thing I'm thinking as far as confidentiality is when the Legislature decides or feels they do need the information, maybe then it would be presented back to the Legislature in Executive Session, which is supposed to be a private session and that's supposed to be confidential. So maybe down the road that would be the only word I would add to it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

I just want to echo, I guess, what my colleague committee members have said, that we attempted to vet every aspect that we could see for what was in place with the existing code.

And Legislator Barraga, you hit on an issue that certainly none of us wanted to promote or facilitate. The new Commission is put in place and you'll see that there's a different set of criteria for the Commissioners themselves, even so far as to making certain that there's a balance from the political climate for the board members. And again, I think what you see in that confidentiality section is a reflection that, once again, we as a body are delegating part of what our responsibility and authority is to an entity who can bring expertise and speciality to the function and to have something that's a

robust type of thing. Those of us that are attorneys know the importance of being able to get, you know, an advisory opinion when it's necessary. When we know there may be an ethical question or a pit fall, it's critical to have that give-and-take and to know that the query is going to be something that you can rely on.

The confidentiality clause is there in some respects because we ultimately have to be able to ultimately be responsible, just as we are with any other board or commission, if for some reason it goes awry. We are creating it, we are empowering it and we are trusting it. Ultimately, the Public Officer's Law is quite clear, when there's items of personnel or things like that, and clearly that does not become subject to FOIL and there's no intention that if we had to convene, that that information would be available and out to the world. But nevertheless, the comments are good comments. And I did share with the Presiding Officer another area where I have some concern about bite lines for people that serve on our boards and what they can do with other County-permitting agencies.

So I would encourage my colleagues to pass this as well, but I would be happy to cosponsor something that would codify that confidentiality restriction or clause, as my colleagues are speaking about. You really see something that was a long time work in progress and I think it's very important that we set out a new, clear course for how ethics will be dealt with by this body and throughout our County government.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, very quickly; just again to Counsel. George, when the Legislature had to go to Court to enforce the subpoena, did the Court address the issue of confidentiality once the documents were received, or that was not an issue in that case? I'm just curious.

MR. NOLAN:

No, I don't recall that being discussed.

LEG. D'AMARO:

Okay, that's just for the record. I just want to say that I agree with Legislator Lindsay and Nowick and Kennedy that this bill, at the end of the day, clarifies, sets standards, gives direction, rights a lot of wrongs in the prior standards that we were using, and I'm going to support it because I think it's a huge step in the right direction. But I agree with you also that, as the Presiding Officer mentioned, we should consider it a work in progress and consider what Legislator Barraga raised, that, you know, we certainly don't want to discourage anyone from feeling that they can go to this board with the fear that ultimately what they do in confidence will become public somehow. Okay.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, the hour is late and I thought it was -- I thought I was on the list. But I'll just briefly state that I had some questions about some of the clauses in the bill, and Legislator Barraga I think hit the nail on the head that I was looking at also in terms of the confidentiality. And quite frankly, I've been involved, over the course of my career, in numerous investigations at different levels, and one thing that does concern me is that, you know, as politicians, the release or the -- you know, the premature release of even an accusation which could be unfounded or not valid could really mean life or death for a political official, and we have to be very careful how we handle these, you know, so-called accusations. And, you know, I am concerned about the ability to gather information as a Legislator and then be irresponsible in its release, particularly prior to the completion of investigation.

Now, from my experience, as Legislators, most bodies have their own Ethics Committee within the Legislature to avoid, you know, certain types of, you know, one branch of government against another. But at the end of the day, I think that this document is well put together. Some open questions there. And, you know, as was said by Legislator D'Amaro, I'm going to support it because it's, you know, 95% there, but there are a couple of tweaks that I think we need to do. And I think also on the other bill that we passed, there might be a couple of tweaks that I looked at that I have some questions on. But at the end of the day, you know, we should pass it. It's much -- it's long overdue. And I was going to make that point earlier, I think we've all said it, it's been an excellent debate and I look forward to continuing it as we make some of these modifications.

P.O. LINDSAY:

Okay. Barbara, we have a motion and a second?

MR. LAUBE:

You do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: D.P.O. Viloría-Fisher).

LEG. SCHNEIDERMAN:

Mr. Presiding Officer, can we take 1867, it's a CN, out of order?

Gil Anderson, Commissioner Anderson has been waiting. It's the only thing he's waiting here for, I'd like to let him go home.

P.O. LINDSAY:

Okay. We have a motion by Legislator Schneiderman to take CN 1867 out of order. Do I have a second?

LEG. ROMAINE:

Second.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

Certificate of Necessity:

P.O. LINDSAY:

Okay, **1867** is before us now, ***Amending the 2011 Capital Budget and Program and authorizing the purchase and acquisition of a portion of a certain parcel of real property for municipal purposes, located on the south side of Sound Shore Road, Town of Riverhead, Suffolk County, New York (SCTM No. 0600-021.00-01.00-001.004 p/o) (CP 7143) (County Executive).*** Do I have a motion?

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MURATORE:

Second.

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. MONTANO:

On the motion, Mr. Presiding Officer?

P.O. LINDSAY:

Yes. On the motion, Legislator Montano.

LEG. MONTANO:

Yeah, could I have -- it's a C of N, I really haven't had a chance to digest it, it's long. What is the -- why is it coming in as a CN and what's the emergency and what are we doing? Gil, can you summarize it? Because we're amending here, we're not appropriating; am I correct?

COMMISSIONER ANDERSON:

Well, this is to appropriate that four-acre parcel.

LEG. MONTANO:

I'm sorry, I can't hear.

COMMISSIONER ANDERSON:

This is to appropriate a four-acre parcel, part of the North Shore Preserve. We didn't submit it in time, that's the reason we asked for it to be submitted as a CN. It's intended to be developed for drainage purposes. There are some drainage issues with the parcel, with the overall parcel. We feel we can handle on this four-acre parcel and that's the intent and the reason we're purchasing it.

LEG. MONTANO:

But this wasn't included in the Capital Budget, or it was?

COMMISSIONER ANDERSON:

No, it was not.

LEG. MONTANO:

Okay. So the reason it's a C of N is that it wasn't included timely, or is this something that --

COMMISSIONER ANDERSON:

Timely.

LEG. MONTANO:

This is not something that can go to committee for any --

COMMISSIONER ANDERSON:

Well, we wanted to -- this is part of that overall 300-acre parcel that we're -- or purchase that we're trying to do. We're trying to do it all as one purchase and that's the reason we put it in as a CN and we asked for it to be put in. We had hoped to put it in with the other two.

LEG. MONTANO:

Well, we're not going to purchase the other property between now and the next meeting, are we?

COMMISSIONER ANDERSON:

I believe that the intent is to try and --

LEG. MONTANO:

Pam is standing -- (laughter).

LEG. SCHNEIDERMAN:

We're trying to close by the end of the year, I think.

COMMISSIONER ANDERSON:

Well, that's the --

LEG. MONTANO:

I don't want to delay the meeting. I'm just trying to understand why it's a C of N and I frown upon them.

COMMISSIONER ANDERSON:

I understand that. The reason it was put in as a CN is we had originally hoped to have this as -- and we've been progressing this one, along with the other two parcels, to be purchased at the same time. We want to purchase the property as soon as we can and this one we -- DPW just didn't submit it in time, in a timely manner, so it couldn't be processed along with the other two.

LEG. MONTANO:

And we're spending, what, 270,000?

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

Gil, if --

LEG. MONTANO:

All right, I'll yield.

P.O. LINDSAY:

Our Counsel has a question maybe you can answer.

MR. NOLAN:

The resolution says you're amending the Capital Budget & Program, but the body just indicates appropriation of \$270,000; is that coming from somewhere else?

LEG. ROMAINE:

Yes, Cox Neck Road.

MR. NOLAN:

But I don't see offset in my -- unless this is -- there's an updated version.

LEG. ROMAINE:

Cox Neck Road, if I'm not mistaken.

MR. NOLAN:

I don't see the offset.

COMMISSIONER ANDERSON:

On page three, the offset is shown under the eighth RESOLVED.
Go after page four; mine is out of order, so just --

MR. NOLAN:

You're talking about 1867, right?

LEG. MONTANO:

Yeah, it's the eighth -- are you talking about -- I'm sorry, George.
It's the eighth RESOLVED clause?

COMMISSIONER ANDERSON:

Correct.

LEG. MONTANO:

The eighth or ninth?

COMMISSIONER ANDERSON:

I have it as the eighth.

LEG. MONTANO:

I have it as the eighth. Capital Project 525-CAP-5571?

COMMISSIONER ANDERSON:

Yes, safety improvements on County Road 48.

MR. NOLAN:

My bad, my pages were mis-numbered.

P.O. LINDSAY:

So is mine.

LEG. MONTANO:

Can this go to committee?

P.O. LINDSAY:

No.

COMMISSIONER ANDERSON:

I would ask that it not just so that we can keep moving this forward in the --

LEG. MONTANO:

Gil, I'm having trouble hearing you.

COMMISSIONER ANDERSON:

I'm sorry. I would ask that this be moved forward with the other two so we can get this as quickly as possible.

LEG. MONTANO:

Right. Okay.

P.O. LINDSAY:

Can I just ask a very basic question? What happens if we didn't approve the prior resolutions? You'd have a drainage ditch and nothing to drain into it.

COMMISSIONER ANDERSON:

Obviously, at that point I would have put it in through the regular process.

P.O. LINDSAY:

Okay.

LEG. SCHNEIDERMAN:

So Commissioner, you believe that along the -- South Shore Road is it, that you --

LEG. ROMAINE:

Sound.

LEG. SCHNEIDERMAN:

Sound Road, rather, you need a drainage sump or some kind of drainage system?

COMMISSIONER ANDERSON:

Yes. There are --

LEG. SCHNEIDERMAN:

Regardless of the North Fork Preserve.

COMMISSIONER ANDERSON:

Correct.

LEG. SCHNEIDERMAN:

Okay.

LEG. ROMAINE:

This is a drainage project, this is not land acquisition.

COMMISSIONER ANDERSON:

Well, it is land acquisition slightly --

LEG. ROMAINE:

Right, for drainage purposes.

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

This is not for open space or farmland, this is for drainage purposes.

COMMISSIONER ANDERSON:

Yeah.

LEG. HORSLEY:

A big drain.

P.O. LINDSAY:

What would be the harm of committing this to committee? I know you want to move forward with all the acquisitions together, but --

COMMISSIONER ANDERSON:

I mean, it delays the purchase of the land and, you know --

P.O. LINDSAY:

Gil, we just bought this -- you know, we just passed the resolutions tonight.

LEG. MONTANO:

Closing tomorrow.

P.O. LINDSAY:

I mean, this is going so quickly, this whole acquisition, that it's mind-boggling. And we're talking -- this is only 270,000 but, again, we're talking about an awful lot of money here. You guys do whatever you want. We have a motion to approve and a second. Is there any other motions?

LEG. MONTANO:

You know what? I'll move to send it to committee.

P.O. LINDSAY:

So Legislator Montano makes a motion to recommit.

LEG. MONTANO:

To commit.

P.O. LINDSAY:

To commit. Legislator Anker seconds that.

LEG. SCHNEIDERMAN:

On the motion?

P.O. LINDSAY:

Yes, Legislator Romaine.

LEG. ROMAINE:

No, Schneiderman spoke first.

LEG. SCHNEIDERMAN:

On the motion. Because it's the same owner, the two pieces where DPW wants to do the drainage as the North Fork Preserve, they're trying to do this in one closing. And if we recommit it, they can't do that unless they delay the entire closing of this, and that doesn't make any sense to me. If the Department of Public Works --

P.O. LINDSAY:

Let me ask you a basic question; why wasn't it included in the original purchase then?

LEG. ROMAINE:

Because it's for drainage.

COMMISSIONER ANDERSON:

Because it is --

LEG. SCHNEIDERMAN:

It's for drainage.

COMMISSIONER ANDERSON:

Well, because it's for drainage purposes, that's why it was segregated out from the other two parcels. We couldn't use the funding source and we had to use an offset. Again, I did notify --

P.O. LINDSAY:

Okay. But Gil, the other purchases came through the normal process. What did this fall off the table that it's a CN?

COMMISSIONER ANDERSON:

Again, it was our department's error in not submitting it in a timely manner. We wanted to get it in as one purchase and do them all together. It's strictly intended for drainage purposes; I mean, it is for building a sump.

P.O. LINDSAY:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Okay, real quick. Some of you may not want to vote for land acquisitions, some of you may not want to vote for Farmland Development Rights, but all of you at one time or another have voted for drainage projects in your district. This divorces from the rest and that's why this was cut out. This is not for a park, this is not for preservation, this is strictly for drainage purposes. The only advantage we would have in delaying this, you're not going to delay the purchase, you simply make it more expensive to us because we'll have to do -- we could do it all in one closing. So why cost the taxpayers more to something we've already committed to for something as simple as drainage? We all have drainage projects.

The Commissioner did not get this in in a timely fashion, but more importantly, this is probably the right way to go in the sense that he waited to see if, in fact, these acquisitions would go and, if they did, there was a drainage component that went along with it.

LEG. MONTANO:

Yeah, but we would like to read it beforehand.

P.O. LINDSAY:

Legislator Romaine, I just have to point out, you're just amazing, you know?

*(*Laughter*)*

You're just amazing. How many times have I heard you rail against CN's? This one happens to be 27 pages.

*(*Laughter*)*

And yeah, we -- we don't necessarily object to a drainage project, it's the process of how it got to us.

LEG. ROMAINE:

I hear you loud and clear. Unfortunately, I don't control the process, I don't control the process, but I do know there are severe drainage problems with this property that affect the neighbors. And if we're going to purchase it, let's purchase it all at once and try to provide a drainage situation so that we can deal with that problem.

P.O. LINDSAY:

Okay. I'm starting to lose the troops, they're getting a little restless. We have a motion to commit and a second, and a motion to approve, right, and a second?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

All right. Roll call on the motion to commit.

LEG. MONTANO:

She's going to withdraw her second.

P.O. LINDSAY:

You're going to withdraw it? Okay. Then we have a motion to purchase only -- approve. All in favor? Opposed?

LEG. MONTANO:

Oppose.

LEG. EDDINGTON:

Oppose.

P.O. LINDSAY:

I oppose it.

MR. LAUBE:

So I have three in opposition?

LEG. MONTANO:

Yep.

P.O. LINDSAY:

Okay. Stay there, Gil --

MR. LAUBE:

Fourteen (Opposed: P.O. Lindsay, Legislators Montano & Eddington - Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

-- I think you have one other here that affects you. Where is it? What other CN affects you?

LEG. COOPER:

1895.

Certificate of Necessity:

P.O. LINDSAY:

1895. I'll make a motion to take **1895** out of order, ***Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to County Golf Courses – Timber Point (CP 7166) (County Executive).***

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. On the question, nobody. All in favor?

LEG. MONTANO:

Wait, wait, I have a question.

LEG. CILMI:

It's just to take it out of order.

P.O. LINDSAY:

This is just to take it out of order.

LEG. MONTANO:

Oh, I'm sorry.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

All right, 1895 is now before us. Go ahead, Legislator Montano.

LEG. MONTANO:

How much are we spending on this, Gil? Let me get to the mic.

COMMISSIONER ANDERSON:

This is for \$100,000 for construction.

LEG. MONTANO:

And why is this a C of N?

COMMISSIONER ANDERSON:

To be honest with you, it's a Parks reso, I don't know.

LEG. MONTANO:

Lynn? I mean, Legislator Nowick? I wasn't at the Parks Committee, so.

LEG. NOWICK:

No, this wasn't at the Parks Committee because this is a CN. But I read the resolution and there was major damage from Hurricane Irene and --

LEG. MONTANO:

So they need to do it right away; is that what you're going to tell me?

LEG. NOWICK:

Well, yeah, because when the winter sets in --

LEG. MONTANO:

Okay.

LEG. NOWICK:

-- with the bluff there, it could be ruined.

LEG. MONTANO:

I got that. Okay, thanks.

COMMISSIONER ANDERSON:

It has to do with gabions that need to be replaced because they -- okay.

LEG. CILMI:

Motion.

P.O. LINDSAY:

Okay. We have a motion by Legislator Cilmi, I'll second it, to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: D.P.O. Vilorio-Fisher).

P.O. LINDSAY:

Wait a minute.

MR. NOLAN:

Was there a Bond on 1867? 1867, does it have a Bond? It must.

COMMISSIONER ANDERSON:

I would think so.

MR. NOLAN:

The Serial Bonds, right?

LEG. MONTANO:

They weren't in the packet.

*(*The Following Was Taken and Transcribed by
Lucia Braaten - Court Reporter*)*

MR. NOLAN:

Let me see if we got one, hold on. We have one for 1895, I believe, right?

P.O. LINDSAY:

Well, while you're doing that, let me approve the bond on 1895, all right? On the accompanying bond resolution, 1895A, same motion, same second. Roll call.

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

LEG. CILMI:

Yes.

P.O. LINDSAY:

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:

(Not Present).

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

Okay. While George is reviewing to see if we need a bond on the other, 1867 --

LEG. MONTANO:

Are we going to do the other CNs?

P.O. LINDSAY:

Well, I'd have to take a vote to take them out of order. Why don't we just -- we got one -- we're down to the last page. All right?

LEG. MONTANO:

Let's move, yeah.

P.O. LINDSAY:

J.R. 1773 - A Charter Law to ensure an effective, non-partisan reapportionment process (Kennedy).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy.

LEG. MONTANO:

I'll second that.

P.O. LINDSAY:

Second by Legislator Montano. You want to give us an explanation on what you're doing, Legislator Kennedy?

LEG. KENNEDY:

Yes, Mr. Chair. As a matter of fact, this is providing for two chairmen for the redistricting committee, one from each side, from each party, and making the term for the judges now only five years instead of ten, because it's pretty tough to find judges --

P.O. LINDSAY:

You can't find any alive.

LEG. KENNEDY:

Well, it's a small list Mr. Chair, small list.

LEG. MONTANO:

Question. John, when we discussed this in Ways and Means, I asked you the question and you said that this does not turn back the time limits. In other words we will have a plan on the table in February, otherwise --

LEG. KENNEDY:

Yes.

LEG. MONTANO:

-- we're in court; correct?

LEG. KENNEDY:

Yes.

LEG. MONTANO:

Okay.

LEG. KENNEDY:

Yes, yep.

P.O. LINDSAY:

Okay. Any other comments? We have a motion -- do we have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Just point of information. After us approving 1867 by CN, it needs a bond and we don't have the bond. So it was a moot exercise. We have to approve the bond at the next meeting.

J.R. 1783 - Approving payment to General Code Publishers for Administrative Code pages (Pres. Officer).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

A motion by Legislator Cilmi; I'll second it.

LEG. MONTANO:

He changed it.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1784 - Amending Resolution No. 725 of 2011, 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) whatever, pursuant to the Suffolk County Tax Act (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen -- I mean, seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1792 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Vicencio Medrano and Emma Medrano, his wife (SCTM No. 0200-852.00-04.00-069.000) (Co. Exec).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano. Do I have a second? Second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1793 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Patricia E. Gorden (SCTM No. 0200-907.00-04.00-060.008) (Co. Exec.). Same motion, same second, same vote all right?

LEG. MONTANO:

Yep.

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1794 - Sale of County owned real estate pursuant to Local Law No. 13-1976 Jorge E. Gonzalez and Sonia S. Meneses De Gonzalez, his wife (SCTM No. 0200-973.70-05.00-063.000) (Co. Exec.). Same motion, same second, same vote.

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1820 - Authorizing settlement with Debra A. Cubbedge (a/k/a Debra A. Pate, a/k/a Debra A. Bettis) with regard to Suffolk County Tax Map No. 0400-147.00-04.00-022.000. Do I have a motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick. Second, Do I have a second?

LEG. D'AMARO:

I'll second. And also, I'd like an explanation, please.

P.O. LINDSAY:

Sure. Second by Legislator D'Amaro. And who has an explanation?

MS. LOLIS.

I have the explanation.

P.O. LINDSAY:

Yes, yes, Ms. Lolis. Thank you.

MS. LOLIS:

It seeks settlement of an adverse possession claim by an adjoining land owner. Basically, what happened was back in '91, the County assigned a tax map parcel to what could be described as a sliver of land. It was pretty much a gap between two tax maps. The adjoining land owner, who owned her property six years earlier, believed this was her parcel. She's improved it. She has part of her driveway on it, a shed, her septic system. After the County took it in '91', she has open and notoriously used the parcel. She only discovered in 2010 that the County actually took the tax deed. She's offered to reimburse the County for all the taxes on the property in exchange for the property.

LEG. MONTANO:

Oh, so she's paying us.

MS. LOLIS.

Yes, so we're actually getting money.

LEG. MONTANO:

Thank you. I missed the executive session.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

1829 - Authorizing technical corrections to Resolution No. 482 of 2011, ratifying certain quitclaim deed duly executed thereto by the Director of the Division of Real Property Acquisition and Management (Kennedy).

LEG. KENNEDY:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Back to the CNs. Okay. ***1901 - Authorizing the County Executive Task Force to Prevent Family Violence to illuminate the H. Lee Dennison Building for domestic violence awareness.***

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

1911 - Designating the week of October 10th through the 16th as "Aging in Place Week" in Suffolk County. That's exactly how I feel today.

(*Laughter*)

I'll make a motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. Manilla envelope. Okay. We have ***Procedural Resolution No. 31 - Authorizing a public hearing for the approval of Cross Bay Ferry license for Sayville Ferry Service, Incorporated.*** I'll make the motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Procedural Motion No. 32 - Authorizing funding for community support initiatives.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:

Okay. And then we have the vetoes. First, *Resolution No. 732 - Amending Resolution No. 543 of 2011 - Establishing a standard work week and reporting requirements for elected officials*. It was vetoed. We did do it, but the County Executive has vetoed it. And I will make a motion to override the veto, and with this explanation: Nobody wanted to do this legislation, we were forced to do this legislation by the State Comptroller's Office. It was sent down to us. It was given to the County Attorney. The County Attorney told us we had to pass this or we would jeopardize all our pensions. And after a year we passed it, and now the County Executive is vetoing it.

MR. NOLAN:

This actually is a technical correction to the original resolution to reflect that Legislator Muratore is not in the retirement system.

LEG. MONTANO:

It's a do-over, okay.

P.O. LINDSAY:

Is that what it is?

LEG. MONTANO:

Yeah. We overrode it once before, I thought.

P.O. LINDSAY:

Oh, okay, okay.

LEG. MONTANO:

I'm not getting that old.

P.O. LINDSAY:

I probably made the same speech last time.

*(*Laughter*)*

Yes, Legislator D'Amaro.

LEG. D'AMARO:

I apologize. George, did you say that this is not the passage of the bill itself, we're amending it for some reason?

MR. NOLAN:

It's a technical correction to reflect that Legislator Muratore is not in the retirement system, that's it.

LEG. D'AMARO:

Oh, that's it.

MR. NOLAN:

Yep.

P.O. LINDSAY:

So --

MR. NOLAN:

I don't know why it was vetoed.

LEG. CILMI:

He vetoed the original resolution, we overrode that veto. We passed an amending resolution to add Legislator Muratore into the whole scheme of things and he vetoed that, so now we have to --

LEG. HORSLEY:

This is consistent.

P.O. LINDSAY:

Yes, very consistent. Mr. Clerk, do you we a second to --

MR. LAUBE:

No, I didn't catch the motion or the second.

P.O. LINDSAY:

I made the motion to override.

MR. LAUBE:

Okay. I don't have a second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. D'AMARO:

Just, Bill.

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

One more point. I understand that it's just an amendment, but just, George, this just -- this is for the whole Comptroller requirement, this has nothing to do -- this just sets a minimum base line or something?

MR. NOLAN:

The original resolution, not this one.

LEG. D'AMARO:

The original resolution.

MR. NOLAN:

The original one set a minimum six-hour workday for elected officials.

LEG. D'AMARO:

Minimum.

MR. NOLAN:

Minimum. It had to be somewhere between six and eight. The original resolution -- I think I said this on the record a couple of meetings ago. The original resolution came over from the County Attorney's Office, it had six hours. We went with it, it passed, and then the County Executive vetoed it.

LEG. D'AMARO:

So it was really just a minimum set for --

MR. NOLAN:

The Comptroller.

LEG. D'AMARO:

-- calculation of pension.

MR. NOLAN:

Pension.

LEG. D'AMARO:

It's almost a fiction, in effect.

MR. NOLAN:

It is. I think every Legislator here said, you know, like Legislator Lindsay just said, it seems silly that elected officials have to do this, but the Comptroller said we have to do it. But the original resolution did not reflect that Legislator Muratore is no longer in the retirement system, so we're just making that correction and that's it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I was just speaking with my colleagues, and I'll make it real fast. I opposed the original resolution, as everybody knows. And I spoke about the fact that I find it hypocritical that our colleagues at the State level do not undertake this same process that we are. But this is merely a correction that's going to exclude Legislator Muratore, so, obviously, I won't oppose this.

P.O. LINDSAY:

Okay. We have a motion to override, and do we have a second now?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

Yeah, we got a second. Roll call.

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

P.O. LINDSAY:

Yes to override.

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 to override.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

I guess we really should put on the record, that was just one part of that requirement. The other part of the requirement was we had to fill out these time sheets for a three-month period that I think were horrible, too, because they would only let us put in eight hours a day, even if you worked 10 or 12, and then didn't allow you to record any weekends, which we all work. So I don't -- I don't -- I thought it was an exercise in futility, it wasn't an accurate accounting of how many hours a week we work.

Having said that, okay. We got another veto, *Dedicating certain property in Yaphank as County parkland, and authorizing its transfer to Suffolk County Department of Parks, Recreation and Conservation for open space, and it's Resolution No. 740.* The sponsor is Legislator Browning.

LEG. BROWNING:
Motion to override.

P.O. LINDSAY:
Motion to override.

LEG. MURATORE:
Second.

P.O. LINDSAY:
Second by Legislator Muratore. All in favor? No, roll call.

MR. NOLAN:
We don't need a roll call.

MR. LAUBE:
Legislator Browning?

P.O. LINDSAY:
We don't need the roll call.

MR. NOLAN:
No.

P.O. LINDSAY:
Okay. We have a motion and a second to override. All in favor? Opposed? Abstentions?

LEG. MONTANO:
I'm opposed.

MR. LAUBE:
Sixteen. (Not Present: D.P.O. Vilorio-Fisher)

P.O. LINDSAY:
Okay. Authorizing -- *745 - Authorizing planning steps for the acquisition of farmland development rights under the Suffolk County Drinking Water Protection Program as amended, Riverhead Central School District property, Town of Riverhead.* Legislator Romaine, do you want to --

LEG. ROMAINE:
Motion to override.

P.O. LINDSAY:
Motion to override. Is there a second?

LEG. D'AMARO:
Second.

P.O. LINDSAY:

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

LEG. MONTANO:

Opposed.

LEG. EDDINGTON:

Opposed.

LEG. ANKER:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Thirteen. (Not Present: D.P.O. Viloría-Fisher).

LEG. CILMI:

Can I ask a question on that?

P.O. LINDSAY:

Sure, Legislator Cilmi.

LEG. CILMI:

Just I'm looking at the list of cosponsors on the vote sheet. Is it --

LEG. MONTANO:

No, it has to be circled, that's what you --

LEG. CILMI:

Oh, I'm sorry, my mistake.

P.O. LINDSAY:

Okay. This is a veto of ***Resolution No. 777 - Authorizing renewal of the lease of the premises located at 316 Accabonac Road, East Hampton, (NY) for the Department of Health Services.*** Legislator Schneiderman, would you like to make a motion?

LEG. SCHNEIDERMAN:

Motion to override.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: D.P.O. Viloría-Fisher)

P.O. LINDSAY:

Okay. And we have the yellow file of **Late-Starters**. I make a motion to waive the rules and lay on the table the following late-starters:

1893 to Public Works and Transportation.

1894 to Public Safety.

1896 to Labor, Housing and Consumer Protection, and set the Public Hearing for November 22nd, 2:30 p.m., in Hauppauge.

1897 to Ways and Means. Set a public hearing for November 22nd, 2:30 p.m. in Hauppauge.

1898, Education Development -- Economic Development, Education and Energy.

1899 to Public Safety.

1900 to Economic Development and Education and Energy.

1902 to Budget and Finance.

1903 to Budget and Finance.

1904 to Budget and Finance.

1905 to Ways and Means.

1906 to Budget and Finance.

1907 to Budget and Finance.

1908 to EPA.

1909 to Health and Human Services.

1910 to Public Safety.

1912 to Budget and Finance.

1913 to Health and Human Services.

1914 to Budget and Finance.

1915 to Ways and Means.

1916 to Public Works and Transportation.

I made that motion. Do I have a second?

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

I'll accept a motion to adjourn.

LEG. KENNEDY:
Motion to adjourn.

P.O. LINDSAY:
Motion to adjourn by Legislator Kennedy, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

*(*The Meeting Was Adjourned at 8:18 P.M. *)*

{ } Indicates Spelled Phonetically