

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SIXTEENTH DAY

November 22, 2011

VERBATIM TRANSCRIPT

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

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

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

Here.

LEG. ANKER:

Here.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Present.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

Seventeen (Not Present: Legislator Browning).

P.O. LINDSAY:

Could everyone rise for the salute to the flag led by Legislator Horsley?

Salutation

If everyone would remain standing for our guest clergy who will be introduced by Legislator Horsley.

LEG. HORSLEY:

Good morning, everybody. And I would like to call to your attention that this is Native American Heritage Month. It was a proclamation that was offered last year by this Legislature to honor and respect our Native American culture, and in particular who are here today are our members who are from the Shinnecock Nation.

I'd like to introduce to you Reverend Michael F. Smith, Pastor of the Shinnecock Presbyterian Church. He is Pastor of the Shinnecock Presbyterian Church who has served the devoted congregation of the Shinnecock Indian Nation for over 20 years. He is a graduate of Princeton Seminary and a son of the tribe. He strongly encourages children to participate in all aspects of the church as he leads the congregation in maintaining the church as a place to gather and offer prayers of thanks and hope for the continued health, prosperity and unity of the people.

The Shinnecock Presbyterian Church is the oldest, continuous reformed Indian congregation in the United States and it has served the people of the Shinnecock Indian Nation since the late 1600's. The church is by the book, Presbyterian Church with cultural traditions intertwined with worship service. It is my distinct pleasure and honor to introduce to you the Reverend Michael F. Smith, Pastor of the Shinnecock Presbyterian Church. Michael?

Applause

PASTOR SMITH:

It is indeed an honor and a pleasure to be here this morning. And I would invite us to pause for just a moment as we ask the Creator's blessing upon this gathering.

Moment of Silence Observed

Creator God, you have blessed us with the beauty and bounty of your creation. You have placed us in this place to be stewards of your creation. We ask that you would guide our deliberations, that you would honor our decisions that we make on behalf of your people and your creation. Grant wisdom to those who have been elected and selected to serve, be with us all, continue to bless us, continue to smile upon us mercifully with your favor, and be gracious to us. And this we are asking in the name of all that is good and fair and just and beautiful, and together we say --

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

PASTOR SMITH:
-- amen.

"Amen" said in unison

Thank you.

PASTOR SMITH:
Can I --

P.O. LINDSAY:
Go ahead.

PASTOR SMITH:
Today is a couple of days before Thanksgiving, and I would just like for us to remember how that first Thanksgiving began. It began as neighbors treating neighbors as neighbors, and we are all neighbors and we bring you greetings from your neighbors out east. We trust that as we gather on the day of national Thanksgiving, that we remember the calling to which those native people here greeted the immigrants. Someone several thousand years ago said that it was the responsibility to feed the hungry, clothe the naked, give shelter to the homeless. And there was something inherent in that religious ethos of our ancestors a little further north from us that caused them to do just that, to feed the hungry, to clothe the naked and to give shelter to the homeless. And we honor them by honoring their teachings, by looking to be kind and just and thoughtful and to share the compassion that we have been given by our Lord, Jesus Christ. So may the Creator bless each of us here gathered and be with us and, again, Happy Turkey Day.

*(*Laughter & Applause*)*

LEG. HORSLEY:
Thank you very much. Nice job.

P.O. LINDSAY:
Okay. While everyone is standing, let us also remember on this holiday week all those men and women who put themselves in harm's way every day to protect our country.

Moment of Silence Observed

I can't find my gavel, so I had to clap.

D.P.O. VILORIA-FISHER:
It's right here.

P.O. LINDSAY:
Oh, there it is. Okay.

*(*Laughter*)*

Okay. We have a few proclamations this morning. The first is Legislator Horsley, you're going to present a proclamation to the Shinnecock Indian Nation?

LEG. HORSLEY:

Sure. You want to do it up front or here?

P.O. LINDSAY:

Wherever.

LEG. HORSLEY:

It is with distinct pleasure and it is my honor to give a proclamation from the entire Legislature today honoring the Shinnecock Nation. The Shinnecock Nation, as we all know and we have been celebrating all year, but it's particularly important today, a couple of days before Thanksgiving, to recognize the 565th Federally recognized nation in the United States. And frankly, they didn't need the recognition; right from the beginning they were our ancestors. They were here when the western civilization came to the United States and they welcomed us. It is with distinct pleasure that I give this proclamation on behalf of the 1.5 million folks in Suffolk County; they couldn't all be here today, but you got 18 of us. And we want to say congratulations and thank you very much for being not only a part of Suffolk but being our neighbors and friends. And we look forward to working with your -- with the Nation and with the church on into the future. It is our honor. May I allow -- Jay, would you like to say a few words.

LEG. SCHNEIDERMAN:

Just certainly share with Legislator Horsley in presenting this proclamation and thanking the Nation and congratulations to the Nation. Again, this is -- we passed a bill creating --

LEG. HORSLEY:

National --

LEG. SCHNEIDERMAN:

Right. This is --

LEG. HORSLEY:

Native American Heritage Month.

LEG. SCHNEIDERMAN:

Native American Heritage Month in Suffolk County, so it's fitting that we choose this time to present this. And you have enriched this land that we call Suffolk County for generations and generations and we thank you for your contribution and we certainly look forward to the future working together and the many things we can do for the benefit of the County and for the Nation, the Shinnecock nation.

LEG. HORSLEY:

Presiding Officer, no?

P.O. LINDSAY:

Congratulations, guys.

LEG. HORSLEY:

Congratulations.

D.P.O. VILORIA-FISHER:

Thank you, Legislator Horsley. Legislator Cilmi will present a proclamation to Probation Officer Linda Miller.

LEG. CILMI:

Thank you very much. I come before you again this morning, as I have many times, to pay tribute to another one of our fine Probation Officers in Suffolk County. Probation Officer Linda Miller is here with us today. Linda, if you can make your way up. I didn't realize you had a little accident there.

*(*Laughter*)*

OFFICER MILLER:

Yeah, I have to make a entrance.

LEG. CILMI:

Linda has been with -- has been a Probation Officer for five years here in Suffolk County. Early in July of this year she found herself at roughly 10:30 at night on her way home from work and stopping for gas at a local Gulf gas station when she saw a young man sort of sprawled out on the hood of his car, lying on his back, not moving and became immediately curious. And rather than just going about her business and, you know, saying to herself, "Well, the day is over for me, I'm off-duty" -- as we know, many of our public servants, especially in the public safety field, are never really off duty -- she immediately made inquiry as to what was going on with this young fellow. It turned out he was 18-years old and, as it turned out, he had taken some pills and was unconscious and literally was in danger of dying of an overdose. So Probation Officer Miller questioned his friends who were with him and sort of not knowing what to do. He had saliva coming out of his mouth, so it was very obvious that he was in a distressed medical condition. She quickly went into action, assessed the situation, called 911 and provided support to this young fellow while waiting for the -- for rescue to arrive.

So as is often the case, one of our Probation Officers again saved a life here in Suffolk County. She works in our Coram office in the Criminal Court Supervision Unit. We are very blessed to have her as a Probation Officer and as an employee of Suffolk County, and all of us in Suffolk County, the Legislature as well as all of our residents, applaud your service and thank you for everything that you've done. God bless.

Applause

D.P.O. VILORIA-FISHER:

Thank you, Legislator Cilmi.

Public Portion:

Our first speaker is Janet Walerstein. Go ahead, Janet.

MS. WALERSTEIN:

I just want to say that I have been working with the Shinnecock Reservation --

MS. MAHONEY:

Can you hold the button down?

MS. WALERSTEIN:

I am. It turns green? Right.

MS. ORTIZ:

Just continue to hold it.

MS. WALERSTEIN:

Oh, did I stop? Okay. I just want to say that I've been working with the Shinnecock Indian Reservation since 1965, and I think I had Lance {Gumbs} in my pre-kindergarten class. But we are now involved in opening a day-care center on the reservation, so it's very timely that I was here today.

Good morning. My name is Janet Walerstein and I am the Executive Director of the Child Care Council of Suffolk, and I've held this position for 26 years. During this tenure, we have worked cooperatively and in partnership with the Department of Social Services and do work for them that they do not have the staff or the expertise to execute. We have been commended for our delivery of services for the County, and just recently have been awarded the prestigious National Certification for our field of Child Care Resource and Referral of Quality Assurance, only the second such agency in the nation with this recognition.

Our contract with Department of Social Services has us on-site at the Department of Labor five days per week working with Temporary Assistance to Needy Families, or TNAF; parents who must complete a work assignment and are also seeking employment so they can be self-sufficient. They need the support and guidance in securing child care and many times cannot navigate the system. We are there to make sure that they select the best possible, safe, nurturing child care so they can work without worry. We also offer help with other services they may need such as HEAP or food pantry access. These are people in tremendous need.

We've been zeroed out of this County budget, even though DSS has stipulated that it is part of the core services they provide. This is a vital program and it will be devastating to poor parents trying to support their families if it is not reinstated. Also, Suffolk County is required to meet a 50% participation rate in work requirements and the Council's services help keep the County's participation rate up so they can avoid Federal penalties and sanctions; this saves County dollars.

The Council sees and helps 1,500 parents each year at the Department of Labor. Without the help our supportive services contract provides to parents, they may select unregulated care that could have a negative effect on the development of their children, not only their safety. Parents who are already dealing with many difficult situations should not be forced to choose between completing their work requirements for TNAF and the safety and well-being of their children. I fully understand the challenges you faced in bringing in a budget that was exceedingly difficult to come together. I was here when the Department of Health was testifying and the department -- DSS and I really, I don't know how you could sit here without, you know, falling apart; it was really devastating.

However, it must be looked at as what Suffolk County is doing to its children and families who are poor and for whom life is harsh. We have to protect the most vulnerable among us and make sure children grow and thrive to become the most successful in school and life. Please don't turn your backs on them. Look again at this contract of supportive services. And I thank you for your past support and your support to saving the DSS jobs which I testified on which was imperative. And I thank you for your support to the Child Care Council and for your attention.

P.O. LINDSAY:

Thank you, Janet.

D.P.O. VILORIA-FISHER:

Thank you, Janet.

P.O. LINDSAY:

Vanessa Cuti? Vanessa Cuti? Am I pronouncing it correctly; C-U-T-I it looks like? Go ahead.

MS. CUTI:

Okay. Good morning, Honorable Members of the Suffolk County --

P.O. LINDSAY:

You have to hold your finger on the button.

MS. CUTI:

I think I am. Good morning, Honorable Members of the Suffolk County Legislature. My name is Vanessa Cuti and I am speaking for myself and my colleagues. I work in the Crime Stoppers Section of the Suffolk County Police Department under the title Public Relations Specialist. Crime Stoppers has both a national and international component and was established in Suffolk County in 1994. Crime Stoppers is a mission critical to all to aid police investigations.

In March of 2010, my colleagues and I took a Civil Service exam under the title of Public Relations Specialist. After placing high on the exam-eligible list, we were contracted by Sergeant Mark Sitzmann, former head of Crime Stoppers, and interviewed for openings within the Crime Stoppers Section. Following an intensive background investigation, we were offered the position. Four of us were hired on August 30th, 2010 to replace retiring Police Officers and as an effort to cut costs to the County budget by hiring qualified civilians at a much lower pay rate than Police personnel. No Police Officers lost their jobs from this transition. We were trained by outgoing Police Officers, Sergeant Sitzmann and Public Relations Assistant Joan Jesinger who was already working in Crime Stoppers at the time of our hire. Over many months we learned well the multi-faceted aspects of working for Crime Stoppers which go far beyond taking and disseminating tips.

Just three months after we started, in December, 2010, law enforcement found the first in a series of bodies buried along Ocean Parkway. To date we have interviewed over 800 callers on the Gilgo homicides alone. Homicide Detectives have told us that without Crime Stoppers staff to filter these tips, a significant amount of their time would be spent just fielding calls. Then on Father's Day, June 19th, 2011, someone walked into a small pharmacy in Medford to steal drugs and murdered four innocent employees and customers. In just three days we took more than 450 tips on the Medford Pharmacy homicides. Our tips were credited by homicide detectives for helping lead to the arrest of David Laffer. Just last week, one of those callers received a \$5,000 reward, the highest ever paid by Suffolk Crime Stoppers.

Since being hired 15 months ago, statistics bear out the effectiveness of the current Crime Stoppers team in number of arrests due to tips, reward payouts, property recovery and more. We have been praised by our Police superiors and by the many commands we have worked with during that time. Five of us in Crime Stoppers work two tours of duty. All five positions are eliminated in the current amendment, none were listed in the original budget. If the amendment is passed, the Crime Stoppers Program, as well as the Public Information Bureau, Silver Alert and neighborhood watch programs will have to close. We hope that you will reconsider. Thank you for listening.

Applause

P.O. LINDSAY:

Bernadette Zimmerman.

MS. ZIMMERMAN:

Good morning, Honorable Legislators. My name is Bernadette Zimmerman and I would like to address my responsibilities as a Public Relations Specialist working within the Suffolk County communities we serve as representatives of the Police Department.

Since the citizens who learn about our programs make up the voting public, our community outreach creates a good public image and it makes sense to continue offering programs that result in positive feedback, not only for the SCPD, but for all those who play a role in County government. Even with the elections behind us, this is an excellent time to build good relationships for the present and the future.

To briefly define one of the programs I coordinate and one that has a proven track record as benefitting the Suffolk County communities on an ongoing basis, our Special Needs Silver Alert Program enables parents, guardians, relatives and other caregivers to register information regarding persons with special needs in the Police Department's database designed exclusively for this purpose. The Silver Alert Program provides an important service to our residents with a range of special needs, including those diagnosed with developmental disabilities such as Autism, mental retardation, mental impairment, people with dementia including Alzheimer's, and those with other cognitive disorders that may impair reasoning resulting in a person wandering or being disoriented.

Persons registering for the Silver Alert Program can request an identification bracelet containing a distinctive ID number that can be helpful to those responding to an emergency situation involving that person so that they can better care for the individual's needs. To date we have over 550 active Silver Alert registrants in our Police Department database. Many of these have been acquired through my contacting and subsequently being invited to make presentations to public and County agencies including libraries, special education directors throughout the Suffolk County school districts, senior centers, nursing homes, assisted living facilities and not-for-profit agencies dealing with the special needs population. I also attend health and wellness events that provide an added opportunity to inform and educate the residents of Suffolk County about our program.

I would like to take this time to acknowledge Legislator Steve Stern for his legislation passed in March of 2000 that put our Silver Alert Program on the map. Thank you, Legislator Stern, for your insight and support of the efforts of the Police Department. I continue to research resources to get the word out and now I can add all of your fellow Legislators who I will be contacting and, when feasible, personally visiting to share and distribute information about our program.

What I love about my job is that I'm able to reach the public with specific programs that constitute a mutually beneficial situation for not only the people who avail themselves of our community outreach services, but the Police Department and County government in general. The people I reach are your constituents, whether they are retirees, parents of special needs children, the elderly or anyone needing the services we offer. These people are the voting public and they're grateful to us for creating something that benefits them and the well being of their loved ones.

In the interest of time, I know I can't go into my other functions, only to say I am also the Coordinator of our Neighborhood Watch Program, coordinating information between the public and our Police Precincts. I'm also the liaison to the Suffolk County Police Department Alumni Association that has over a hundred -- 1,500 members. While serving the civilian population, we're able to put forth a positive image that can be a compliment to your own initiatives, as we both do our part to create good economic outreach programs. I realize I am not the only person in this room pleading my case. I even imagine there are some like myself who, if they lose their jobs, are facing serious financial difficulties, impacting the ability to continue being self-sufficient.

P.O. LINDSAY:

Ms. Zimmerman, you're out of time. You're out of time. Thank you.

MS. ZIMMERMAN:

Sorry, sir? As a woman in her mid 60's, if I lost my position it would be difficult for me to recover from these proposed drastic changes. I am grateful to be a part of a law enforcement agency that has allowed me to do what I do best and I am proud of my association with the Suffolk County Police

Department and would be honored to continue in my capacity as a Public Relations Specialist. Thank you.

Applause

P.O. LINDSAY:

Robert Busweiler.

MR. BUSWEILER:

Good morning, Presiding Officer Lindsay and Members of the Suffolk County Legislature. My name is Robert Busweiler, I'm an employee of the Public Information Section at Suffolk County Police Headquarters. I am not here today to make an emotional plea in front of this Legislative body to keep my job. I'm here today to give this board information on why eliminating 11 of the 13 Public Relations Specialist positions in the Suffolk County Police Department has more far-reaching effects than what may have originally been thought.

Just to give you some background, all the employee's working in the Public Information and Crime Stopper Sections are Civil Service employees that were hired off a Civil Service test list. We are not appointed policymakers based out of Hauppauge. All of the employees assigned to the Public Information Section are tasked solely with the responsibility of providing the media and the general public with vital information regarding their Police Department. As one of the largest Police Departments in the country, the Suffolk County Police Department requires a Public Information Office that is always available to the public. Our tasks include providing the public with vital information related to crimes, natural disasters and community outreach efforts.

The current budget before you provides only enough employees to staff this office during regular business hours. It also leaves no employees to staff the incredibly important Crime Stoppers Section. It is my belief that once these particular layoffs take effect, the next administration will immediately see the need for staffing these two vital units and will have no choice but to backfill these positions with Police Officers. This will result in officers, men and women that this County has spent thousands of dollars in training costs on, to prepare them for the incredibly difficult job of enforcing the law, off of the streets in your communities and put behind a desk in Headquarters.

We all understand the Herculean task this Legislature has undertaken in crafting this budget. I am speaking here today to inform you that as soon as officers are put into these positions, any savings created by these particular layoffs will quickly be erased. As I stated before, I am not up here today asking this Legislative body to take pity on my situation. My only request is that you ask yourself would you have made these particular cuts three weeks ago knowing then what you now know today. Thank you for allowing me to speak before this board.

Applause

D.P.O. VILORIA-FISHER:

Kerry Pecorino.

MS. PECORINO:

Good morning, and thank you for allowing me to speak here today. My name is Kerry Pecorino and I am here speaking on behalf of the employees of the Public Information Section of the Suffolk County Police Department. The budget recently passed by the Legislature specifically eliminates 11 of 13 Public Relation Specialists currently working out of Headquarters in Yaphank. While we can certainly appreciate that the Legislature must make difficult decisions during these trying, economic times, I am here today to provide you with information regarding how this decision greatly impacts the ability of the Police Department to perform the necessary functions required to serve the public.

The current budget leaves just two individuals to staff the Police Department's Public Information Section and Crime Stoppers Unit. While the members of the Public Information section are tasked with the front desk duties at Police Headquarters, their job goes well beyond those responsibilities. We are not political appointees. We are all took and passed a Civil Service test and were hired based on our score on that test and our previous experience. Our office is staffed 24-hours a day/seven days a week. We're there 365 days a year; holidays, weekends, two in the morning, blizzards, hurricanes, we're there.

The public -- the Police Department's Public Information Section is considered a critical and essential unit as employees are responsible for communicating directly to the media and general public important information that is frequently related to breaking events. The effectiveness of the Police Department in keeping the public safe and informed is measured in minutes, not hours. Due to the atypical nature of the timing of Police emergencies, the Public Information Section must always be available to immediately communicate information from the department to the media and public. In the past, this has included information regarding evacuations related to major gas leaks, providing updates on dangerous road conditions due to storms, relaying helpful, identifying information about potentially dangerous criminals who are being sought and informing the public when these individuals are brought to justice.

The removal of all but two employees from Public Information is not a sustainable plan logistically or financially. The duties performed by the Public Information Section are a vital component to our department and is a job function we have all taken great pride in since civilians were put into these position more than five years ago. We were specifically trained for these job functions and every employee in this section has years of prior direct experience working in the media and have been hired based on a Civil Service test.

Shortly after these cuts are made, you will likely be forced to come up with another solution to fulfill these functions. If the plan is to use Police Officers to fill these duties, any savings realized by these cuts would quickly be erased. It would take close to a dozen full-duty Police Officers to fill these positions that you would need to take off the streets. The Legislature obviously believes that more Police Officers are needed as they added a class of 80 for October, 2012. The civilians in the Public Information Section earn approximately half of what a Police Officer with five or more years of service earns in base pay alone.

During the past five years, the employees of this section have developed a strong working relationship with numerous members of the media who cover the department. Suffolk County is considered part of the New York City media market, the largest in the world. When compared to other County agencies that run Public Information offices with smaller staff, it must be taken into consideration the sheer amount of information that the Police Department needs to release to the media and public on a daily basis. The Public Information section at the Police Department distributes nearly 600 releases annually in addition to providing information on hundreds of other incidents that do not garner press releases as well as investigative inquiries. Thank you for your time today. And if you have any further questions, I'd be happy to answer them.

D.P.O. VILORIA-FISHER:

Thank you, Kerry. We can't really ask questions during this period --

MS. PECORINO:

Okay.

D.P.O. VILORIA-FISHER:

-- because it's public. But thank you for coming down.

Applause

Elizabeth Baldwin? Go ahead, Elizabeth. Just depress the button at the base of the mic and keep your finger on that, okay?

MS. BALDWIN:

Okay.

D.P.O. VILORIA-FISHER:

Go ahead. You have three minutes.

MS. BALDWIN:

Good morning. My name is Beth Baldwin, I'm Associate Director for the -- and Counsel for North Shore Land alliance. I am joined today by Lisa Ott -- where did she go? Oh, she left me (*laughter*). I am joined today by Lisa Ott, President of North Shore Land Alliance.

The Land Alliance is a not-for-profit land trust. Our mission is to preserve, protect green spaces, farmlands, wetlands, groundwater and open spaces of Long Island's north shore. I am here this afternoon regarding the DeForest Williams Property as Cold Spring Harbor lies within our service area. As one of the last remaining large-tract parcels in western Suffolk, the preservation of the DeForest Williams Property is of utmost importance to the sustainability and environmentally and historically rich area of Long Island. Acquisition of this property is well supported by not only the community, but also by Federal, State, County and town environmental conservation plans. This property is recommended for preservation by the Federally-designated Long Island Sound Study, is listed for acquisition on the 2009 New York State Open Space Conservation Plan, the County's Master List of Environmentally Sensitive Open Space Recommendations, and the Town of Huntington's Open Space Index.

Located entirely within the watershed of Cold Spring Harbor, development of this property would have detrimental effects to water quality of the harbor. The property has extensive, steep slopes and natural vegetation that provide important runoff and flooding control to the harbor. We are excited about the potential of this public/private partnership between the County, the Town of Huntington and the Land Alliance. In acquiring this property, the Town of Huntington would pay 25%, the Land Alliance is prepared to pay 25% and the County would pay 50% of the final acquisition costs. We have already received approval for a bridge loan to use towards acquisition of this property and launched a capital campaign on September 26th, 2011. We have met with the owner's representatives and they made it clear that their clients are interested in preservation; they even supplied a letter of intent to the North Shore Land Alliance. The capital campaign allows the community to show their support for this acquisition by signing a petition and donating money. To this date, we have almost 1,400 supporters.

The Land Alliance would like to recognize and thank Legislator Cooper for continuing to support the acquisition of this property and permanently protecting this endangered natural resource. I have supplied you with copies of letters of intent -- of letters of support from such organizations as The Nature Conservancy, SPLIA, Friends of the Bay; there's about 10 or 15 different letters of support in there that I hope you will review. We also supplied copies of all the names from our petition for your review. Thank you.

LEG. COOPER:

Thank you.

D.P.O. VILORIA-FISHER:

Thank you very much.

Applause

Our next speaker is August Ruckdeschel; and please correct my pronunciation if I said that wrong.

MR. RUCKDESCHEL.

No, that was actually pretty good. So good morning, everyone. Thank you for allowing me to speak here today. My name is August Ruckdeschel and I'm here speaking on behalf of the employees of the Public Information Section at the Suffolk County Police Department. I believe I'm the last one, hopefully.

I'm the newest addition to the team at the Public Information Office in Yaphank, and I would like to briefly talk about our responsibilities at the Police Department and why I believe our roles are critical and worth saving. The important thing to remember is that the Public Information Office is a full-time operation that is available to the media and the public on a 24-hour basis, 365 days a year. The office is staffed around the clock and we do not get holidays off. From personal experience, as a member of the overnight shift, I can assure you that 24-hour coverage is absolutely essential. While the nature of our job varies a bit from the day shift to the night shift to the overnight shift, the reality is that the public and the media expects our office to be available at all times.

During the past year, our office has been available to both the media and the public during major emergencies and other critical incidents. Our office has fielded requests from local, national and even international news organizations in response to questions about the Gilgo Beach homicides, the August earthquake that originated in Virginia, Hurricane Irene and the Medford Pharmacy homicides. The public has come to rely on our office for information about Police response during emergencies that do not occur on the convenient 9-5 timeline.

In fact, my experience on New Year's Day 2011 personally attests to the importance of our office during these type of emergencies. On that morning, you may recall there was a gas leak in Shirley that required the Suffolk County Police Department, in coordination with numerous fire departments, to evacuate and relocate the residents of more than 900 homes in a one-mile radius of the leak. During these type of events, there is an immediate need for the Police Department to communicate in a clear and effective manner to both media organizations and citizens affected by these emergencies. I was called to the scene that morning to meet with a Commanding Lieutenant to construct a narrative of events as they unfolded, as well as to convey the message to the public for the need of evacuation in the area. Upon my return to the office, I personally fielded more than a hundred inquiries between 3 AM and 10 AM from the media and the public regarding the gas leak and the Police response.

Clearly in situations like these, there's a high degree of panic and uncertainty. When people are woken up in the middle of the night to evacuate their homes, they need to know where they can go, as well as that important life essentials will be provided such as food, shelter, water, diapers for infants and so on. I'm very proud of the Police response during this difficult time. While evacuated citizens were noticeably upset, I believe our office played an extremely important role in alleviating some of the stress during this situation. This is the critical function that our office plays in these type of unfortunate events. The reality of the situation is that hurricanes, gas leaks, homicides and fatal car accidents do not occur on convenient 9-5 timelines. I know it is not possible to coordinate an effective response to these type of major events without experienced professionals available to answer inquiries during these emergencies, and the reality remains that we cannot staff both the Crime Stoppers hotline and the Public Information Office with a two-person public relations staff. As the gas leak in Shirley demonstrates, it is important to have the office manned during all hours, holidays included.

P.O. LINDSAY:

You're out of time, if you could wrap up.

MR. RUCKDESCHEL:

Okay. Well, thank you very much for my time to speak.

Applause

P.O. LINDSAY:

David Fellner?

MR. FELLNER:

Push?

MS. ORTIZ:

You have to hold the button down.

MR. FELLNER:

Okay. Am I holding it correctly?

MS. ORTIZ:

Yes, you are.

MR. FELLNER:

Okay, good. Thank you. My name is David Fellner. Thank you for letting me speak. And I'm basically here to talk about animal abuse and controlling it. I know there are certain bills that are coming up about that and I'm urging you to vote for it.

Right now, just to give you a little bit of an idea of what I do, I've been involved with animal rescue for the past 11 years. I also am a riding emergency medical technician and instructor, I've been doing that for a long time, so I know a little bit about people at their extremes. And just to be brief, we have to protect the animals. And the reason why we have to protect the animals is because anybody who would go out and abuse -- starting with a mouse, a cat, a dog, anything else, would eventually not think anything about abusing a child, about abusing a neighbor, about abusing a friend. We have to start here. I realize the laws are new, they're very controversial, but they have to come about. Thank you for your time.

Applause

P.O. LINDSAY:

Thank you very much, Mr. Fellner. Clayton Prugh? I hope I pronounced it correctly.

MR. PRUGH:

Yes, sir. Good morning, Presiding Officer and Honorable Legislators. I am Clayton Prugh, President of the Cold Spring Harbor Area Civic Association and I'm here today to voice our strong support for the resolution introduced by Legislator Cooper, 1908, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program. Our organization encompasses not merely Cold Spring but also Lloyd Harbor, Lloyd Neck and also part of Laurel Hollow across the harbor. And I can honestly say in the ten years that I've been the President and the years before as a board member, I've never seen an issue so galvanized and bring together our community unanimously in favor of preserving this property.

The numerous other organizations as well and I understand that packages of letters of support from the various community organizations are being submitted, but I understand that in addition to the environmental and not-for-profit organizations that have supported, one that is most amazing to me is the Merchants Association and the Business Improvement District. And if you know anything about the history of the civic association and the relationship with the merchants, you'll realize how

miraculous it is that they are united together on this.

The De Forest Williams Property is the defining visual element one sees as one enters the town from either east or west. It's the hills over and above the town that lead to the woodland forest that have been essentially in touch since the Native Americans. Clear cut in the top of that and putting numerous enormous homes will have a deleterious effect, not merely on the ancient trees and plantings below but also on the water, and the water is something that is taken very seriously in Cold Spring Harbor, people come from all over the County to bring their own vessels and there are a couple of spots along Shore Road where there are springs and people fill up these containers of water and people waiting some time to do so.

We strongly encourage the Legislature to vote in the affirmative on Resolution 1908 and allow the preservation of this wonderful and irreplaceable piece of property in western Suffolk. Thank you very much.

Applause

LEG. COOPER:

Thank you.

P.O. LINDSAY:

David Tyska.

MR. TYSKA:

Good morning, Legislators. My name is David Tyska, I'm a resident of the Town of Huntington, New York. I'm here in support of the IR 24 concealment bill.

My son was concealed from me back in September of 2008. I haven't seen my son since that day. All I'm getting is addresses and e-mails of pictures of him and he's not in good shape, he's being abused; I provided you guys with all of the information of these facts. And I just recently found out my son was living at 4030 Sulphur Springs Road, Murfreesboro, Tennessee. The lady that found my son, Carolyn O'Brien, lives in Tennessee, they're not there anymore. She took off again. It took me since 2008 my son, I was trying to get him a letter to tell him I never gave up on him. And I've been trying to get help since that day that she abducted my son when I was notified by my son's elementary school that he never showed up for school. I went to Family Court, went to the Suffolk Police, went to the FBI and they told me that there's nothing they can do, they don't know what they can do. In my divorce agreement it stated my ex-wife could not move 50 miles from the marital property, because she did this in the past to her first husband; he never saw his children either and I found this out during my divorce proceedings. No parent should ever have to go through this, not knowing if their son is alive or dead or to find out -- when you do find out he is alive, that he's in bad shape.

My son needs help. He's in a very violent situation. And I'm -- as a father, you're supposed to protect your children and I can't even help my son. My other sons are asking -- my son who goes to Northport High School is an honor student, he's finishing his Eagle Scout at 17. He thanks me for being a father to be there to support him and I can't support my younger son. I haven't been one part of his life since he was age six. I'm asking for your help to get this bill passed because there's nobody out there that can help me find my son or get my son so I can actually hug him and tell him I love him. It's literally walking in hell to lose a child and not know where he is, and there's nothing that the courts or anybody will say that we can do to help reunite you with you your son. And my other sons are hurting just as bad as I am. I feel more bad for the children than I do myself. I mean, to have your brother not be able to tell him, you know, "This is how you throw a baseball, this is how you catch a ball, this is how you play football." I mean, it's horrible on them. But I ask you, please, to help. My son needs help. Thank you.

P.O. LINDSAY:

Thank you, Mr. Tyska.

Applause

Carol Ryder. Carol Ryder?

MS. RYDER:

Hi. My name is Carol Ryder. Some people might know me. I am an attorney, I live in Fort Salonga, District 13, actually. I have a practice in Northport and I just recently have a new office with Sarisohn Law Partners in Commack. I'm here to express my support for several of the bills that Congressman -- I mean Legislator Cooper is actually presenting. One of them is increasing the time that perps must spend on the animal abuse registry. I'm sure that's -- I thought that was kind of a non-issue here, I'm expressing my support for that also. I'm an advocate for underdogs. It's something that I've been doing for a very long, it's one of the reasons why I went and became a lawyer late in life.

I have a number of people that keep contacting me with all kinds of inside information and things that are going on and I can just tell you that if -- this registry is a very big step in the right direction. Even though, of course, we know that the New York State Laws, the Agricultural and Markets Laws lack teeth, no pun intended. But if we can at least get this registry set up and keep the people on there as long as possible and get some convictions, that's another issue with getting the resources in the District Attorney's Office. That's not what we're here for today, but of course that's something that needs to be done.

I'm speaking from the heart today. I actually had a presentation here all planned, but I decided everyone's busy, I'm just going to say a few words about the issues here. There is also the issue, and I know this is very controversial, about the pet store rating system. A number of people have contacted me; more and more people seem to know who I am and keep contacting me about this. There is an issue obviously with people claiming that we're, you know, acting like big brother and I know that the pet stores have gotten together to try and oppose this, but I believe that by having something like this, besides the fact that it shows Suffolk County at the forefront of the type of changes that we need, I believe that the publicity around this will help open up a lot of people's eyes about what goes on in pet stores and about the issues of rescuing. I was an animal rescuer for many years, actually, and a Wall Streeter before I became an attorney. I know all the things that go on. I've heard in the last few weeks about a lot of really bad things going on in pet stores. I believe that if we can just let people know that there's a reason why we're even thinking about passing something like that, that it would open the public's eyes about what actually goes on in terms of puppy mills, and especially in the basements of these pet stores. A number of insiders have come to me, I have pictures, I have credible testimony about that also.

And of course, real quick, about the bags, the flimsy bags which clog the sewers, cost a lot of money to the towns. They're very dangerous, I've slipped on them, there's knowing you can do with them, you can't recycle them and, of course, we know what they do to wildlife. So thank you very much for listening to me and I hope that these three bills pass. Thank you.

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Thank you, Ms Jesinger. Greg Fischer?

MR. FISCHER:

Good morning, Legislators. I'm Greg Fischer, I live in Calverton. I'm here to speak in favor of 1624, a Legislator Romaine introduced bill, it's to define child concealment. Child concealment is not defined anywhere in Suffolk County or New York State Law. Ironically, my children are concealed, also known as abducted sometimes, today. They were reabducted, reconcealed this week, and I've told this story before this Legislature in the past about them being concealed for 25 months in the company of sexual predators in a trailer in Wyoming. Suffolk County is debating where to put sexual predator trailers. In my case, the child went to the sexual predator in a trailer and the Suffolk County Police and Riverhead Police and victims service agencies did nothing.

I'm going to provide to the Clerk a copy of a letter given to Riverhead Police Department, Chief Hagermiller. And they have neither followed the Federal Law at this time or any time in the past with reporting the children into the NCIC database. They've also violated the Suffolk County law to do the same and they violated, in a sense, Caylee's Law, the recently passed legislation. I've reported these children concealed as a left-behind parent. So they've broken three laws here and I've put them personally on notice.

As well in terms of the victims services agency that the County -- one of them that the County sponsors, pays for, out sources victims services problems of this nature, and Legislator Gregory did refer me to that agency to get help. They refused help, they exiled my children and me from future services. Here's a copy of their 2009 tax return; it's fraudulent. The attorneys around the shoe have an affirmative obligation not to fund that organization, you have an affirmative obligation not to fund that. As well as they have not filed a 2010 return with Guide Star which means that they shouldn't be funded there either. The budget needs to be cut to zero immediately. Not to mention the fact that other fathers have gone to them and they operate routinely on a gender-bias manner, routinely. White fathers don't get -- get lip service, black fathers get no service. That's what's going on with that agency, it needs to be cut to zero.

In the interim, this bill, 1624, is only to define child concealment. It does not conflict with Penal Law at all, provides no penalty. It is to take a step, just put up a lightening rod, to start to identify the problem, to gather information on the problem. In this case, we're looking at the Penal Law being obfuscated. Custodial interference is not being followed. The Family Courts are providing no -- no help. If it would be a weekend event, of course the courts are not in session, and in my case I could not find a Judge yet to sign a writ. So I have no relief under the law at all. My only recourse, if I want to take action now, is to take the law into my own hands.

But I'm here to testify, I'm here to provide evidence and I'm here to point you towards a current problem. And I beg you to pass this law, 1624, child concealment to define it. Thank you.

Applause

P.O. LINDSAY:

Jackie Harounian.

MS. HAROUNIAN:

Good morning and thank you for allowing me this opportunity to testify before you regarding one of the most important public safety issues in our society today and that is the safety of children who are abducted. My name is Jacqueline Harounian and I'm a partner in Wisselman, Harounian & Associates which is a family law firm on Long Island, and my firm is active in parental alienation and child abduction cases in Nassau and Suffolk Counties. Sadly, these issues are very common in divorce and custody cases, and two weeks ago my firm presented a seminar on these subjects with David Goldman whose son was abducted to Brazil and not returned for more than five years.

We can all agree that children are among the most vulnerable in our society and they need protection. In recent days we've heard the national outcry about the rape of children by the coach at Penn State and we've heard about Pennsylvania's very lax child abuse protection laws and the fact that there's no crime on the books in that state for failing to report a child rape to authorities. For parents whose children are abducted in Suffolk County, the local government and our public safety officials must provide safety services and support. I have seen too often in my own practice that these parents are advised to go to Family Court and action is not taken until the child and abducting parent are way outside the jurisdiction. I'm not sure if any of you have had the pleasure of being in Family Court lately, but the system is overloaded to the point where it can take weeks and even months to get a court date, even on an emergency basis. To effectively safeguard the welfare of our children and our communities, the law must be proactive and not reactive.

At this stage, what we're simply trying to do is to define child concealment in the IR 1624 bill. And doing so will create awareness and send a critical message. Parents who seek information and relief from the Police and their designees should not be treated as a nuisance or turned away, as the stories you will hear today from both mothers and fathers. And I hope you can all agree that the NCIC should not be a database that concentrates on locating stolen boats and cars, stolen children should be given the highest priority. And parents who seek help on an abduction issue must be given the assurance that the necessary information is out there and it is being acted upon expeditiously and effectively. Better cooperation with parents will facilitate cooperation with other public safety officials, the Police, the FBI and Interpol and then the courts. And in our on-line, 24/7 world, the sooner the information is out there and it's classified as an abduction, the sooner the child can be reunited with the parents. And by passing this legislation in the days before Thanksgiving, Suffolk County will convey the message that our children come first before all else. Please help us to protect these victims who cannot protect themselves.

D.P.O. VILORIA-FISHER:

Keep your finger on the button, Jackie.

MS. HAROUNIAN:

I'm sorry. Please help. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Our next speaker is Kathleen Compitello.

MS. COMPITELLO:

Good morning, everybody. My name is Kathleen Compitello. Some of your faces certainly look familiar to me, I've seen you at County events that I have participated in. I do apologize for not having a tremendous amount of information, but I do come today to save my position in the County.

As a Clerk Typist, I have been here since 2006. I started in the Civil Service Department. I have currently been in the Suffolk County Youth Bureau. I have assisted Mr. Luis Medina on several tasks that the Youth Bureau works with. One I am very proud to be a part of which is called Congress for Justice, it's a youth program that is trying to achieve and empower youth to be leaders in Suffolk County.

I also have a question which I have reached out to my union representative with no response; to my department, my payroll department, no response; to my Legislature, which I did call at the final hour, did not get a response call; and as a constituent and also as a County employee, a Civil Service County employee. I understand you're abolishing my position in the County Exec Office as a Clerk Typist. My question today is, number one, I understand there's a bump and retreat as a Civil Service Clerk Typist. However, no one's informing me that I'm able to bump and retreat anyone in

the Civil Service Executive Office as a Clerk Typist. My question today is are you abolishing every Clerk Typist position in the Executive Office as a Clerk Typist? Because no has been able to answer that question. In order to save the work that I do for the County residents, I would like to ask each of you that one question; have you abolished every position as a Clerk Typist in the Executive Office? Thank you for your time.

Applause

P.O. LINDSAY:

Jeremy Samuelson.

MR. SAMUELSON:

Good morning. My name is Jeremy Samuelson, I'm an Environmental Advocate with Group for the East End. For 40 years, Group for the East End has worked to protect the five east end towns, the environment, the natural resources and the drinking water out there.

I come to you today in support of Resolution 1890. I'll read to you briefly from the grant application that corresponds to that for a lock box program that diverts pharmaceutical waste from going into the aquifer.

"The five east end towns program will mirror or interface with a Pharmaceutical Lock Box Program launched by the Suffolk County Police Department in 2010. More than 900 pounds of medications were collected during the first six months of that ongoing program dubbed "Operation Medicine Cabinet". As with that program, the proposed pharmaceutical disposal on aquifer protection initiative," the subject of 1890, "seeks to minimize the emerging human health and environmental impacts of improper pharmaceutical disposal. According to the U.S. Geologic Survey, 75% of the waste water entering the upper glacial aquifer in Suffolk County comes from domestic cesspools and septic tanks with the balance coming from municipal and private waste water treatment plants. Creating appropriate disposal programs and educating the public about how to use them is far and away the simplest, most cost effective means of reducing pharmaceutical waste in our drinking water supply.

Two ways of keeping these toxins out of the aquifer exist. The first one is simply to stop prescribing them for use. The second one is to give people an alternative to flushing them down their drains. This is, again, the simplest and most cost effective means of dealing with this emerging threat. Antibiotics, cholesterol-lowering drugs and, most alarmingly, hormone and endocrine disrupters are emerging at increasing levels in medical studies conducted in Suffolk County. These are having measurable impacts on human health, namely premature puberty in younger and younger girls. Similar effects are being noted in fish and amphibian populations. In addition to exposure through drinking water, humans are reexposed by eating the fish that are exposed to these increased levels of toxins and then humans are subject to what's known as bioaccumulation; essentially these same toxins accumulate in the fat of our own body. So we've been exposed to it once through our drinking water and then reexposed to it through our consumption of our local fish.

This is a modest request for \$45,000 through the Drinking Water Protection Program. It mirrors a program that exists already and has been in place and is very successful in the western portion of the County. No similar service exists in the eastern portion of the County. We have a cost effective, simple opportunity to intervene in the waste stream and divert this waste into an existing program and partner with the Suffolk County Police Department in a way that, quite frankly, maximizes all of the opportunities to safely protect the resource.

I will thank you for your time and just note, in closing, that we have widespread support from this from the Suffolk County Police Department, all of the Police agencies on the east end, pharmacists, addiction intervention specialists and environmental agencies. In my years of doing this work, I

have never seen a coalition that covers so many widespread interests come together to support something. So I would ask you to do the right thing and support this. Thank you for your time.

Applause

P.O. LINDSAY:

Meg Floyd-Jones? Meg Floyd-Jones.

MS. FLOYD-JONES:

Good morning. My name is Meg Floyd-Jones --

MS. ORTIZ:

You have to keep your hand on the button.

MS. FLOYD-JONES:

My name is Meg Floyd-Jones, I'm the past President of Three Harbor's Garden Club of Cold Spring Harbor with a membership of 100. We have a strong commitment to conservation, preservation of water and trees on Cold Spring Harbor. We strongly support item number 1908, the acquisition of the Williams DeForest Property by Suffolk County under the Suffolk County Drinking Water Protection Program. Thank you very much.

LEG. COOPER:

Thank you.

Applause

P.O. LINDSAY:

David Weinstein.

UNKNOWN AUDIENCE MEMBER:

He just stepped out for a minute.

P.O. LINDSAY:

I'll skip by him. James Burger?

MR. WEINSTEIN:

That's me. Good morning. In light of our invocation today --

MS. MAHONEY:

Is your name David or James?

MR. WEINSTEIN:

My name is David Weinstein. I am the Chairperson of the Cold Spring Harbor Area Civic Association, Committee to Preserve the Wawapek Estate. In light of the invocation today to be good stewards of this land, I urge the Legislature today to pass the Williams Estate acquisition legislation.

It is also fitting that in this Native American Heritage Month, that a byproduct will be the preservation of land that was originally purchased from a native tribe and has been undisturbed since that time. This area used to be called Wigwam Swamp and was a major assembling area for gathering oysters and raising families until it was sold to the Europeans in the mid 1600's. The Williams area was originally set aside for a parsonage lot but managed to avoid the development that marked the surrounding areas for over 200 -- sorry, for over 300 years.

It would be hard to find a parcel that is more suitable to include into the Suffolk County Drinking Water Program. This parcel acts as a recharge basin for our aquifers and its deep slopes directly drain into the wetlands, adjacent two-acre pond, and outflows by pipe into the Cold Spring Harbor. As the Friends of the Bay have already sent to you in a letter, this is a priority parcel for their acquisition. You should have in front of you letters of support from a diverse group of organizations including the Cold Spring Harbor labs, the Audubon Society, The Nature Conservancy, the Cold Spring Harbor Business Improvement District, the Friends of the Bay, SPLIA and others.

The funds set aside by the sales tax for clean water acquisition projects have largely been used in eastern Suffolk, and this would be an ideal opportunity to use some of those funds in western Suffolk. When this first appeared on your agenda on the 2004 Phase I plan, all the parties were in agreement; this was town, this was County. Unfortunately, the Town of Huntington was unable to come up with the 50%, so it was tabled. Earlier this year the Cold Spring Harbor Civic Association sought to put together a public/private partnership and found an excellent partner in the North Shore Land Alliance and what we've managed to do is put together a plan whereby the sharing would be 50% County, 25 town, 25 from the community, and owned and titled by all three with the North Shore Land Alliance handling the day-to-day.

D.P.O. VILORIA-FISHER:

Thank you.

MR. WEINSTEIN:

You -- oh.

D.P.O. VILORIA-FISHER:

Oh, I thought you were done.

MR. WEINSTEIN:

Oh, I'm so sorry.

D.P.O. VILORIA-FISHER:

You paused, I jumped in. Sorry.

MR. WEINSTEIN:

I did. I did. I was trying to -- you know, so often I rush through and then I'm not sure if I'm heard so I'm trying to be measured and paste; I apologize.

MR. NOLAN:

Time's up.

D.P.O. VILORIA-FISHER:

Your time's up anyway.

P.O. LINDSAY:

It's time to rush.

MR. WEINSTEIN:

So, again, thank you for your time.

Applause

LEG. COOPER:

Thank you.

P.O. LINDSAY:

James Burger.

MR. BURGER:

I have to push on this when I'm talking, okay. All the instructions are here. Thank you, everybody. Let me say that I moved to -- with my wife Nora, we moved to Cold Spring Harbor a year and a half ago and I think it's really important that everybody here knows why we chose Cold Spring Harbor. Because I'm commuting two hours each way, four hours to New Jersey to go to work, so there's a reason why we move here and why we -- why we moved here and why we love it so much. But we looked in Connecticut, we looked all over New Jersey, we looked in Nassau, Suffolk County, south/north shores, but Cold Spring Harbor had -- and the Huntington area really had what we wanted and want for our kids, a town to grow up in which was excellent public schools, open space and clean water where they can go out and do sporting activities and enjoy the harbor and the bay, like the sound like so many other Suffolk County residents and Nassau County residents do.

So there's really -- it's hard to find a place quite like it. And what a lot of the folks before were saying about the hills and the views is so true. People go to the Cold Spring Harbor Park across from the fire station to spend an afternoon, and I speak to people as far away as Japan and as close as Syosset or around the corner. They really enjoy -- if you go there, you look up at the mountains, you see the hawks soaring, it's just -- it's unbelievable and it's important to protect it.

This is really a long-term investment and there's a lot of economic benefits to it which some people brought up, the local businesses benefit by the tourists that come in, and it's far away tourists or just local people, people from around the corner. But there's definitely something unique about Cold Spring Harbor, including the drinking water which is piped in, people come and fill up their bottles, as I think Clayton had mentioned before.

And then as far as the impact which the folks for the North Shore Land Alliance and the Oyster Bay-Huntington Audubon Society; Stella Miller, she's very interested with her thousand members. There's a lot of support. There's also a lot of people that don't know about this -- what's really going on because most people really don't know what's going on, but we do and we're trying to be vocal about it and it would be a shame to lose it.

Just another -- for instance, I spent -- I used to live in California, San Diego, and they -- it used to be beautiful. You used to be able to go horseback riding up in the hills, and now it's -- you would think that in California that the Legislators, the people involved in government would have protected some open space? Well, they didn't, and now you can't -- when it rains you can't swim in Mission Bay and there's no longer -- the beautiful hills they once had are now -- there's sprawl and shopping centers and more sprawl and it's just -- it's not an attractive area as it used to be.

P.O. LINDSAY:

Mr. Burger, could you wrap up? You're out of time, Mr. Burger.

Thank you.

MR. BURGER:

Thank you very much. And really, you should get your names behind this bill and move it forward. Take care.

Applause

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Cheryl Felice.

MS. FELICE:

Good afternoon. My name is Cheryl Felice, I'm President of the Suffolk County Association of Municipal Employees. And it's really unfortunate today that today's agenda includes land preservation and layoffs.

The first round of layoffs, the first 710 layoffs they came out with, the County Executive's budget, did not include a number of 24-hour facility people, and certainly didn't include the unit that I am from. I was startled to learn last week that my title became one of those titles on the new layoff list. And while it won't affect me because of bump and retreat -- and I have to just for a moment mention to the members here who are so concerned about bump and retreat, there's no way Civil Service can determine who will bump and who will retreat until the Legislature actually abolishes the positions, which they are set to do today. And while I appreciate the Omnibus resolution for reducing the 710 to 88, this Legislature appropriately approved 150 Correction Officer positions to handle the expanding jail, but are now going to layoff the supervisors and the front line workers who process every single inmate that comes into that jail. Not only will they eliminate those frontline workers, they will also eliminate jail cooks which have to cook for the population. Some may argue they shouldn't; they're inmates, they shouldn't eat, but the fact remains there's a responsibility to them.

And so in the opening prayer today, the people that were noticeably absent from those prayers were the people that are going to be laid off as a result of the actions here today. So I would ask that I use the remainder of my time in a moment of silence so that when we are all sitting down with our families at Thanksgiving two days away, we remember those people who will lose their jobs when this County is still sitting on a surplus. Thank you.

Moment of Silence Observed

P.O. LINDSAY:

Thank you, Ms. Felice. Nancy Dallaire area.

Applause

MR. DALLAIRE:

Good morning. I've been hearing Governor Cuomo's radio ads encouraging citizens to get involved, voice our opinions, let you know how we feel about how our tax dollars are being spent. It says, "No politician should have a bigger voice than mine," so I'm here to express my opinion, voice my concerns.

I agree with reform, I look forward to change, I understand there must be cuts, but we must be careful where we cut. I have not agreed to spending the \$156 million building that brand new jail while we are forced to cut vital services to our taxpaying citizens. I am to believe that the John J. Foley Skilled Nursing Facility is to blame for draining our County when I learn that this County spends \$500,000 a month to send inmates to facilities outside the County? If John J. Foley costs this County more this year, I believe it is due to the irresponsible, bordering on illegal, actions taken against this institution, damaging the vital programs. One man determined that our vital health services were no longer vital, so they were erased from the budget? Suffolk County's Charter specifies the County provide these essential services, but obviously those laws can be ignored.

I cannot understand those who will oppose providing these services to the community, yet we are mandated to accommodate for criminals and provide for their uninterrupted care? No one is complaining about those outrageous prison costs. The health care system is in serious need of

reform, but it's not the only system draining this County.

It should not cost us the health and safety of the citizens. We need permanent solutions for the challenges we face. We must take responsible actions to solve them. There must be responsible spending. We cannot continue to purchase helicopters or the excessively expensive hangar while we are slashing social services and sacrificing programs. We cannot return to the days before citizens were afforded these basic rights before the laws that now protect us, before the unions that were established to defend us. There are some things we cannot afford to forget, and if we choose to forget them, lives are put into danger and citizens suffer the consequence.

Applause

P.O. LINDSAY:

Joel Snodgrass.

MR. SNODGRASS:

Good morning. Can you hear me? Good morning, members of the Legislature. I'm here to support Resolution 1815, which is by Legislator Horsley, for the establishment of the Historic Structure Restoration pilot program. I think the timing of this is actually very good because as we've already heard, there have been many cases of supporting quality of life issues, which we all recognize that there's also a clear recognition that there's a burden for certain things and if you don't have the resources to pay for it, how are you going to get the job done?

Specifically, this program addresses the maintenance and preservation of structures within County-owned parks. And it's -- first of all, I'm a preservationist, that's what my business is in, and all too often I witness the demise of historic structures simply by a lack of maintenance. And it's fine for someone in my position to say that the County needs to do this, but it's also being woefully irresponsible on my part without recognizing that that's a burden on resources and there's an addressing of that right now. The good news is that this pilot program is looking at using the template that has been successfully used in other locations to find a cost effective method of getting this done. And by that I mean it's looking outside the box or it's finding an alternate method to what's been done in the past.

Now, demolition by neglect, which is a catch phrase in the area of restoration, has been proven for over 30 years now as being probably the largest reason for the demise of buildings that otherwise are under the stewardship of responsible organizations like County government, municipal governments. But the reality is if the money is not there to take care of it, the money is not there. Letting the building sit with the idea of deferred maintenance or getting to it at a later date often just results in that things fall apart and eventually get so bad there's nothing you can do and that becomes more costly to try to fix it than to have done something all along.

So the proven track record has been that regular maintenance and use is what serves and saves. So the good news about this pilot program is that it's trying to address using a creative way of getting it done and that's by partnering with outside entities which has been successfully done elsewhere. The idea being that the County shares the process, shares the burden and energy, shares the benefit with outside organizations who have a need for such a place to use, and what I mean is the idea adaptive reuse of historic structures which means finding a use for the buildings other than what they were originally used for. There are examples of it all over the place in our communities, homes that became banks and restaurants and so on, but this is trying to find a way to partner in County packs, which is appropriate and it's been done elsewhere.

The good news about it is that there's a tremendous public benefit from this. First and foremost, it reduces the tax burden on the municipality and local citizenry to try to take care of these structures because it's taken in a different way through private investment. By doing so, it's also been

established that occupation use of a structure is the best means of preservation and prevention of deterioration. You have a site presence, security, it prevents vandalism and so on. It also is a way of building into the process access to the general public and possibly building in things like bathrooms and so on. So the idea has been successfully used, it's a way for the County to have really a win/win. And I, first of all, applaud Legislator Horsley for bringing this up and I applaud also the County Legislature for considering it and supporting it. Thank you very much.

P.O. LINDSAY:

Thank you. Elena, looks like Yigit?

MS. YIGIT:

Hi. My name is Elena Yigit and I came here to tell a story about myself and my children who were abducted in 2008. Deniz and Timur is right now in turkey and was abducted by my ex-husband Ahmet Yigit. And when they were abducted I was pregnant, so Anthony is the younger child who stayed with me, you know, it's the miracle with me right now and who's actually keep me up and helped me a lot.

I want to ask you to give this law -- to give -- I want to ask you to help the parents who stay behind and help the children who can be a risk to be abducted. Last week here Greg Fischer was with his daughter {Analea} and this week he came alone because she's away right now from him. I tried to take the order of protection for Anthony, but Family Court in Islip refused to give me an order of protection for him because my ex-husband doesn't give -- doesn't make anything against Anthony. How about the two oldest brothers who was abducted? So please help the parents and children who's at risk. Thank you.

Applause

P.O. LINDSAY:

Jeanne Leonard.

UNKNOWN AUDIENCE MEMBER:

She had to leave.

P.O. LINDSAY:

Jeanne Leonard?

UNKNOWN AUDIENCE MEMBER:

She had to leave.

P.O. LINDSAY:

Oh. I wish somebody would have told me, I thought you were Jeanne Leonard. Ed Schermerhorn?

MR. SCHERMERHORN:

I'm Ed Schermerhorn from 50 Shore Road. I'm here to speak on the Resolution 1908 which is page 12 of your agenda. I abut the Williams DeForest property, and as many have spoken before me, all the natural resources and the beauty and quality of Cold Spring Harbor needs to be upheld. This is the one last chance to save this 42-acre preserve that, as you have heard, goes back to the 1600's. The land, of course, is older than that, but the history as we know it -- and we would like to preserve that.

The monies -- the important thing to me is that the monies are in the fund, they're in the Drinking Water Act fund for this very purpose. Cold Spring has taken many steps privately as it can. We lobbied to get the Exxon/Mobile tanks removed which is a wonderful thing for both the eagle dock swimming area that is there and the beach club that is also in Cold Spring Harbor.

All I can say is that this is the last chance and this -- these opportunities to save the natural land and natural resources do not come along very often. Thank you for your time and your support.

Applause

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Mary Malloy.

MS. MALLOY:

Members of the Suffolk Legislature, I'm here to support Resolution 1908, authorizing planning steps for the acquisition of the land under the Suffolk County Drinking Water Protection Program for the Williams property in Cold Spring Harbor.

Legislators, please preserve the Williams property on Shore Road in Cold Spring Harbor. This will keep the land available as a water filtration system. It is so important to protect our waters and our water front. We are counting on you to preserve this important land. Thank you for your consideration in this matter. I don't know, did I say I'm Mary Joe Malloy of 2 Seaweed Court, Cold Spring Harbor? I'm not sure.

LEG. COOPER:

Now you did.

MS. MALLOY:

Please, please, do support this resolution. Thank you very much.

Applause

LEG. COOPER:

Thank you.

P.O. LINDSAY:

Tess Heltman. Tes?

MS. HELTMAN:

My name is Tes Heltman, 632 Fire Island Avenue, Babylon. I am also here as a representative today, Babylon Breast Cancer Coalition at 100 Montauk Highway in Copiaigue. I'm here to discuss that in the last budget vote, the Office of Cancer Awareness and Environmental Assessment was phased out in the last budget cut. And in times when we are all trying to do more with less, I find this to be a waste of 41 individuals and organizations such as myself who have worked with the Suffolk County Task Force with this office, alongside the two people that work in that office. And I believe that department fell under the umbrella of -- that department was a total of four people, but in the end the Office of Cancer Awareness & Environmental Assessment was only two people and only one salary was really saved. So in the long run, I think that one salary will cost us much more.

Cancer costs this country over \$263 billion a year and Suffolk County has proven to be a leader in prevention. With the results of testing done out of the Office of Cancer Awareness & Environmental Assessment in hand, all of you unanimously voted in March of 2009 to ban the use of BPA in baby bottles and sippy cups sold in our County. Suffolk County was the first local level jurisdiction to ban BPA in the U.S., becoming a recognized leader in the war on cancer. And this office, on the chopping block, one won the National Association of Counties Award for Cancer Prevention Strategy in 2010.

By eliminating this small office of two people, the loss of talent and knowledge and 41 volunteer individuals and organizations that work hand-in-hand with the Office of Cancer Awareness and Environmental Assessment will be lost. That talent and knowledge is free to the County, as was the time and resources spent by those 41 individuals and organizations in getting the work product of our task force out to the public. Many good products that serve the community were generated out of that small office. Valuable checklists and tips, the lunch-and-learns that educate our citizens on healthier lifestyles were handed out by all of us at health fairs and are available to the public on the web. The loss of 41 volunteers is bad enough, but who will now be doing some of the other duties of that office, duties that directly affect the health and safety of Suffolk County residents.

The money saved on that one salary pales by what will be lost. Who will continue to ensure the County purchasing policies conformed to the safe and sustainable procurement policy when purchasing automotive fleet maintenance products and services, landscaping products and services, painting coding products and paper products for the County? Who will coordinate with the New York State Departments of Health and Environmental Conservation when evaluating the potential exposures to contaminants as this small department of two did with regard to Speonk Groundwater Plume, the Calverton Naval Weapons Site and the Brookhaven National Laboratory clean-up, another County office of pollution control projects.

P.O. LINDSAY:

Ms. Heltman, could you wrap up? You're out of time.

MS. HELTMAN:

Yes. I am hopeful that you will all continue to be the leader in the country and show that there is an important connection between creating a healthy environment and that in the end will create healthier citizens. I thank you for your time today.

P.O. LINDSAY:

Okay. Joseph A. Stasys?

MR. STASYS:

Good morning. My name is Joseph Stasys, I'm Unit President out at Riverhead County Center. Three of our members are in the Omnibus.

I'd like you to know that we are currently, since I started working with 53% of the drafters that are out there, and if you were to cut these three positions, it would cut us down to exactly one-third of the amount of workers that we had when I started. We provide a service for the public, we provide services -- we maintain the tax maps for the townships. We help the public, we help attorneys, we help builders, we also help you if you need our hand. I am not for any kind of layoff. We've always had, and I'm sure you know, pins and shirts that said "Doing more with less". Well, with this it would be doing too much more with less, and I hope you understand that we as public employees are not the problem. Thank you.

Applause

P.O. LINDSAY:

Is there any -- oh, wait. All right, I'm going to have to -- I need a motion to extend the public portion.

D.P.O. VILORIA-FISHER:

So moved.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

We have one more, right?

P.O. LINDSAY:

Next card is Don Dailey, Jr.

MR. DAILEY:

Good morning. And I appreciate the opportunity to speak to you today. My name is Don Dailey and I am the Parks Department representative for AME, and I'm speaking today on behalf of seven positions being slated for layoffs while there are eleven unfilled positions that are being kept on the books. I apologize in advance for not being as eloquent as some of the people that spoke before me.

The jobs that these people are doing are vital to County service. These people are raising families, they're supporting the economy and they're doing so while not making that much money. It's a known fact that people that make less money spend more of what they make, so to lay these people off could only hurt the economy.

One person in particular on this list holds the position of Neighborhood Aide, and she's a friend of mine, her name is {Kathy File}. Aside from her work at Indian Island County Park, she's the person who instructs us in defensive driving and she teaches us the first aid class and CPR. The things that she teaches us gives us the knowledge to be able to act in an emergency situation to save the lives of our coworkers or our fellow citizens. After she works at -- for the County parks, she's also an EMT. She does County service and she saves lives on the side; she is a superhero.

Also included on the list are a single woman and first-time homeowner who's trying to fulfill her part of the American dream; a new widower who is trying to support his home after losing his wife and do so with one income instead of two. I could go on and on about the importance of these people, but the long and the short of it is these layoffs are going to devastate lives.

I don't envy you, the positions that you have as Legislators, but ultimately you are charged with making peoples' lives better. And I pray that the God that you will do all that you can to save these jobs. I pray that the God of your understanding gives you the strength and the wisdom to do what is right and to save these peoples' jobs.

Thank you.

Applause

P.O. LINDSAY:

Is there anyone else that would like to address us? Seeing none, I'll entertain a motion to close the public portion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. MONTANO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fourteen (Not Present: Legislators Romaine, Muratore, Anker, Cilmi & Kennedy).

P.O. LINDSAY:

Any Legislators who are out of the room, I would say please come back, we're going to do the budget vetoes now. And the reason we're taking it up first is that the Clerk has to prepare the tax warrants that we have to vote on later and it takes some time.

Before we start the vetoes, in the public portion we don't -- by our rules, we don't have an opportunity to answer questions or rebut anything that was said, but I would be kind of remiss if I didn't make some comments and answer some of the questions that were asked.

First of all, I want to thank the Budget Working Group, which was a bipartisan group. There was four different elected parties on the Budget Working Group, and it actually consisted of eight Legislators with a vacant spot that we rotated other Legislators in and out of to get as much input and participation as possible. It was without a doubt the most difficult, the most difficult budget that this County has ever faced. And I hear everybody that's getting laid off and I hear the contract agencies that are getting cut. You know the one thing that wasn't said today? Thank you for saving 620 jobs, because that's what this group did. Nobody wants anybody laid off, nobody does; certainly not this group. This group raised taxes, which is certainly unpopular in an election year. This group used some of the rainy day fund that hasn't -- hasn't been touched by the Executive, and this group didn't layoff people, 88 people.

I don't believe -- somebody asked about the Clerk Typist. I don't believe we eliminated all the Clerk Typists in the Executive Branch. As far as the bump and retreat, there is no bump and retreat until the budget's approved. As far as Ms. Felice's comments, I find them startling. We got no help from our unions at all, none, in saving jobs, none. We did that all here. We're laying off people in the Legislature and taking a lag payroll to save the rest of them.

As far as the comments about the jail, shipping prisoners out-of-County, they're all unfunded mandates. We have nothing to do with that, we can't change that. I invite everybody that spoke today and all our unions to lobby with us in January to reduce some of the unfunded mandates. There was an additional \$100 million in unfunded mandates passed down to this County this year. At the same time, we had a 2% tax cap. Somebody tell me how do you figure that budgeting out, because I don't know how to do it. We did the very best we could with a horrible, horrible situation.

As far as vacant positions, could I ask you, Robert, somebody said about these vacant positions in the Parks Department after we layoff people?

MR. PERNICE:

Those are not in the same title, and those are -- there is no funding associated with those vacancies.

P.O. LINDSAY:

Okay. I wish there were some magic pills and we're looking at every magic pill. I would hope that my colleagues will support the Working Group and override the County Executive's vetoes today.

That isn't the end of the process. The process will continue with the new County Executive. This Legislature is wide open to work with the new Executive to save every job we can, and we'll continue that process. The road isn't done yet. Even if we pass this budget, we face another crisis in July because the rest of the positions on the layoff list were only funded for six months. Somebody -- the County Executive, the most disingenuous document I've ever read, in his press conference the other day talked about -- ridiculed us for doing that. There isn't enough money. He said that, "Oh, we must agree with his revenue estimates because we didn't change them." We didn't have any money to change them. When Budget Review tells you this budget was out of balance by \$135 million, that's a legitimate number. That's a legitimate number. I don't admire Mr. Bellone coming into that office because there is problems, more problems than solutions. And I just don't know what to say.

As far as the Executive criticizing us for raising taxes and that we promised not to in our election campaigns, that isn't true. That isn't true at all. We've raised the Police Tax several times over the last eight years. I believe the County Executive sponsored one himself. We haven't raised the General Fund Tax, but if we didn't raise the Police Tax, the sworn Police force on the street would drop to the lowest number in 20 years. The last time it came close to that, we had to close a school in Huntington Station, we had 13 murders in Brentwood and CI, we had more shootings in Wyandanch; nobody wants to go down that road again. The number one obligation in this County is public safety and that's why we raised those taxes. Again, I'll repeat that I took notes on everybody that got up and talked and we will continue to seek solutions minimizing the number of people that actually will be laid off with the new administration.

With that, everybody got the vetoes? I would be remiss if I didn't thank our Budget Review Office --

MS. VIZZINI:

You're welcome.

P.O. LINDSAY:

-- for a yeoman's job, again, with a very, very difficult budget. They have worked tirelessly on this event, on this document.

And something else just to point out, about not having the budget before Election Day. The reason that we didn't have it before Election Day is because they didn't finish it until the morning after Election Day. It amounted to documents that would just stifle anybody else. We tried to do the right thing and brief the caucuses beforehand and kept them involved. Myself and Legislator Kennedy revealed what we were working on before Election Day to Newsday. We didn't have the documents to release yet because they weren't complete. If somebody's got a better solution on how to do this, I'm all ears. But the -- how we do our budget isn't any different than any of the other towns. The towns propose a budget and they approve it after Election Day. I read with interest this morning, North Hempstead pierced the cap and approved their budget I guess yesterday. You know, Islip and Babylon, everybody approved their budget after Election Day. There was no, no effort to deceit the public in this process. We did the very best we could. I'm proud of this Legislature. I'm proud of our Budget Review Office. We did the very best we could with a very difficult situation.

With that, Ms. Vizzini, do you want to say anything about the documents and --

MS. VIZZINI:

Of course. As typical, we got the vetoes last night at the close of business. My staff -- I know I personally was here until after nine o'clock, but my staff prepared this document for you which succinctly summarizes the vetoes. It was sent to you electronically, it's on the web page and it is before you.

Briefly, those things that the Working Group and the Legislature passed for continued County operations were generally vetoed by the County Executive. In the mandated and the discretionary, some of the highlights of the vetoes are the Tobacco Securitization, the use of the reserves, the funding of interim positions, the downsizing of government, the consolidation of government, all these things were vetoed. The recurring revenue that you included to balance some of the costs, all those things were vetoed. The property tax increase was vetoed. And as you can see from the document before you, many RESOLVED clauses, many policy decisions that you incorporated in the work that you did and the corresponding line items. The fact that we added \$14 million back to the salary lines for those employees whose positions were not abolished, that was vetoed. The fact that we added overtime in the Sheriff and the Police Department, that was also vetoed.

Generally speaking, if you have any questions, my staff and I are available to you. In addition to the Omnibus, there were many standalone resolutions that were vetoed, but I'll hold any remarks until you have -- if and when you have questions in regards to that.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I just have one question. In terms of the 88 layoffs, how much money -- how much money would be needed to keep those people on the payroll for a period of six months?

MS. VIZZINI:

Approximately \$7 million in salaries and benefits for the --

LEG. BARRAGA:

How much money is left --

MS. VIZZINI:

I'm sorry, three and a half. I gave you an annual figure. So for six months --

LEG. BARRAGA:

All right, so it's three and a half million dollars to keep these 88 folks on the payroll for the next six months.

MS. VIZZINI:

Correct.

LEG. BARRAGA:

And they would join all the rest, because in six months the County Executive would have to come up with another plan.

MS. VIZZINI:

Correct.

LEG. BARRAGA:

Okay.

MS. VIZZINI:

But by abolishing them we saved \$7 million which we used to fund the -- what was it, 8.6 that we needed? We used it to provide the monies necessary to --

LEG. BARRAGA:

Okay. So three and a half million --

MS. VIZZINI:

-- fund the rest of the things that we did.

LEG. BARRAGA:

Three and a half million to keep them on the payroll for six months, but the off side would be that you would now be seven million in the hole because you've used that money someplace else. The savings you've used someplace else.

MS. VIZZINI:

Yes.

LEG. BARRAGA:

So we're talking about \$10.5 million. How much money is left in the reserve fund?

MS. VIZZINI:

At the end of 2012, we expect there'll be 50 million.

LEG. BARRAGA:

Fifty million. So there's 50 million in the reserve fund, we're talking about 10.5 million --

LEG. MONTANO:

No, that's not right.

LEG. CILMI:

It's not 10.5 million.

LEG. MONTANO:

That's not right.

LEG. BARRAGA:

She said --

MR. LIPP:

The 10.5 million is what the combined recommended and adopted budgets are taking out from Tax Stabilization Reserve. That being said, at the end of 2012 there will still be about 50 million left.

LEG. MONTANO:

That doesn't sound right.

LEG. BARRAGA:

Let me clarify this again. I have 88 people who are going to lose their jobs. I just want to know what it will cost to keep them on the payroll for another six months.

MS. VIZZINI:

Three point five million.

LEG. BARRAGA:

Three point five million. How much money is left in the reserve fund as we speak?

MS. VIZZINI:

Oh, now? There's 48 now. We took out ten -- 10.25, so 38 million.

LEG. BARRAGA:

Okay. So -- we have 38 million in the reserve fund, if we take 3.5 million we can retain those jobs for six months.

MS. VIZZINI:

If that was a policy direction you wanted to go in, but --

LEG. BARRAGA:

No, no. Is my statement correct; you have 38 million, three point five --

MS. VIZZINI:

It's a very narrow statement and if you want a narrow response the answer is yes.

LEG. BARRAGA:

Yes, I do want a narrow response.

MS. VIZZINI:

Right.

LEG. BARRAGA:

Okay. Thank you very much.

MS. VIZZINI:

You're welcome.

Applause

P.O. LINDSAY:

Anybody else? Legislator Romaine.

LEG. ROMAINE:

Just a point of information for our Counsel. When would -- Legislator Barraga makes an excellent point. When would be the next opportunity that we would have as Legislators to try to amend what may be adopted today?

MR. NOLAN:

We won't be able to amend this until next year, and I believe the first time we can put in budget amendments is in February.

LEG. SCHNEIDERMAN:

The County Executive can amend it.

LEG. ROMAINE:

Right.

MR. NOLAN:

There's no mechanism to do today what is being suggested.

LEG. ROMAINE:

No, I understand that. That's why I ask that for the record, because obviously Mr. Barraga makes an excellent point, and obviously it's a policy decision for 18 Legislators to weigh and decide.

LEG. MONTANO:

I have a question.

LEG. ROMAINE:

But it's something to think about. Thank you.

P.O. LINDSAY:

Legislator Vilorio-Fisher and then Montano.

D.P.O. VILORIA-FISHER:

That raises another question, Legislator Romaine, which is to Counsel. The people who are on this layoff list, when would their layoff be effective?

LEG. ROMAINE:

December 31st.

MR. NOLAN:

I think January 1st.

P.O. LINDSAY:

Ask Gail.

MS. VIZZINI:

Well, if I may?

D.P.O. VILORIA-FISHER:

Yes.

MR. NOLAN:

They do get 60-day notice.

D.P.O. VILORIA-FISHER:

They have 60-day notice.

MS. VIZZINI:

Depending -- you know, you're going to vote today. So once we have something solid, Civil Service can complete their due diligence in terms of the bump and retreat analysis. Then it will be up to the County Executive's Office and Labor Relations, who is a County Executive operation, to send out the appropriate notifications for those people, you know, exempts, serve at the pleasure of, so that would -- you know, there would be no position for them starting January 1st. Union employees typically have the benefit of a 60-day notification period, so that has been provided for.

D.P.O. VILORIA-FISHER:

Have they had that 60-day notification already, any of these people?

P.O. LINDSAY:

No.

MS. VIZZINI:

No. No, the --

D.P.O. VILORIA-FISHER:

Okay. So --

MS. VIZZINI:

They have to do the analysis first.

D.P.O. VILORIA-FISHER:

Exactly. The analysis has to be done, there is 60-days, 60 days would bring us to February, end of February; right? Because you have all of January and then all of February.

MS. VIZZINI:

Well --

D.P.O. VILORIA-FISHER:

And as was mentioned, during that period of time we do have the month of February where there can be budget amendments. So this is why I'm saying this is a follow-up to the question that was asked by Legislator Romaine and Legislator Barraga. If there needs to be a change, if there needs to be a policy change, there is some wiggle room there. But then I want to go back to the issue of the Tax Stabilization Reserve. Is there a threshold point below which it's un -- it's inadvisable to go below? I hate to end that sentence in a preposition, but.

MR. LIPP:

Okay, just a clarification from before. Because we unraveled what was in the recommended budget with Tax Stabilization, there will be at the end of this year approximately \$50 million remaining after -- if this budget is adopted in Tax Stabilization.

That being said, the financial markets always like to see more money in Tax Stabilization, like to see more reserves, they complain if we're not increasing but depleting. So they would look at it negatively. There isn't any magic number to choose. You have to weigh --

D.P.O. VILORIA-FISHER:

Robert, when you mentioned the 50 million, are you taking into account the nine million that we expect back from FEMA?

MR. LIPP:

We're taking into account everything that was done in the resolutions to -- the Legislature did to adopt the budget, which included adding an additional seven and a half million and a total of ten and a half million in monies taken out of Tax Stabilization Reserve.

D.P.O. VILORIA-FISHER:

Okay. But just in a direct answer, that does take into account --

MR. LIPP:

Yes, it does.

D.P.O. VILORIA-FISHER:

-- the reimbursement from FEMA.

MR. LIPP:

Correct.

D.P.O. VILORIA-FISHER:

Is there a timeline that we can be assured that money will be reimbursed to us? I know that --

MR. LIPP:

The money --

D.P.O. VILORIA-FISHER:

-- the Feds are very slow these days.

MR. LIPP:

The money from FEMA --

MS. VIZZINI:

It's my understanding that before you today there will be a Certificate of Necessity that the -- and, you know, if someone from the County Executive's Office can correct me if I'm misinformed on this. But the substantiation for the 12 million is no longer there. Since you did not move forward on moving the 12 million out in 2011 for the hurricane expense, pending appropriate justification of those expenses, it is my understanding, but I would defer to the County Executive's Budget Office, that they have been able to accumulate expenditures but they total only eight million. And FEMA -- FEMA reimburses, I believe, 75%. So that will be before you for your consideration. So the nine million is no longer nine million, it would be different.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

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

P.O. LINDSAY:

And before I go on, I've just got to clarify something. At the start of this year, we had 60 million or 58 million in reserves?

MR. LIPP:

The County Executive got 12 million in his recommended budget.

P.O. LINDSAY:

I'm not -- Robert, I'm asking what did we have at the beginning of this year?

MR. LIPP:

Sixty million.

P.O. LINDSAY:

Okay. The County Executive proposed to take 12 million that hasn't been approved by this body.

MR. LIPP:

Correct.

P.O. LINDSAY:

That hasn't been approved by this body. We approved another ten-and-a-half million. My math says that's 22 million dollars.

MR. LIPP:

We didn't approve another ten-and-a-half, we approved a total of ten-and-a-half, which is equal to a net of three from him, that is 12, minus the --

P.O. LINDSAY:

Yeah, but you're assuming you're going to get nine from FEMA.

MR. LIPP:

No, no that's not correct.

P.O. LINDSAY:

Well, that would be the net.

MR. LIPP:

No, because the -- whatever we get from FEMA will be a surplus or a deficit in the General Fund. It will have nothing to do with what's in the Tax Stabilization, it will still be 50 million, because that money is booked -- everything was booked in the General Fund, not in Tax Stabilization.

P.O. LINDSAY:

Didn't we approve to take the 12 million, but in '12, not in '11, in the budget scenario?

MR. LIPP:

We -- in our adopted budget, we unraveled what was in the recommended budget, we took it out. So, in other words, we had a total we took out of ten-and-a-half million dollars in the recommended budget, if that was adopted, there would be a net of three million taken out only. So it's three plus seven-and-a-half gives it ten-and-a-half. There's a total of ten-and-a-half being taken out from 2011 to 2012 total.

P.O. LINDSAY:

This --

MS. VIZZINI:

We had this conversation before. It's not 12 plus 10. You haven't voted on his 12 yet.

P.O. LINDSAY:

Right.

MS. VIZZINI:

But our 10 is included in the omnibus.

P.O. LINDSAY:

And the 12 isn't?

MS. VIZZINI:

Correct.

P.O. LINDSAY:

Okay. So, if the 12 is approved --

MS. VIZZINI:

The 12 is now eight, because the expenses don't add up to 12.

P.O. LINDSAY:

I don't want to count the expenses until we get the money. We don't even know whether we're going to get the eight million dollars from FEMA.

LEG. SCHNEIDERMAN:

It's affecting the turnover savings, that's what it is.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. Gail I just want to go back to the point that Legislator Barraga made with respect to the 88 employees. Your number is at -- it would take three-and-a-half million dollars to restore the 88 positions for the six-month period; correct?

MR. LIPP:

Correct.

LEG. MONTANO:

All right. And we have how much in the -- at the end of this, once -- if we override these vetoes, we're going to have how much in the reserve fund next year going into January 1st?

MR. LIPP:

Fifty million.

LEG. MONTANO:

Fifty million. Is there a mechanism to -- there is no mechanism to date to resolve that issue in terms of adding to the budget three-and-a-half million to restore those positions; am I correct?

MS. VIZZINI:

Correct.

LEG. MONTANO:

Now the Legislature can review -- can amend the Operating Budget, but we can't do that until February?

MS. VIZZINI:

You're talking about the 2012 Operating Budget?

LEG. MONTANO:

The 2012 -- the one that we will probably override today. We can't amend that until February, correct?

MS. VIZZINI:

Generally speaking, correct, yes.

LEG. MONTANO:

All right. Well, actually, we can't introduce the bill until February. We then would pass it if we wanted to in March; am I correct in that?

MS. VIZZINI:

Well, it would -- you know, unless you had a Certificate of Necessity from the County Executive and you were working cooperatively, you -- but any budget amending resolution would have to go through the normal protocols.

LEG. MONTANO:

Okay. Now, with respect to amending the Operating Budget, the County Executive can do that at any time he wishes; is that correct?

MS. VIZZINI:

Any of the cycles, yes.

LEG. MONTANO:

Okay. Could he also, if he chose, come in on January 2nd, or whenever we do our Organizational Meeting, with a C of N? Is there a mechanism for him, if he so chose, to come in with a C of N to appropriate or modify the Operating Budget, take money from the reserve fund to restore those positions for six months; is there a mechanism for that?

MS. VIZZINI:

Technically, yes.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yes, Mr. Chair. Thank you. First of all, like you, I want to commend all my colleagues in the Budget Working Group. Not that I don't like to get together with everybody, but I think, you know, we spent far more time together in this process this budget than in any of the other seven that I've been a part of it, well over 60, 70 hours. And on top of it, I led individual efforts on behalf of my colleagues in the Minority to put together an alternative omni, which did not get brought forward for the failure of five sponsors. Nevertheless, this budget that got submitted to us was absolutely unworkable, untenable, out of balance, and as I've said over and over and over again, I believe a failure on the part of the Executive to fulfill his statutory requirements to submit a balanced document. That being said, what we have before us today, I believe, was an effort on the part of all of us to try to put forward something that would keep our County intact.

And I have great respect for my colleagues when they talk about the price to go ahead and keep jobs in place, and each speaker that's come to the podium, as a matter of fact, I've made efforts to go ahead and have a conversation with. But, quite frankly, the number of jobs associated with the County at this point is teetering on the brink of total collapse. I think it's important that people hear what we struggle with each day. Since late October it has been perilously close to for us to make payroll, a 33 million dollar payroll every two weeks. We have literally come within less than six figures of being able to pay the people that are the employees of the County of Suffolk, and that's everybody, from housekeepers to physicians to cops to us. And to not take note of the fact that we are, even as we speak right now, literally begging on hand and knee the State to go ahead and follow through with its aid payments would do a disservice to everyone to not try to impress upon everybody how perilously close we are to being insolvent. And when you're confronted with insolvency, to not take action is irresponsible and it's not what we were elected to do. And so what you see before you is something that actually was an effort to try to raise some money and to save some money in one-shots and to save some money recurring.

LEG. HORSLEY:

And save some jobs.

LEG. KENNEDY:

And save many jobs -- Legislator Horsley, thank you very much -- as a matter of fact, 600-plus. It is not for me to sit here right now and try and talk about the value of each job that was identified on that list, but, quite frankly, you know, when times are hard, you deal with what you have to, not with what you might. And so when it comes to our recommendation about how certain functions are administered, we put forward a recommendation to tighten the belt and to consolidate, because if we don't do it, we'll be like Alabama, bankrupt. And to not take note of that at this point is irresponsible.

The 12 million dollar tax increase in the special district, I did not violate any campaign promise. I went out there, I didn't deceive the electorate, I spoke frankly and I spoke candidly, and I talked about the fact that we are 60 detectives down right now, 60. And today, again, there is some physician who is writing prescriptions to put Oxycodone out there to kill our children. And part of the reason that it's out there is because we don't have the narcotics officers to stop that and to abate it. We don't have the arson officers, we don't have the COPE officers, we don't have the

Crime Control officers, and to not go ahead and fund that is absolutely irresponsible and not what we were elected to do.

I disagree vehemently with all the points that the County Executive put forward about accepting revenues and confirming his budget. I will state it on the record, there is essentially nothing in that budget that I concur with. But we did add positions back so we could legally and legitimately book the revenue that he kept in the first instance and, yet, took the bodies out. That's not just irresponsible, it's akin to fraud. I won't subscribe to that. I will go ahead and vote to override the actions that he took and I will stand by the work that the Budget Working Group did. Thank you.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

Gail, just to clarify, Legislator Barraga asked how much it would cost to put the 88 positions back for six months, and your narrow answer was three-and-a-half million. But from what I'm gathering, what you were trying to say, correct me if I'm wrong, is that because of those 88 layoffs, we were able to take seven million dollars and throw it back into the budget, correct?

MS. VIZZINI:

Correct.

LEG. NOWICK:

So what I'm understanding, then, it would cost 10.5 million to bring back those positions for six months, am I right? Excuse me, not -- yeah.

MS. VIZZINI:

Yeah. I see what you're saying, yeah.

LEG. NOWICK:

Yes.

MS. VIZZINI:

Yes.

LEG. NOWICK:

All right. So I just wanted to get the numbers. Now, you know, I sat on the Operating Budget, and as we both said, and we've said over and over, it was the hardest thing we've ever had to work on, but we saved many positions. Of course, that doesn't make a difference to 88 people who are still suffering right now and I get that, and I really do get that. You know, when we sat in the budget meetings, I thought I recall Presiding Officer Lindsay saying that, and correct me if I'm wrong, you did make calls and reached out to the unions and asked for help? Presiding Officer, is that correct?

P.O. LINDSAY:

Yes.

LEG. NOWICK:

And we did wait, and we did wait and we looked for help. My question yes now is, and, Gail, maybe you know the answer to this, the Legislators, because of the County Executive budget, the Legislators felt that they needed to save -- we knew we needed to save some exempt positions and we elected to help ourselves and take a lag payroll to save positions. Is there a way, or is it too late, or is there a way with these 88 positions, let's assume, and I'm going to give you an example, let's assume in the Sheriff's Department there's -- how many positions were there, seven, or -- seven. Well, is there a way that those particular departments or associations, if you will, could help

us out to help 88 people out by doing something similar to what the Legislators did, or is it way too late for that now?

MS. VIZZINI:

Succinctly, let me just say, when we did the report on the budget and when we did the presentations to the caucuses, the shortfall in the budget, in our opinion, was 241 million dollars. The 135 million dollar number was the revenue items that we believed to be short because, as Legislator Kennedy said, positions were abolished in revenue-generating areas and, yet, the revenue remained. Both representatives from the County Executive's Office explained that that was because they expected that the layoffs would not necessarily move forward, that they would have successful negotiations with the respective labor unions. In addition to that 135 million dollars, we identified certain areas, the bus contracts, the substitute housing in the jail, the shortfall in Social Security, the underfunding of the medical health plan, shortfalls in gasoline, permanent salaries, etcetera, those are the things -- expenditure lines were grossly understated for what we believed to be the right number and revenue was overstated. So that was the combination making 135. That number has to be added to what it costs to put any of the positions back on any basis, and what it costs to have a functioning skilled nursing facility that we could either partner with a private entity or liquidate. That -- once you started adding those shortfalls to the other policy problems, you had a 241 million dollar number.

So the fact that you may have 50 million dollars in your Tax Stabilization Reserve Fund, and that you have collective bargaining agreements that will be coming forward, and you have a new County Executive coming in who will be establishing priorities and, hopefully, working cooperatively with the Legislature, there is nothing but opportunity for these different pieces of the puzzle to be part of the solution.

LEG. NOWICK:

But it's too late for the solution right now?

MS. VIZZINI:

At this point, technically, you can -- you either vote these vetoes up or down. The next opportunity for any entity to amend the 2012 budget, legally and technically, is in 2012.

LEG. NOWICK:

That would be in February of 2012?

MS. VIZZINI:

For the Legislature, and January for the County Executive. But, if I --

LEG. NOWICK:

So it would -- the calls that we waited for, sitting in those budget meetings, would have come a little too late.

D.P.O. VILORIA-FISHER:

Uh-huh.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you, Mr. Presiding Officer. I guess two things that I'd like to talk about. First of all, I think some of the confusion relative to the amount of money left in the reserve fund, and some of the discussions and presentations from the speakers this morning outlining the work that the public relations people in the Police Department do underscores the need for some sort of change to our process. What that change is I'm not quite sure. I've presented several amendments. One of them may be part of the answer, maybe not, but I think we need to do something differently.

My latest amendment was a bill that I filed last week, prior to any press conference from the County Executive, that would require that these budget amendments be voted on prior to Election Day. I think that's important, but more importantly is the matter at hand. As has been vetted today, apparently, in order to preserve those 88 jobs for six months, just like the rest of the jobs have been preserved for six months, it would cost us three-and-a-half million dollars. That's how much the jobs cost, three-and-a-half million dollars. Yes, we used the revenue from laying off those jobs in other places and that was seven million dollars or so. But that having already been used to replace those jobs for six months, if I understand correctly, would cost us three-and-a-half million dollars. To not find some way to do that today with the reserve fund that, depending on how you ask the question, I suppose, ranges from 30 million dollars to 50 million dollars, is absurd.

*(*Applause*)*

Now, is there a way -- it's a question for Counsel, for Budget Review, for the Presiding Officer, whoever may be able to answer this question. Could the present -- the current County Executive come forward to us with a CN today that somehow appropriates money from the reserve fund to utilize, to continue in some way to provide funding for those 88 jobs going in the next year? Because if there is a way to do that, I know we have representatives from the County Executive's Office here in the auditorium today, I know the County Executive is likely listening to this hearing, if there's a way to do that, I implore, I beg the County Executive to come forward with that Certificate of Necessity so that we can preserve these jobs. These 88 folks who are facing layoffs in advance of Thanksgiving, in advance of Christmas and other holidays, deserve the same -- deserve the same treatment that the other 600-plus employees are receiving. There's no reason --

*(*Applause*)*

There's no reason to lay them off today. Let's give them the opportunity, let's give the County Executive, incoming County Executive the opportunity to work with the incoming Legislature within the first six months of next year to work with the unions and find a solution that works for everybody. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Anybody else? No?

LEG. CILMI:

I had a question. I don't know if anyone answered the question.

LEG. MONTANO:

Can that be done?

P.O. LINDSAY:

What's the question?

D.P.O. VILORIA-FISHER:

He wants a CN.

LEG. CILMI:

The question is can the County Executive today come across with some sort of Certificate of Necessity that would allow us to take funding out of the reserve fund?

P.O. LINDSAY:

But isn't that -- only the County Executive can answer that.

LEG. CILMI:

Well, it's a legal question. I assume that our Counsel could answer that.

P.O. LINDSAY:

Yeah, I know, but if he doesn't --

LEG. CILMI:

I'm not saying -- I'm not asking -- the question is not would he. I implore him to do so if legally he may do so. My question is can he do so?

P.O. LINDSAY:

I don't think he can, but --

MR. NOLAN:

Yeah, I don't think he can. I mean, if he's trying to solve a problem for 2012, I don't think he could do that, unless through the budget process we raise taxes two-and-a-half percent and then he could tap the reserve fund for next year. In terms -- and that's what we're really dealing with is a 2012 problem. And once we get to 2012, I think it would also be a problem to use the Tax Stabilization Reserve Fund because you can only use it for unanticipated revenue losses or unanticipated expenses, which this wouldn't fall into, what we're talking about.

LEG. CILMI:

If I may, through the Chair, just very quickly. The County Executive has found ways, as we all know, to be very creative in the past. If there's ever a time for the County Executive to get creative and find a way to make this happen, it's today. Thank you.

*(*Applause*)*

P.O. LINDSAY:

Okay. If you take the documents before you, the index and the different resolutions, I'm going to make a motion to take Budget Amendments 1 together, all the vetoes within one, with one vote.

D.P.O. VILORIA-FISHER:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Vilorina-Fisher. All in -- on the subject?

LEG. ROMAINE:

On the question.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, on the question. I had discussions yesterday with the Sheriff's Office concerning some positions that they were losing, like a material control clerk, and assistant jail cook, and a deputy sheriff position, one that is filled by someone serving in our military. I also had discussions with people who are the police public relations aides that do a lot of work that would be abolished, some of those positions would be abolished. I'm concerned about that. I don't know if voting on this as one would prevent us from having a discussion and breaking out those vetoes or not. And I'm asking that question now on the record, because -- does that affect my ability, particularly with those positions?

MR. NOLAN:

If we approve this motion to take them all together, yes, it would affect your ability to consider them singly.

LEG. ROMAINE:

Thank you. Obviously, I can't support that because I would have -- I would want an opportunity to at least explain why those -- this handful of positions should not be eliminated. I don't think it's cost effective and I think not be productive. But I understand in a large document such as this, those things occasionally happen. And all I can say is if this does pass, I will vote for the omnibus, because it's the better of two solutions, and the other solution being the County Exec's budget, which is not a solution at all. But I'm going to commit myself with others to work on these positions and see what we can do, particularly with police aides, the Sheriff's Department, different vacancies in the Parks Department, EMT training, things of that nature that I think we would have a better budget if we fine-tuned them. I understand the pressure of circumstance, so thank you very much.

P.O. LINDSAY:

Legislator Montano, did you want to talk?

LEG. MONTANO:

No, thank you. I'll pass.

P.O. LINDSAY:

Okay. Legislator Kennedy?

LEG. KENNEDY:

Mr. Chair, I -- in looking at Veto 1, first of all, as we're all aware, the veto messages -- the veto messages were not received until almost six o'clock last night. I have been trying to scan them, and of the many areas that we have, the job positions are on the top of our agenda, as far as what the impacts of a vote today are going to be. But I'm going to ask BRO, since, hopefully, they've had a chance to review some of this, on the first page, I think it's the third item down, it would be Clause 8, do you see that, Gail?

MS. VIZZINI:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Okay. I believe there were 88 positions in the amendment that we --

MS. VIZZINI:

That's correct. This is the mandated portion. Many were in the Sheriff's operation, which were considered mandated. So there were 74 filled. There's an accompanying discretionary, if you look at, you know --

LEG. KENNEDY:

Okay. Well, then let me try and take it down to a more simpler question.

MS. VIZZINI:

Okay.

LEG. KENNEDY:

Does the County Executive veto every position that we had put in that would be an eliminated position or a laid off position?

MS. VIZZINI:

They vetoed the 88, yes.

LEG. KENNEDY:

He vetoed the 88. He gave us 710 that he was going to lay off.

MS. VIZZINI:

Right. He also vetoed the --

LEG. KENNEDY:

Two hundred and twenty-one of which would have already been laid off out in Yaphank in John J. Foley, and then he went ahead and he vetoed the 88 that we offered.

MS. VIZZINI:

Correct.

LEG. KENNEDY:

Okay.

MS. VIZZINI:

He also vetoed the creation of the interim positions.

LEG. KENNEDY:

Outstanding. Okay, thank you.

P.O. LINDSAY:

Anybody else? Okay. We have a motion and a second to take *Budget Amendment No. 1* as one vote. All in favor? Opposed?

*(*Opposed Said in Unison by Legislators Romaine, Muratore, Cilmi, Barraga and D'Amaro*)*

P.O. LINDSAY:

Hold up your hand who opposed. One, two, three, four, five.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. I will make a motion to override all the vetoes under *Budget Amendment 1*.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

*(*Opposed Said in Unison by Legislators Muratore, Cilmi and Barraga*)*

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. If you turn to Page 6, **Budget Amendment 2** starts the discretionary portion of the budget. Again, I'll make a motion to take everything under Budget Amendment 2 as one vote to override.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Anybody on the question? Okay. All in favor? Opposed?

*(*Opposed Said in Unison by Legislators Romaine, Muratore, Barraga, Cilmi and D'Amaro*)*

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

I'll make a motion to override Budget Amendment No. 2, all the overrides -- all the vetoed resos in **Budget Amendment No. 2**; seconded by Legislator Vilorio-Fisher. On the question? All in favor? Opposed?

*(*Opposed Said in Unison by Legislators Muratore, Cilmi and Barraga*)*

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. If you go to --

D.P.O. VILORIA-FISHER:

Page 16.

P.O. LINDSAY:

Page 16, **Budget Amendment 3 is a stand-alone, and this resolution restores 19 Legislative Aide I positions in the County Legislature, abolishes nine alternative positions in the County Legislature, and three positions in the Office of the County Executive. One interim driver messenger created in the County Clerk. The cost to restore the abolished positions and create the interim positions is offset by decreasing salary appropriations in other departments. This action has no property tax impact.** I'll make a motion to override.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. I might point out that there is -- is it a stand-alone on the lag payroll, Ms. Vizzini?

MS. VIZZINI:

That was a separate resolution that we approved the day of the Special Meeting.

P.O. LINDSAY:

Okay. That helps to pay for these positions. We have a motion and a second to override. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Recusal.

D.P.O. VILORIA-FISHER:

(Raised Hand).

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Did you recuse?

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

There was two recusals, right? Okay. *Budget Amendment No. 4. Resolution restores positions in the Board of Elections, the District Attorney's Department, the Department of Law, the County Executive and the Department of Health, and increases permanent salary appropriations accordingly, which are offset by permanent salary reductions in other departments. This action takes no property tax impact.* And again, I'll make a motion to override.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. And again, I'll point --

LEG. NOWICK:

Mr. Presiding Officer, I'm going to recuse.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Mr. Presiding Officer, would you note my recusal on this also?

P.O. LINDSAY:

Okay.

LEG. HORSLEY:

Mr. Presiding Officer, please note my recusal.

P.O. LINDSAY:

Okay. And again, these positions were saved via the lag payroll for the exempt employees. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. *Budget Amendment No. 5 - This resolution reduces debt service in Fund 632 to John J. Foley Nursing Home by a net of \$14,576,588. This reduction is comprised of (1) savings in 2012 from debt refunding of the \$336 in principal and \$8,252 in interest; elimination of recommended sinking fund to pay off the principal balance of \$14, 568,000, which would not be needed because of the continued operation of the Nursing Facility per this resolution. Serial bond principal in the General Fund is reduced by \$14,824,838 to account for the portion of debt defeasement associated with securitizing the remaining 25% of tobacco revenue proceeds. The resulting \$14,824,838 in savings to the General Fund is used in the discretionary companion of this resolution to offset the General Fund transfer to Fund 632 and loss of interfund revenue from Fund 632 to the General Fund associated with the recommended closure of the facility. The combination of the mandated and discretionary resolutions have no property tax impact.* I'll make a motion to override.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Any discussion? Any question? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Recusal.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Budget Amendment No. 6. This resolution restores sufficient appropriations for John J. Foley Skilled Nursing Facility to operate with 221 employees for the first six months of 2012, then downsizes to 184 employees for the remaining six months of 2012. All positions for the facility are recreated as interims. Revenues are increased consistent with the operation of the facility for 12 months with 175 to 200 patients for the first six months of 2012, and 150 patients for the last six months of 2012. The resolution also anticipates revenue from formation of a public/private partnership with another organization. The combined property tax impact of this resolution and its mandated companion, Budget Amendment 5-2011 is zero. I'll make a motion to override.

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Recusal.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Budget Amendment No. 7. This resolution rescinds the gasoline tax to offset the reduction in revenue from not charging back the towns for out-of-county tuition. The resolution increases the mandated portion of the applicable sales tax by \$4,963,000 while reducing the out-of-county charge to other counties by \$10,250,000. This action, when combined with its discretionary companion, has no property tax impact.

LEG. HORSLEY:

Motion to override.

P.O. LINDSAY:

Motion to override by Legislator Horsley.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. SCHNEIDERMAN:

On the motion.

LEG. ROMAINE:

On the question.

P.O. LINDSAY:

On the question, Legislator Romaine.

LEG. ROMAINE:

Yes, on the question. We certainly -- I think everyone in this body was surprised that for the first time in Suffolk history the out-of-county tuition charge was pushed down on the Towns. I don't think anyone thought that was a fair thing to do, particularly at the last minute, to our townships, because we do have a partnership with them, and I'm glad to see that some people want to restore that. I have introduced a Charter amendment -- unfortunately, it will go into affect next year -- that will make sure that the out-of-county tuition, as long as it's a State mandate, remain, as it has in the past, a County charge. But now, we're trying to do away with that by saying there's an offset by repealing the cap on the sales tax on gas. But at the Budget and Finance Committee, which I serve on, we heard Budget Review, in fact, indicate that \$10,250,000 isn't going to be produced, that the cap on the sales tax on gas, if it was repealed, would not produce that amount. And I'm going to ask Budget Review, what is the estimate -- and again, there has to be an estimate based on the current price of gasoline, which is dropping as we speak, but what is the estimate of the savings that the County would get if we remove this cap at this time?

MR. LIPP:

The Fiscal Impact Statement that we did, that we shared at Budget and Finance Committee, was based upon a \$4 per gallon at the pump for regular. Since I guess the last month or so, the prices have dropped, number one. Number two --

LEG. ROMAINE:

And these are retail or wholesale prices?

MR. LIPP:

Retail prices.

LEG. ROMAINE:

And are taxed based on what, the wholesale price, isn't it?

LEG. SCHNEIDERMAN:

The cap is on the wholesale.

LEG. ROMAINE:

Yes, the cap is on the wholesale, not the retail.

MR. LIPP:

Yeah, but to put things in perspective, we couched the Fiscal Impact Statement with something that people can understand, what the retail price was. And the calculations implicit behind it are, yes, the wholesale price. That being said, we also stated that energy prices, gas prices in general are highly volatile, they're always -- they're jumping up and down all the time, number one. Number two, the risks are greater on the upside. That being said, we think as a, you know, longer term view, the \$4 is a decent number. That also being said, yes, current prices, and if they do stay at the current level, are a lot lower at \$3.75 instead of \$4. You're talking for a March 1st start date of like 6.9 million. If you go down to \$3.50, it's only 3.1 million for a year. Long term, probably the number for \$4 gas price is good. Short term, will we rise or not remains to be seen.

LEG. ROMAINE:

So, in essence, if we adopt this, because we feel that this is the appropriate offset, we could, in fact, be blowing a hole in the budget.

MR. LIPP:

Yes.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Anybody else?

LEG. SCHNEIDERMAN:

Yes.

LEG. HORSLEY:

Yes, I'd like to speak on this matter.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yes. So what we're saying, if I'm reading this right, is that because of an estimate that has gone one way, now another way, from BRO, which I have no doubt on its truthfulness, is that we're going to -- because of this, we are going to impose a tax increase on particularly the west end towns. Now we argued this last time. We said, well, is -- you know, we helped the East End, we helped the West End, we're in this all together. And here we are now because a Budget Review change of heart on the dollars that may be -- may be saved, we're saying, well, we're going to impose those taxes now on the West End. It is not fair, it is wrong, and I would -- I vote to override. This is something we should do out of moral imperativeness. Vote to override.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. First it must be understood that this offset does not fill or cover that expense, I think that's clear. Instead, it blows a hole in the budget. We don't need anymore holes in the budget. Now, I will at some point, and I know Legislator Lindsay has submitted a budget -- a bill to repeal this cap, I'll support repealing the cap. But let's take that money, whether it's three million or five million, let's use it to try to save some of these positions that are in the -- are scheduled for being eliminated.

*(*Applause*)*

The relief that comes from that cap is less than a penny a gallon. You can't even see it when you go to the pump. So it's a very small relief, but it could make a huge difference in people's lives. So, if we repeal it and use that money in next year's budget to try to fill some of the holes that we know are there, I think it's better use of the money. And if you can find an appropriate offset, Legislator Horsley, to take this burden off the Towns and bring it back to the County, I have no problem with that.

*(*Applause*)*

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

Again, this legislation, the way it was crafted, I don't feel it helps the consumer, the constituent as much as it should, so that's something we need look into addressing. You know, again, and I think we will all agree on that. So I just wanted to make that point. But again, we need to take what money we have, you know, for, of course, preserving the jobs and the positions, which, again, if you have a neighbor and that neighbor loses their job, that's going to affect you, because what will happen is that neighbor may not be able to pay their mortgage. And I went to many homes this past couple of -- two, three, four months. There were many locks on those doors from mortgage companies. It pretty much ruins the neighborhood, it creates an issue in the neighborhood. We need to do what we can to preserve jobs. So again, I am very much in support of what we -- the funding that we have to put forward into maintaining and preserving those jobs. So thank you.

*(*Applause*)*

P.O. LINDSAY:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. This amendment was an attempt to address a ridiculous State mandate. I appreciate those that supported my efforts. The estimates from BRO, there was some clarification on those estimates, and I understand that and respect that, and -- but I think people have pointed out here today that the repeal itself is a separate, and should remain a separate issue from the out-of-county community college tuition costs, both of which I disagree with. So I ask for your support, but I understand the circumstances that lay before us today, and I will be supporting the override. Thank you.

D.P.O. VILORIA-FISHER:

May I?

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you for understanding that, Legislator Gregory, because I was a -- I was listed as a cosponsor here. But I have to respect the estimates by the Budget Review Office. I don't want this to create a hole in the budget. However, I believe that we should rescind the sales -- the gasoline tax cap, because the pass -- the savings is not passed through to the consumer. And I supported your other resolution, Legislator Gregory, where you have the disclosure to the taxpayer on a separate line that the increase in their taxes would be associated with the -- with this particular issue, which is the out-of-county cost, rather than the town have to bear the burden of imposing this on them. And I know that it affects your town disproportionately, but perhaps we can continue the fight not to have to pay for a four-year college. And many of the tuition costs go to FIT, which is a four-year college, and I think that's really stretching the mandate. So I won't be able to support the override, because I just don't believe the numbers bear it out with this new information from Budget Review.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I spoke when we had the vote the last time on this, and I did not support this repeal for the commitment for the out-of-county tuition. Both issues I think are issues that we need to address. I don't want to repeat what my colleagues have said, but I think that the joinder of the two very distinct issues is unfortunately not one that's going to work at this point, and, ultimately, revenue is not even generated were it something that would be prudent for the two to be together. Both are issues of dysfunction, if you will, imposed upon us by another level. The State has elected to allow this clearly disparate and unfair mechanism to be put in place with college tuition. And all of us have struggled to educate ourselves, as well as our children. Every one of the degrees that I got I got at night. All four of my children have worked moderately to put through school. And in no way shape or form am I not someone who subscribes to providing opportunity for students, but, clearly, this is an aberration. This is something that allows some students to gain an advantage that other similarly-situated public university students don't get and that's not fair. That's what I said the last time, that's what I'm going to subscribe to again. We would be facilitating and promoting dysfunction in inequity.

The gas cap, the gas cap, unfortunately, we're seeing an inability on the part of a state or entity to properly go ahead and police retail entities. Legislator Muratore and I have met with the Association. We're reaching out to State Taxation and Finance. There's a better way to have gas cap -- gasoline tax collected and remitted over, but I don't think that we should raise up the surrender flag because the agency is not properly functioning. Again, it's acquiescing to dysfunction and I think that's sending the wrong message, so I will not support the override here.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah, I just need some clarification. It's apparent to me now that the estimates for the revenues on the repeal of the tax cap won't meet what we want, and, yet, we still have this out-of-county cost that we don't want to pass on. Don't we have to resolve that today, because --

LEG. HORSLEY:
We are.

D.P.O. VILORIA-FISHER:
We are.

LEG. EDDINGTON:
Well, I'm not hearing it, because --

LEG. ROMAINE:
It's called a hole in the budget.

LEG. EDDINGTON:
Yeah, well, that's what -- I guess that's what I'm asking, that, I mean, we can get a little bit of revenue by getting rid of the tax cap, but still, how are we going to deal with that other seven --

LEG. HORSLEY:
We're not.

LEG. MONTANO:
We don't have the money.

LEG. SCHNEIDERMAN:
It's going to create a multi-million dollar hole in the budget.

LEG. EDDINGTON:
But can we pass a budget with a hole like that? I mean, we're not the Executive Branch, we don't do that kind of thing. So I don't understand. Can we -- we can approve everything and have the budget out of balance?

P.O. LINDSAY:
Well, no. What the -- Legislator Eddington has asked, if we override this veto, will our budget be out of balance? Yes. And is that illegal? Yes.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:
No, the towns will be paying it.

LEG. ROMAINE:
We get sued then.

LEG. EDDINGTON:
I guess I don't want to go out of office passing an illegal thing that's, you know --

LEG. MONTANO:

So vote no.

LEG. EDDINGTON:

Okay.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Well, here we are in a situation where we have all admitted that this is -- that they are -- that other levels of government are disparate, I think was the term, and wrongfully imposing this tax on the County, and we all agree with that. And there is all sorts of unfairness, there's all up and down the line on this issue. But what is our answer? Our answer is to push it onto the -- onto the tax bills of the West End towns, primarily, and make -- and let them pay for it, and put it on another level of government that has already finalized their budget, and that is -- and that is our answer to how to cure other disparate governments. It is painfully unfair.

P.O. LINDSAY:

Legislator Vilorio-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. I just have a question for Budget Review. Gail, when we were discussing this, I think that I recall your saying that many counties actually have the towns pay for -- that this is a practice in many other counties in New York; is it, in fact, the case?

MS. VIZZINI:

I'm not sure the extent of how many municipalities use that section of the law, but in the --

D.P.O. VILORIA-FISHER:

Does Nassau County?

MS. VIZZINI:

Yeah.

D.P.O. VILORIA-FISHER:

Okay. So Nassau County has the towns pay for the out-of-county tuition.

MS. VIZZINI:

Yes, that is my understanding.

D.P.O. VILORIA-FISHER:

Okay. So our neighbor to the west does it. Okay. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah. I just want to really piggy-back on the comment and the question that Legislator Eddington posed to Mr. Horsley. It would seem to me that because of the revised estimates by the Budget Review Office, if we were to pass this, or if we were to override this, we would blatantly and patently be authorizing a budget that, without doubt, would be in violation of our Charter, because we would be authorizing the submission of an unbalanced budget with clear evidence. And it seems to me in good conscience that while the politics are such, because I represent one of the western towns that

is affected by this tax, but in good conscience, I don't think that I could, nor should I be asked to vote on something that appears to be patently a violation of our Charter. I understand what -- you know, what the issue is, we are affected by it also, but I think prudence would dictate. And I, you know, reach out to you to withdraw your request to override so that we're not put in that position. I think it's unfair. We could play politics and I could vote to override and then go back to my community and say, yeah, I was -- you know, I voted to make sure that, you know, taxes in my town would not be increased, but I would feel that this would be something that would be ingenuous to the community based on the numbers that had been projected by the Budget Review Office. I understand the issue, I'll work with you to resolve it, but I would -- you know, I ask you not to place me and others in that position in light of what has come forward.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I'm sitting here listening. So Legislator Eddington says if we override the veto -- if we don't override the veto --

LEG. MONTANO:

If we override, you're right.

LEG. NOWICK:

No. Override the veto, we have a hole in the budget and that's illegal. So Legislator Montano said, if we -- if we --

LEG. MONTANO:

If you withdraw the request to override, then we don't have the hole in the budget.

LEG. NOWICK:

But if we don't, that's illegal. So I --

LEG. MONTANO:

No, it's not illegal.

LEG. NOWICK:

Well, because there's going to be a shortage if we --

LEG. MONTANO:

If we override --

LEG. NOWICK:

If we override, there's a shortage in the budget. If we don't override, there's a shortage in the budget.

LEG. MONTANO:

No.

LEG. NOWICK:

No?

LEG. MONTANO:

If we don't override the veto, what happens is that the proposal by the County Executive remains intact and the tuition costs are, in fact, passed over to the western towns, primarily of which I represent, but there's really no other solution that we have before us at this point in time to resolve

that issue. There may be something that we can do next year in 2012 to amend the Operating Budget if we can come up with a different revenue source to resolve the issue and take back the obligation that we are now passing to the town. But our Charter provides that we must pass a balanced budget. Now, there are questions that were raised as to whether or not the budget that was submitted to us was, in fact, balanced, but those are legitimate questions. This becomes a math problem in that the proposal that's put forward was supposed to raise a certain dollar amount, and we now are very clearly advised by BRO that two and two is not four, two and two is three and we can't do it.

LEG. NOWICK:

Okay, I get it. I understand that.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Are you done, Legislator Nowick?

LEG. NOWICK:

Yes.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I want to build on what Legislator Montano -- the point that he's making, and I agree with him, but if we pass -- if we override today and have an illegal unbalanced budget, the only way that can be resolved is to raise General Fund property taxes in our budget, because we cannot have an illegal budget. So on the one hand we would be saying to our town, and I represent western towns as well, we would be saying we're not passing this cost on, we're not raising your town tax, but, by the way, I'm raising your County tax, see, and that's not the direction you want to go. These are two separate issues. The offset, the gas -- removal of the gas tax cap is not sufficient to offset the costs of not passing down to the town the out-of-county tuition costs.

So we have to de-couple these issues. This is the first step in doing that. And again, I agree with my colleague, Legislator Montano, this is another budget issue, whether or not we want to pass these costs down or not, that we can take up after the new year through budget amendments, as long as we can find a sufficient revenue source. But to represent that overriding this veto today is going to result in a town -- would prevent the town tax increase doesn't take into account the fact that you're just going to have to raise County taxes. So this is not -- this a non-solution is my point.

The other point I wanted to make is that I originally voted for the cap when it was first proposed by Legislator Muratore. I support it then, I support it now, but as a separate stand-alone issue we need to decide whether or not the savings are reaching the ultimate consumer at the pump, but that's a separate issue. I heard Legislator Kennedy's remarks with respect to that. I encourage the sponsor and Legislator Kennedy to go ahead and try and find a way to make sure the consumer gets the benefit of the cap. But, certainly, the repeal of the gas tax cap as an insufficient offset should not be held out as a solution to the problem of passing costs down to the town.

P.O. LINDSAY:

Okay. I think everybody's talked out and we're a few minutes before the witching hour of recessing for lunch. I'm going to take the last remarks.

First of all, I want to applaud Legislator Horsley and Gregory for coming forward with this ingenious idea to solve a problem that was not of our making. I want everybody to be very crystal clear today, we're not raising taxes for our towns, the County Executive is. And again, getting back to his disingenuous press conference the other day slamming us for raising taxes for public safety. This is a direct tax increase to our towns, there's no way around it and it's on his plate. Unfortunately, we don't have enough money to do it, and the solution that was proposed isn't going to fill that void. So I am not going to support an override on this. I will continue, because I don't think that the cap has worked. I will continue with my effort to repeal it and to use that money in a very difficult year ahead, but that's a whole different issue for a whole different day. So right now we have a motion to override and a second. I'm going to call the roll.

LEG. MONTANO:

Sorry. Roll call?

P.O. LINDSAY:

Yeah, call the roll.

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

LEG. HORSLEY:

Yes to override.

LEG. COOPER:

Reluctantly, no.

LEG. ROMAINE:

No to override.

LEG. SCHNEIDERMAN:

No to override.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. ANKER:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Two.

P.O. LINDSAY:

With the conclusion of that vote, I just want to invite our Town Supervisors in our towns to join us in January in a concerted effort with the State to repeal this very, very unfair mandate that would cost the State nothing. If you think of the lunacy of this, kids choose to not to go to our community college, to go out of county, and we subsidize that community college outside of our county to the tune of 12 million dollars, I think it was as high as 14 million dollars, where we only fund our community colleges 238 million dollars. I mean, I'm -- it just doesn't make sense to me. I don't begrudge anybody to going to any school of their choice, but if you choose to go out of county, you should pay the cost yourself. So, again, I invite our Town Supervisors to join us in this effort this Fall to repeal this unfair mandate. And with that, I'll take a motion to recess for lunch.

D.P.O. VILORIA-FISHER:

Don't we have three more votes?

P.O. LINDSAY:

Yeah, but it's 12:30.

D.P.O. VILORIA-FISHER:

Oh, okay.

MR. NOLAN:

Well, we've got a bunch of them.

D.P.O. VILORIA-FISHER:

Just to get those three?

P.O. LINDSAY:

Do you want to the extend the meeting to finish the budget?

D.P.O. VILORIA-FISHER:

Yeah, we should.

(*Affirmative Response From Legislators*)

P.O. LINDSAY:

Okay, okay.

D.P.O. VILORIA-FISHER:

Eight, eleven and sixteen, is that all that's left?

LEG. NOWICK:

Yeah. I'll make a motion.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Legislator Nowick makes a motion to extend the meeting, and seconded by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right. I'm not keeping you from lunch, you are. Okay. Next is *Budget Amendment Number 8. This is a discretionary companion to 7 of 2011, which reduces the mandated portion of the sales tax and reduces the charge for out-of-county tuition to other governments. The resolution increases the discretionary portion of applicable sales tax by 5 million. This action, when combined with its mandated companion, has no property tax impact.* And if I understand this correct, this is the companion to the bill that we just refused to override.

MS. VIZZINI:

Exactly.

P.O. LINDSAY:

Okay.

MS. VIZZINI:

And the vote should be the same.

P.O. LINDSAY:

Okay. So --

LEG. GREGORY:

I make the motion to override.

P.O. LINDSAY:

Huh?

D.P.O. VILORIA-FISHER:

You're making the motion?

MR. NOLAN:

Yeah, motion to override.

D.P.O. VILORIA-FISHER:

Okay.

P.O. LINDSAY:

He's making a motion to override. Okay. Is there a second?

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Second. Can -- all in favor of override? In favor?

LEG. MONTANO:

You've got to raise your hands, guys.

P.O. LINDSAY:

Are you guys going to vote for it?

LEG. GREGORY:

(Raised Hand).

LEG. HORSLEY:

(Raised Hand).

P.O. LINDSAY:

Oh, okay. Opposed?

*(*Opposed Said in Unison by Legislators*)*

D.P.O. VILORIA-FISHER:

Somebody already went out to lunch.

*(*Laughter*)*

MR. LAUBE:

Two.

P.O. LINDSAY:

11, this resolution creates second vacant positions in the Department of Social Services on an interim basis for 4.5 months in 2012, which includes three 100% aided HEAP Examiners in Fund 001 and 4 CPS Caseworker Trainees, including one Spanish-speaking in Fund 001, which are 39.52% aided. The offset of the 50,673 is realized from reductions in overtime, temporary salaries and supplies elsewhere in the Department of Social Services. I'll make a motion to override.

LEG. MONTANO:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

16, this resolution adds 37,454 to the Integrated pest Management Program, which is 477 funded, to bring program funding to the requested level of 187,272. I will make a motion to override.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Seventeen.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. And with that --

LEG. ROMAINE:

Motion to adjourn -- to recess.

P.O. LINDSAY:

Motion by Legislator Romaine to recess, and I'll second it. All in favor? Opposed? Abstention? We stand in recess until 2:30.

MR. LAUBE:

Eighteen.

(*THE MEETING WAS RECESSED AT 12:33 P.M. AND RESUMED AT 2:32 P.M. *)

P.O. LINDSAY:

Okay. Madam Clerk, would you call the roll, please?

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:
(Not Present)

LEG. MURATORE:
Here.

LEG. ANKER:
Here.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
Here.

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:
(Not Present)

LEG. COOPER:
(Not Present)

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

P.O. LINDSAY:
Here.

MS. ORTIZ:
Thirteen. (Not Present: Legs. Browning, Kennedy, D'Amaro, Cooper and Viloría-Fisher).

P.O. LINDSAY:
Okay. We're into public hearings. I ask the Budget Review -- the Clerk's staff, do we have any cards?

MS. LOMORIELLO:

No cards.

MS. ORTIZ:

No.

P.O. LINDSAY:

No cards. If we could turn to Page 5, first up is *Procedural Motion 31, approval of the Cross Bay Ferry license for the Sayville Ferry Service, Incorporated (Presiding Officer)*. I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll take a motion. I'll make a motion to close.

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Fourteen. (Not Present: Legs. Kennedy, D'Amaro, Cooper and Vilorio-Fisher)

P.O. LINDSAY:

It stands closed. *I.R. 1605 - A local to extend prompt payment policy to attorneys providing services pursuant to Article 18-B of the New York County Law (Montano)*. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll accept a motion.

LEG. MONTANO:

Mr. Lindsay. To Counsel, is this timed out? Or to the Clerk, is this reaching its six months, or is it applicable?

MR. NOLAN:

1605?

LEG. MONTANO:

1704.

P.O. LINDSAY:

No, 1605.

LEG. MONTANO:

Oh, I'm sorry, you're right, 1605. All right.

MR. NOLAN:

We're getting there.

LEG. MONTANO:

We're getting there. But we have time? We can extend it one more time? All right. I'll make a motion to recess. We're in the process of meeting -- myself, Legislator Stern and Kennedy are in the process. Monday we'll be meeting with the -- not Presiding Justice. What is he? Administrative Law Judge and the Bar Association. I'll make a motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Fifteen. (Not Present: Legs. Cilmi, Kennedy and D'Amaro).

P.O. LINDSAY:

It stands recessed. *1704 - 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 (Co. Exec).*

LEG. BROWNING:

Motion to recess.

P.O. LINDSAY:

I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Browning made a motion to recess.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

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

P.O. LINDSAY:

1716 - A Local Law to reduce the use of disposable bags for all retail stores (Viloria-Fisher). I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none --

D.P.O. VILORIA-FISHER:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Viloria-Fisher; I'll second that.
All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen.

P.O. LINDSAY:

I.R. 1729 - A Charter Law to amend the Drinking Water Program to fund remediation of contaminated commercial sites (Cilmi). I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Cilmi, what is your pleasure on this?

LEG. CILMI:

Motion to recess.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

J.R. 1843 - A Local Law to increase the time animal abuse offenders must remain on the County's Animal Abuse Offenders Registry (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1896 - A Local Law to clarify the regulation of secondhand dealers and precious metal dealers in the County of Suffolk (Romaine). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:

Close. Motion to close, please.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1897 - A Local Law to expand the hardship criteria for real property redemptions (Browning). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Browning?

LEG. BROWNING:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

J.R. 1963 - A Local Law authorizing the sale of the County's ownership interest in the residential trust established under the Declaration and Agreement of Trust by and between Wilmington Trust Company and the Suffolk Tobacco Asset Securitization Program -- Corporation (Lindsay). I have no cards on this subject. Is there anyone in the audience who would like to speak to us on this subject? Seeing none, I'll make a motion to close.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. That concludes the hearings for today. I'd like to make a motion setting the date for the following public hearings of December 6th, 2011, 2:30 p.m., at the Maxine Postal, Riverhead, New York, Auditorium:

I.R. 1922 - A Local Law to ensure the integrity and eligibility of prescription labels in Suffolk County (Cooper).

I.R. 1923 - A Charter Law to authorize the use of development rights for smart growth community development and job creation (Lindsay).

I.R. 1924 - A Local Law to broaden enforcement of the County's outdoor wood-burning furnace laws (Eddington).

I.R. 1936 - A Charter Law to ensure funding for sewer infrastructure improvements (Horsley).

I.R. 1965 - A Local Law to eliminate Planning Commission verbatim minutes (Viloría-Fisher).

I.R. 1968 - A Local Law to protect public safety at reproductive health care centers (Viloría-Fisher).

I.R. 1969 - A Local Law to amend the selection process for certain members of the Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board (County Executive).

I.R. 1970 - A Charter Law to ensure appropriate representation of the ten towns on the Suffolk County Planning Commission (Romaine).

I.R. 1983 - A Charter Law to increase public accountability in the budget process (Cilmi).

I.R. 1997 - A Charter Law to ban community college charge-backs to the Towns (Romaine).

I.R. 2000 - A Local Law to establish a public registry of unscrupulous home improvement contractors in Suffolk County ("Contractors Wall of Shame") (Cooper).

And **I.R. 2003** - A Local Law to facilitate the emergency housing of sex offenders in nonresidential areas (Schneiderman).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

We have a motion.

MR. NOLAN:

We have a motion and second.

P.O. LINDSAY:

I need a -- second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. If you go to Page 7, the Consent Calendar, I need a motion.

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Page -- I guess it's 9, Resolutions Tabled Subject to Call. 1559 - amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Suffolk -- in the Police Department.

D.P.O. VILORIA-FISHER:

That's subject to call, we don't have to do that.

P.O. LINDSAY:

Oh, it's subject to call, we don't have to do that. Okay, I'm sorry.

RESOLUTIONS TABLED TO NOVEMBER 22, 2011

Resolutions tabled to November 22nd, 2011: ***1289 - A Charter Law to ensure transparency in the County budget process (Cilmi).***

LEG. CILMI:

Motion to approve.

P.O. LINDSAY:

Motion to approve.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table.

D.P.O. VILORIA-FISHER:

Second the motion to table.

P.O. LINDSAY:

Second the motion to table.

LEG. D'AMARO:

I'll second the motion to approve.

P.O. LINDSAY:

Second the approved. Any discussion? Okay. Motion to table goes first. All in favor of tabling? You got it?

MS. RENEE:

Tabling, 12. (Opposed: Romaine, Schneiderman, Cilmi, Barraga and D'Amaro - Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. It stands tabled. 1453 - Establishing a central phone number for SCAT --

LEG. CILMI:

I withdrew it.

P.O. LINDSAY:

Withdrew it, okay. *1453 - Establishing a central phone number for SCAT bus service (Cilmi).*

MR. NOLAN:

That's the one.

LEG. CILMI:

That's the one I withdrew.

P.O. LINDSAY:

Oh, that's the one you withdrew. I'm sorry. *1464 - Declaring as surplus and authorizing the sale (and) or lease of real property in Selden pursuant to County Law Number -- Section 215 (Lindsay).*

LEG. MURATORE:

Motion to table.

P.O. LINDSAY:

I'll make a motion to approve.

LEG. COOPER:

I'll second the motion to approve.

LEG. ROMAINE:

Second to table.

P.O. LINDSAY:

Okay. Any discussion?

LEG. MONTANO:

Question. Is this -- is this the item that was in the budget?

P.O. LINDSAY:

Yes.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Yes. Okay. Roll call. The tabling goes first.

MS. ORTIZ:

Sorry. Who seconded the tabling?

MR. NOLAN:

Romaine.

MS. ORTIZ:

Romaine.

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

LEG. MURATORE:

Yes to table.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. BROWNING:

No.

LEG. ANKER:

No.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

No.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Five. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Motion to approve.

LEG. SCHNEIDERMAN:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. SCHNEIDERMAN:

Just a question, because I know this would give us the ability to sell that property. If we wanted at some point down the road to sell less if we felt we could get the four million dollars off of a smaller portion, let's say two-thirds or three-quarters, would we have that ability, or must we sell the entire thing based on this resolution? Do we have some flexibility later on?

MR. NOLAN:

I think you'd have to pass a subsequent resolution. If we realize the money from a sale of a smaller portion of it, and we want to change it and establish a different policy that we're not going to sell all of it, I think we need another resolution to do that.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Okay, and -- okay. Motion to approve. And Counsel reminds me that it needs 12. And we are counting on about four million dollars in revenue in the budget from this sale. Okay. Roll call.

*(*Roll Called By Ms. Ortiz, Chief Deputy Clerk*)*

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

No.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MS. ORTIZ:

Thirteen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

Okay. *1491 - Authorizing a custodial license agreement with the Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County*

Park (Shirley) (County Executive).

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. D'AMARO:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1556 - A Local Law in relation to disposition of auction properties (County Executive).

LEG. MONTANO:

Motion to table.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Motion -- who made the motion to table? Legislator Montano. Second by Legislator Browning. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not Present: Leg. Kennedy)

1713 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property) Town of Riverhead (SCTM No. 0600-021.00-01.00-001.004).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Okay, motion. Do I have a second?

LEG. SCHNEIDERMAN:

I'll second.

P.O. LINDSAY:

Okay. Could somebody explain to me? We've had so many of these, the North Fork Preserves. Which one -- didn't we approve the acquisition? So maybe, Legislator Romaine, you could explain this.

LEG. ROMAINE:

Yes. Adjacent, and it is part of the North Fork Preserve, is a 50-acre parcel in which this County, 15, 20 years ago, had bought the development rights.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

This is to buy the difference between the development rights and full fee-simple title, for the simple reason is that the Parks Department has asked that this property be added for park purposes to the North Fork Preserve, and they could not do it because the underlying ownership rights laid with someone for farming. But, in fact, the parcel hasn't been farmed in at least 15, possibly 20 years. And, therefore, as you know, the North Fork Preserve is liquidating as a corporation its properties, there's a desire to sell the underlying fee-simple title and a request from the Parks Department; met with our Deputy Parks Commissioner and she had indicated her willingness for this, so that's why this resolution has come forward.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

A question for the sponsor. Just to clarify, if we moved forward with this resolution, would it obligate us to have an equestrian facility built on this property, or is --

LEG. ROMAINE:

This is a planning steps resolution.

LEG. COOPER:

So, if we moved forward with an acquisition down the road, that --

LEG. ROMAINE:

The acquisition at that time -- let's say the planning steps advanced, there's a consummation of a deal, a contract has been drafted and it had come to the Legislature for the acquisition. At that point, I would expect the Parks Department to step forward and present to you, as a body, the reasons why we should go forward and acquire this.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Just a quick question. Planning steps, I know it's a planning steps resolution. What is the cost factor associated with planning steps, if you know? Would we need to do an appraisal, etcetera?

LEG. ROMAINE:

Well, the cost factor in this particular case, they'd have to get two appraisals of the -- we own the development rights. We'd have to get an appraisal of the underlying fee-simple title, and then there would be a basis of -- then it would go through the review process, a decision would be made, and then it would have to come back to this Legislature.

LEG. MONTANO:

Yeah. But I'm asking, do you have any idea of what the cost factor is, both --

LEG. ROMAINE:

I have no idea what the --

LEG. MONTANO:

Okay.

LEG. ROMAINE:

You know, because, essentially, you're not appraising the property, you're appraising the difference between the development rights and the value of the property, you're not --

LEG. MONTANO:

I got you.

LEG. ROMAINE:

So it's a simpler type of appraisal, but it's -- nevertheless, you have to get an appraisal.

LEG. MONTANO:

Right. Does BRO know, more or less, is there a fiscal -- and I don't have my computer open. Is there a fiscal impact that indicates what the cost factor would be, and would that include County personnel, etcetera, etcetera, etcetera, etcetera? Go ahead.

MS. HALLORAN:

I would just say, generally, planning steps are paid by the Land Acquisition Program that is referenced in the planning step resolution. So most of the ones we're using now are the Quarter Cent Program, would cover planning step funding. As far as what the actual cost of what the planning step would be, I have had difficulty getting an exact answer from Real Property Acquisition and Management, because --

LEG. MONTANO:

On this property or just generally.

MS. HALLORAN:

Just generally --

LEG. MONTANO:

Okay.

MS. HALLORAN:

-- because the cost of an appraisal, for example, can vary significantly depending on a lot of factors.

LEG. MONTANO:

Do you have a ballpark figure there, or you rather -- I don't want to push you if you don't have one.

MS. HALLORAN:

I do have an --

LEG. MONTANO:

What was that?

MS. HALLORAN:

But the range that I was given was quite -- quite a large range that it could be, depending on acreage and depending on --

LEG. MONTANO:

Could you share the range with me?

MS. HALLORAN:

I don't have an exact number, but it could be like \$2,000, or it could be like \$25,000. It could be -- there was -- it was not a consistent number that I was given.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you. We've already, in effect, preserved this property by acquiring the development rights, so these are just planning steps. But the goal or the purpose of going through this is to put an equestrian center here, I would assume, because we've already preserved the property. There's no need to go any further than that if the only intention is to preserve. And I also wanted to ask, does anyone have the rating form? Do we know what the rating is on this property? I just don't recall.

LEG. HORSLEY:

I think 19.

LEG. D'AMARO:

I don't know either.

LEG. ROMAINE:

I think the Clerk's Office should have it --

LEG. D'AMARO:

Ed, do you know?

LEG. ROMAINE:

-- because I know they filed the rating forms and filed with the Legislative Clerk's Office.

LEG. D'AMARO:

I just want to -- I just want to get -- I have some notes here that say 19, but I don't know if that's under the right program.

LEG. ROMAINE:

Well, that -- I don't know if that's under the right program, too, because that may be under the Farmland Program.

MS. HALLORAN:

Can I just --

P.O. LINDSAY:

Go ahead.

MS. HALLORAN:

-- chime in? I don't have that resolution right before me yet, but, in general, planning steps, unless -- some of these properties, planning steps were already initiated by other resolutions and that could affect it. But, in general, once there's a planning step resolution, that just initiates the ratings process, and then the rating might take a little longer to come about. As the Planning Department evaluates the property, then they come up with a rating at some point. So there may not be one yet, but I will check my records and see if I see one that was done prior.

LEG. D'AMARO:

Well, the rating form is required prior to the vote, even in committee, and we always have the rating form before we vote in committee. So do we have a rating form for this planning -- these planning steps under the right program? And if we do, what's the rating?

MS. VIZZINI:

Yeah. You have to differentiate between planning, which is getting all the data together, and acquisition. You're absolutely correct if you're talking about the acquisition resolution, you would most definitely have a rating form. Planning is -- they're planning to acquire the parcel. So we do not have it because I do not believe it was prepared, unless the Clerk has it as a preliminary --

LEG. D'AMARO:

Just if I could ask George, aren't we required to have it at planning steps, the rating form?

MR. NOLAN:

Any time we do a planning steps, there's almost invariably a form, a rating form. I just don't recall what this was rated. I'm sure we did have it in the committee.

LEG. D'AMARO:

All right. Well, let me get past that, because I don't have it and no one else seems to have it.

P.O. LINDSAY:

Could I make a suggestion?

LEG. D'AMARO:

Sure, sure.

P.O. LINDSAY:

What if we skip over this and maybe --

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

-- the Clerk's Office can find that rating form.

LEG. D'AMARO:

That would be great. I appreciate that.

P.O. LINDSAY:

How would that be?

LEG. D'AMARO:

Sure.

MR. LAUBE:

We'll dig it up for you.

P.O. LINDSAY:

Okay. Is that okay with the sponsor --

LEG. ROMAINE:

(Nodded yes).

P.O. LINDSAY:

Okay. *1715 - Confirming appointment of the County Director of Probation (County Executive).*

LEG. SCHNEIDERMAN:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

LEG. D'AMARO:

I'll second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

LEG. MONTANO:

Question.

LEG. EDDINGTON:

On the motion.

P.O. LINDSAY:

On the motion. Who wanted to talk? Oh.

LEG. MONTANO:

Well, I had a question, but --

P.O. LINDSAY:

Go ahead.

LEG. MONTANO:

-- he can go first.

LEG. EDDINGTON:

I'm just -- I'm putting a motion to approve because months ago, when this gentlemen was brought over from Nassau County, came to my office and visited many offices. And I said that, "I would support you as long as you're open and honest." He's proved that. And I just think it's a horrible way to treat people, to keep him hanging on when he's done what he said he would do and we

haven't done what we said we would do. So I'm putting in a motion to approve.

LEG. MONTANO:

I had a question.

P.O. LINDSAY:

Go ahead, Legislator Montano.

LEG. MONTANO:

Yeah. This is not an appointment that is a term appointment; am I correct?

MR. NOLAN:

Correct.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

Okay. We have a motion to table. And, again, I'll -- Legislator Eddington, you kept your commitment. I don't know whether anybody else made that commitment. And I have, you know, nothing against Mr. Cook, and I'm sure he's done a very good job, it's just that we're in a transition period, we're getting a new County Executive, and we just wanted to give the new administration some input into his commissioners, that's all.

LEG. EDDINGTON:

Could I respond? I just want --

P.O. LINDSAY:

Go ahead.

LEG. EDDINGTON:

But whether we approve him now, if we did, it doesn't change the new County Executive coming in. He can still keep him or not. But you even agreed that he's probably doing a fine job, and, of course, I guess, as Chair of Public Safety, that's more my responsibility to make sure he was doing a good job, and we've all kind of agreed that he is, so I don't get it. It's like -- it just seems to me not the right way to treat people, when we bring them over and they've got experience and they're doing a good job, to say, "Well, we're just going to keep waiting," because this isn't just that we've been doing this for a few months. So, you know, I'm sorry. I just -- I am going to live up to my commitment.

P.O. LINDSAY:

Good. Any other comments? Okay. Motion to table goes first.
Roll call.

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

LEG. SCHNEIDERMAN:

No. Oh, this is on the tabling? Yes, table.

P.O. LINDSAY:

Yes.

*(*Roll Call Continued By Mr. Laube, Clerk*)*

LEG. COOPER:

Yes to table.

LEG. ROMAINE:

No to table.

LEG. BROWNING:

No.

LEG. MURATORE:

No.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Eleven. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

1769 - Establishing a voluntary "Puppy and Dog Protection Rating Program" for pet stores in Suffolk County (Cooper).

LEG. COOPER:

Motion to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Who second it?

LEG. SCHNEIDERMAN:

(Raised hand).

P.O. LINDSAY:

Legislator Schneiderman. Any comments?

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

Okay. We'll do a voice vote. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Leg. Kennedy)

LEG. SCHNEIDERMAN:

Tim, cosponsor, please.

P.O. LINDSAY:

Okay. Page 11, Introductory Resolutions.

LEG. COOPER:

Mr. Chair.

P.O. LINDSAY:

Yes.

LEG. COOPER:

If I could make a motion to take one resolution out of order since we have some folks that have been waiting since the morning.

P.O. LINDSAY:

Go right ahead.

LEG. COOPER:

I.R. 1908, which is in Environment on Page 12.

P.O. LINDSAY:

Page 12, 1908. *I.R. 1908 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24 (2007) (Williams Property, Cold Spring Harbor) Town of Huntington (SCTM No. 0400-016.00-02.00-013.004 p/o) (Cooper)*. There's a motion to take it out of the order. Was there a second?

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor?

LEG. MONTANO:

A question on the motion.

P.O. LINDSAY:

Just to take it out of order?

LEG. MONTANO:

Out of order. I'm sorry. Yes, go ahead.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen. (Not Present: Leg. Kennedy)

P.O. LINDSAY:

It is before us. Do I have a motion on the resolution?

LEG. COOPER:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Second by Legislator D'Amaro. Legislator Montano has questions.

LEG. MONTANO:

Yeah, I have a couple of questions. Let me go back to the original question. We have no idea what the planning steps are going to cost on this, do we?

MS. VIZZINI:

No.

LEG. MONTANO:

Yes, no?

MS. HALLORAN:

No.

LEG. MONTANO:

Okay. This is 28 acres?

LEG. COOPER:

Yes.

LEG. MONTANO:

Mr. Cooper, 28 acres that we're talking about here?

LEG. COOPER:

Yes, it is.

LEG. MONTANO:

And this is on Shore Road? I looked at the map earlier. Shore Road seems to be an extension on the water --

LEG. COOPER:

Correct.

LEG. MONTANO:

-- next to -- I forget the street. What is the -- what is this property zoned now?

LEG. COOPER:

There is an application before the Zoning Board in Huntington to put in a housing development. I believe that the proposal is to put -- it's either 12 or 15 homes on the property. I'm sorry, 12 homes.

LEG. MONTANO:

So what would be the zoning there, two acres, a little less than two acres? In other words, if you have 28 acres and you're putting 12 homes, that's two acres per property?

LEG. COOPER:

I don't think it's -- that's certainly not two-acre zoning.

LEG. MONTANO:

I thought it was like -- more like five-acre zoning.

LEG. COOPER:

It is? It absolutely is two-acre zoning.

*(*Laughter*)*

LEG. MONTANO:

It's two-acre zoning, okay.

LEG. COOPER:

Yes, it is.

LEG. MONTANO:

Twelve? So we're talking 12 properties on 28 acres. What is the -- what is the environmental damage that you estimate when you talk about 12 acres on 28 properties? It doesn't seem to be, in

my mind, all that great.

LEG. COOPER:

There is concern over storm water runoff into Cold Spring Harbor, and -- but beyond the adverse environmental impact, this is really a unique property, I would dare say, in western Suffolk County. It's a spectacular pristine parcel that basically has been undisturbed since the time that the Indians walked the land over 300 years ago. And there's been very little open space preserved, certainly in the Town of Huntington, in District 18. This is one of the --

LEG. MONTANO:

Well, there's been none in District 9, so -- but go ahead.

LEG. COOPER:

But -- so this is one of the only -- one of the last remaining parcels of land, of open space --

LEG. MONTANO:

What is the --

LEG. COOPER:

-- that can be preserved in my district.

LEG. MONTANO:

What is the average cost of a property, a home in Cold Spring Harbor?

LEG. COOPER:

I have no idea. I don't live in Cold Spring Harbor. I have no idea.

LEG. MONTANO:

What do you think the estimated value of the per-acre property would be in the cost of this purchase were we to do it?

LEG. COOPER:

There's actually quite a bit of history on this property. We had tried to move forward with an acquisition several years ago when the planning steps were first approved, and at that time we did --

LEG. MONTANO:

The planning steps on this property?

LEG. COOPER:

On this property. And --

LEG. MONTANO:

So, if I may interrupt, Jon, if we approve planning steps before, then why wasn't it purchased before? Why are we coming back?

LEG. COOPER:

I was just getting to that.

LEG. MONTANO:

Go ahead.

LEG. COOPER:

So it was -- the Town of Huntington had approached me probably about three, four years or so ago and asked whether the County would be willing to partner with the Town of Huntington on the acquisition of this very special property. I went that Sunday, I walked the property with a couple of my kids, spent the day there, and signed on immediately. We moved forward with the planning steps, which I believe was approved unanimously at that time. We had the survey done, the appraisals done. At the end of the process, and I think we actually even made an offer to the owners at that time, but the Town of Huntington ran out of money at that point.

LEG. MONTANO:

Well, how much was the -- my question is --

LEG. COOPER:

Well, it's moot, because the owners at that time --

LEG. MONTANO:

Well, wait, wait, wait, wait, wait. Before you say it's moot --

LEG. COOPER:

Well, because I --

LEG. MONTANO:

My question is, do you know how much the appraisal was at that time in terms of the per-acre cost or the total cost of the purchase?

LEG. COOPER:

No, I wasn't made privy to that. However, I do know that what the current owner -- the owners at that time, Pricilla and Doug Williams, both passed away and the property passed to their heirs. If all they cared about was getting the highest dollar value for the property, they would have sold it to developers long ago. The family has always wanted to see the property preserved, sort of as part of their legacy, and their kids feel the same way. So my understanding, I'm not involved with the negotiations, this is, as you may be aware, a three-way partnership. It would be 50% -- 50% --

LEG. MONTANO:

Yes, I am, 25, 25 and 50.

LEG. COOPER:

Right.

LEG. MONTANO:

We're picking up the 50%.

LEG. COOPER:

So my understanding is that the current owners of the property are willing to accept well below market value in order to see this property preserved, so I --

LEG. MONTANO:

But what is market value, is what I'm asking you.

LEG. COOPER:

I don't know.

LEG. MONTANO:

What was market value, if you know?

LEG. COOPER:

Again, I don't know, I was not privy to that. I don't know if --

LEG. MONTANO:

Does anyone from Real Estate -- would they have those figures, or would they be in a position to disclose that? I'm trying to get a handle on what we're looking at in terms of spending. We have no way of knowing what we're looking at in terms of --

LEG. COOPER:

Yeah.

LEG. MONTANO:

-- what we're investing for the planning steps.

LEG. COOPER:

Again, I think they were confidential negotiations. And even right now, I've heard rumors as to what I think the family may be willing to accept, but it's not appropriate for me to put it on the record, but --

LEG. MONTANO:

Well, you don't want to say it. Yeah, I don't want to -- I want to -- what I'd like to know is the appraised value, because I think it's a very high purchase. I am somewhat familiar with the property.

LEG. COOPER:

I could tell you off the record -- I mean, a side-bar conversation.

LEG. MONTANO:

No, no, you don't need to tell me off the record.

LEG. COOPER:

But it's -- for western Suffolk County, I think that this would be a very reasonably priced acquisition, certainly, when you consider the really unique beauty of this property.

LEG. MONTANO:

Aside from the aesthetics, though, what is the -- I'm not clear on what the environmental need is in terms of -- I've heard people say we need to preserve the water, we need to -- but I'm not clear on what the environmental sensitivity is of this particular parcel, other than you've said some storm drainage, which I think can be resolved. You know, even if it is developed, we're not talking about over-development here, we're talking about development that is two acres per property. You know, I looked at the school district figures. I think you have less than 800 people -- 1800 people in that school district, so it doesn't seem to me, at least on first blush, to be something that is environmentally sensitive. So that's where I'm directing the question. Is there anything that you can tell me that can change my mind with respect to the environmental aspects of this property and why we need to -- you know, at a time that we are talking about laying off people, we're talking about land acquisition on something that doesn't appear in my mind to be, you know, environmentally sensitive.

LEG. COOPER:

But, Legislator Montano, you're aware that whether we acquire this property or not, that has no impact whatsoever on layoffs. This is a dedicated fund.

LEG. MONTANO:

No, I understand it's a dedicated fund and --

LEG. COOPER:

Right. So, as I said, maybe we can invite someone from the Department of Planning to attest --

LEG. MONTANO:

But it's still tax money that we have gotten. Even though it's dedicated, it's still tax money that we got from the taxpayer.

LEG. COOPER:

Right. But this is exactly -- this was on the master list, it was on the master list previously when we did the first --

LEG. MONTANO:

Okay.

LEG. COOPER:

-- planning steps resolution that we attempted to acquire the property several years ago. Again, I'm almost certain that that was approved unanimously. I believe that you supported it at the time. So this property remains as unique and as pristine as it was then. Whatever threat there was of storm water runoff entering the estuary of Cold Spring Harbor, whatever threat there was before, that threat remains the same. But beyond that, this entire part of the Town of Huntington in my district is pretty heavily developed. We have never done, in the 12 years that I've been there, and I dare say even before that, we've never done an open space acquisition in this section of the Town of Huntington. This is a spectacular property. If this were to be developed, it would adversely impact the vista views coming into Cold Spring Harbor, which is basically the entrance to the Town of Huntington from Nassau County. It would destroy that. You really have to look at the property. It's on a -- it's on a hillside.

LEG. MONTANO:

Disturb the vista for whom?

LEG. COOPER:

For anyone coming into Suffolk County on 25A, which is the main thoroughfare. If a -- well, again --

LEG. MONTANO:

Right, putting 12 -- all right. I won't debate -- I won't debate this. I generally do support planning steps, but I think that this is not the right time to do it, so I'll just cast my vote. Thank you.

LEG. COOPER:

Thank you.

D.P.O. VILORIA-FISHER:

And, Legislator Cooper, you're absolutely right. This is to protect, you know, water because it is coastal and old growth area such as this would act as a great filtration system before the waters reach the -- yes, Legislator D'Amaro.

LEG. D'AMARO:

I just want to add to that. The fact that it's on a master list, my understanding is that we don't have a rating. But that kind of blows past the rating form, that it's already pre-determined.

D.P.O. VILORIA-FISHER:

It's already been identified.

LEG. D'AMARO:

That is identified, and not only identified, but also targeted as a desirable parcel for preservation. So I don't think we've ever really questioned the properties on the master list, and as Legislator Cooper says, this area of Huntington really hasn't seen any preservation. So I would urge everyone to support this.

D.P.O. VILORIA-FISHER:

And don't forget, this is not a sewerred area, so we're talking about putting cesspool -- you know, septic systems here, cesspools in here, and increasing nitrogen load. So it goes on and on.

LEG. MONTANO:

May I ask another question?

D.P.O. VILORIA-FISHER:

Sure.

LEG. MONTANO:

Is there anyone else on the list? Jon, right now the land is undeveloped, but it's privately owned, so we derive a tax base -- tax revenue from this?

LEG. COOPER:

Sure, it's in private hands.

LEG. MONTANO:

Do you know what that tax base is?

LEG. COOPER:

I don't know.

LEG. MONTANO:

Do you know what the tax base would be if we actually put 12 homes on 28 acres?

LEG. COOPER:

You're asking the wrong person. I have no idea.

LEG. MONTANO:

Okay. Thank you.

D.P.O. VILORIA-FISHER:

Okay. Do we have a motion? No. We only had a motion to take it out of order. Did we vote on that?

MR. LAUBE:

You have a motion and a second to approve.

D.P.O. VILORIA-FISHER:

There was a motion to --

MR. LAUBE:

Legislator Cooper made a motion and Legislator D'Amaro was the second.

D.P.O. VILORIA-FISHER:

That was to take it out of order, wasn't it?

MR. LAUBE:

No, that's to approve.

D.P.O. VILORIA-FISHER:

To approve? Okay. So we have a motion and a second to approve. All in favor? Opposed?

LEG. MURATORE:

Opposed.

LEG. MONTANO:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. EDDINGTON:

Opposed.

MR. LAUBE:

Thirteen. (Not Present: Leg. Kennedy).

D.P.O. VILORIA-FISHER:

Thank you.

LEG. COOPER:

Thank you.

BUDGET & FINANCE/INFORMATION TECHNOLOGY:

D.P.O. VILORIA-FISHER:

Page 11, Budget and Finance: *1891 - Authorizing the creation of a Capital Fund to account for all capital activity related to Gabreski Airport, a proprietary fund of the County (County Executive).*

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second? Do I have a second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. HORSLEY:

1811?

P.O. LINDSAY:

1891, Page 11. Could I get an explanation on this?

LEG. SCHNEIDERMAN:

It's a GASB requirement that we segregate the capital money at the Airport, so --

P.O. LINDSAY:

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. 19 --

D.P.O. VILORIA-FISHER:
I'm right behind you.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1902 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover contractual salary increases in the 2011 Adopted Discretionary Budget (County Executive). I'll make a motion.

LEG. BARRAGA:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1903 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover contractual salary increases in the 2011 Adopted Mandated Budget from the 2011 Adopted Discretionary Budget (County Executive). Same motion, same second, same vote all right?

D.P.O. VILORIA-FISHER:
Sounds good.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1904 - Amending the 2011 Operating Budget and appropriating funds in connection with bonding for settlements for a Federal lawsuit (County Executive). I'll make a motion.

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

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:

On the accompanying bond, **1904A**, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1.R. 1906 - Authorizing the County Comptroller and the County Treasurer to close certain capital projects and transfer funds (County Executive). I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1914 - Appropriating funds in connection with renovations to Long Island Maritime Museum (CP 7165) (Lindsay). I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Same motion, same second on **1914A**, the accompanying bond resolution. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

J.R. 1900 - Reappoint Nancy J. Duncan as a member of the Suffolk County Citizens Advisory Board for the Arts (Eddington). Legislator Eddington, you want to make that motion?

LEG. EDDINGTON:

Motion to approve.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1841 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Boyle Road property - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000) (Muratore).

LEG. MURATORE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Muratore.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi.

LEG. MONTANO:

Oh, the school property, yeah.

P.O. LINDSAY:

Yeah. We approved this once before and it was vetoed, right? Is this the same parcel?

LEG. ANKER:

No, it wasn't approved.

P.O. LINDSAY:

Do you know, George?

MR. NOLAN:

Maybe. I'm pretty sure this was passed. It was vetoed, and I believe the veto was sustained on the same property. That's my recollection.

P.O. LINDSAY:

Okay. We have a motion and a second to approve. I just got to say, I can't support it because it's just going to go down the same road again.

LEG. ANKER:

Can I say something?

P.O. LINDSAY:

Yes, Legislator Anker.

LEG. ANKER:

My recollection was that it wasn't -- I don't know. Do you remember? That it wasn't approved? This was your bill, yes? And it didn't go, okay.

P.O. LINDSAY:

I'm almost sure it was approved and vetoed.

LEG. ANKER:

I don't think it was. It was.

LEG. MONTANO:

It was vetoed, though.

LEG. ANKER:

It was vetoed, okay. All right, just to confirm that. My concern with this particular parcel is that it is owned by a school district. And again, I don't feel that the taxpayers should spend twice for the same piece of land. The school district property was purchased through, you know, the taxpayers and, you know, at a substantially lower rate, and now the County again is going to purchase this same piece of property. I think it's a wonderful idea to allow this property to be used for the benefit of the community and for the kids. However, I think the school district should be more assertive in trying to find a partnership, a public/private partnership, or just a private partnership like the North Shore Colts or other type of ball field type of clubs. I think that would be a wonderful idea, and then there's not as much of a burden on -- you know, on the taxpayers as far as where the funding will come from.

LEG. MURATORE:

So, if that doesn't work, you want to give it to a developer.

D.P.O. VILORIA-FISHER:

Through the Chair.

P.O. LINDSAY:

Go ahead.

D.P.O. VILORIA-FISHER:

Legislator Muratore, I think you know that I taught at Selden Junior High for quite a while, and I think this land actually may have been given to the Middle Country School District when the Levitt Homes went up there right off of Hawkins. There was a development. So maybe you could check on that. I think that this actually may not have paid for -- but you could check on that.

LEG. MURATORE:

So then it wasn't paid with taxpayer dollar.

D.P.O. VILORIA-FISHER:

That was my recollection, but I'm going back about 40 years. So I'm just going to --

LEG. CILMI:

Forty years?

LEG. MURATORE:

That's before my time.

D.P.O. VILORIA-FISHER:

I started teaching at Selden Junior High in 1969.

LEG. MONTANO:

Can we take that to the bank?

D.P.O. VILORIA-FISHER:

You sure can, as long as you're not a taxpayer.

LEG. MONTANO:

We are taxpayers.

LEG. MURATORE:

Can I do this, then, can I change my motion to table so we can research this and then --

P.O. LINDSAY:

Sure.

LEG. MURATORE:

Okay? Motion to table, then.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1883 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the purchase of equipment for Hexavalent Chromium Testing (CP 8710.513) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vioria-Fisher. Do I have a second?

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi. I would probably be very happy to support this resolution if I knew what that was.

D.P.O. VILORIA-FISHER:

You know, this is some work that's being done by the Health Department, you know, the Division of Environmental Quality, Walter Dawydiak, and I believe it has to do with looking at new types of water cleansing, like in sewer systems, chromium systems.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

You know, I'm not a scientist, I'm not going to pretend, but Walter did a great presentation at the Water Quality Review Committee on this new kind of equipment.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1884 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with Suffolk County's Vector Control Pesticide Management Committee's Review of Emerging Literature (CP 8710.132) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

And just again, by way of explanation, this isn't just about the Vector Control reading books. By our own plan, they have to keep up with whatever kind of studies, scientific studies that are -- they are ongoing regarding the different types of pesticides, so that they keep up with whatever emerging literature there is on the scientific studies of the materials that they're using. So they need the money to be able to do this.

P.O. LINDSAY:

Do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just a quick question. How much is this resolution for? What's the amount that we're appropriating.

MR. NOLAN:

Fifty thousand.

LEG. KENNEDY:

Fifty thousand. And this is for retaining a consultant to actually do the literature review or --

D.P.O. VILORIA-FISHER:

Basically, they have to do the literature studies and they need a -- you know, to have a scientist to do the work to understand what's going on in the literature studies. They're pretty involved because there's -- you know, the adulticides and larvicides that they're using are always changing and there are different studies showing whether they're probable carcinogens or if they're inhibitors, if they affect the sea life or the marshes, and so you really need the people in that field to do the review.

LEG. KENNEDY:

There's a new species, as a matter of fact, I'm sure you're right, that it was in Hauppauge, Asian biting or Asian tiger, or something, that actually -- it attacks during the day, and, as a matter of fact, we don't have much in the way of a treatment or strategy. Was there any discussion about any of that?

D.P.O. VILORIA-FISHER:

They didn't go into the specific --

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

They didn't go into the specific studies, just the fact that they are required --

LEG. KENNEDY:

Okay.

D.P.O. VILORIA-FISHER:

-- by our County laws, because we passed a resolution.

LEG. KENNEDY:

Yes, yes.

D.P.O. VILORIA-FISHER:

-- with a long-term plan.

LEG. KENNEDY:

Yep.

D.P.O. VILORIA-FISHER:

-- for our wetlands, that they have to do these studies in order to make sure that we're safely applying these very strong chemicals.

LEG. KENNEDY:

Okay. I'll send a note of request. Thank you, Madam Chair.

D.P.O. VILORIA-FISHER:

So are you seconding? I don't know if I have a second. Is there a second.

LEG. KENNEDY:

Oh, you got a second over here, I believe, right?

MR. LAUBE:

I have a -- I have Legislator Stern as a second.

P.O. LINDSAY:

Stern.

LEG. KENNEDY:

Legislator Stern, yes.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1.R. 1885 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with Shellfish Aquaculture Lease Monitoring Program in Peconic Bay and Gardiners Bay (CP 7180.114) (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Viloría-Fisher. Is there any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1887 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with storm water abatement within the Village of Southampton (CP 8240.327) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1888 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Fertilizer Nitrogen Reduction Program (CP 8710.120) (County Executive).

D.P.O. VILORIA-FISHER:

Motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by Legislator Romaine. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1889 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the USGS Monitoring of Waterways for Mosquito Control Products (CP 8710.133) (County Executive)

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher. Do I have a --

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1890 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Pharmaceutical Disposal and Aquifer Protection Initiative (CP 8710.134) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1909 - Cancelling a certain consultant contract (Kennedy).

LEG. HORSLEY:

What is that?

LEG. KENNEDY:

I'll make a motion.

P.O. LINDSAY:

Are you sure?

D.P.O. VILORIA-FISHER:

Are you certain?

LEG. KENNEDY:

I would be -- I would be pleased to make that motion, Mr. Chair.

LEG. BROWNING:

Second.

LEG. KENNEDY:

Yeah. As a matter of fact, this refers to yet another closure consultant that the County Executive elected to retain when he sent out 221 layoff notices, what, about two-and-a-half months ago, and he indicated he would have all those staff off the payroll by November 15th.

LEG. BROWNING:

Second.

LEG. KENNEDY:

We just funded the facility through next year. Once again, it's another unnecessary contract.

P.O. LINDSAY:

Okay. We have a motion and a second.

LEG. EDDINGTON:

I've got a question.

P.O. LINDSAY:

On the question, Legislator Eddington.

LEG. EDDINGTON:

Can we actually vote on something where it says, "Cancel a certain" -- is that the name of the company?

LEG. KENNEDY:

The entity, I believe, is CMS Services. I'll defer to Counsel, but I believe that at the time that we filed this, Legislator Eddington, I believe it was actually as -- the Waiver Committee had just met. There was no RFP for this, it was something that was selected by the Executive. And nevertheless, it is very specific as to the services that are being furnished, so there can be no ambiguity as to eliminating other consultant contracts, although that might not be the worst of situations in this light.

P.O. LINDSAY:

Ms. Vizzini.

MR. NOLAN:

It is identified in the resolution.

LEG. EDDINGTON:

I know I got an answer from a lawyer, but could you just --

*(*Laughter*)*

P.O. LINDSAY:

Ms. Vizzini, might have the answer for you.

LEG. EDDINGTON:

Oh, okay.

MS. VIZZINI:

Although the name of the entity is not in the title, as George just stated, it is clearly stated in the first "resolved" clause.

LEG. EDDINGTON:

Okay. Thank you.

MS. VIZZINI:

You're welcome.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

18 --

LEG. ROMAINE:

Oh, please list me as a recusal on that.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

1810 - A Local Law to address improved properties and increase affordable housing in Suffolk County (Browning).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning; I'll second it.

D.P.O. VILORIA-FISHER:

Can you just explain it again, Kate? I'm sorry.

LEG. BROWNING:

Okay. This was brought about when we had these habitable homes that are up for auction and are not auctioning and --

D.P.O. VILORIA-FISHER:

Okay. So it is about that whole --

LEG. BROWNING:

Right. And we're working with a program for housing for return of veterans. So the intent is, once we get this passed, we'll be able to do the 72-h with the existing properties to work with an organization that does homes for returning vets.

LEG. MONTANO:

I have a question.

LEG. CILMI:

Yeah, I have a question, too.

P.O. LINDSAY:

Legislator Montano, and then Cilmi.

LEG. MONTANO:

Yeah. In the resolution, the underlying section says, "Municipalities accepting habitable improved parcels shall reimburse the County for all back-taxes, and the applicable charges due and owing on such parcels at the time of transfer." So I guess this question is to Counsel. With respect to the bill that requires auction property, property that the tax -- the County took, if we were to auction it, we would have to reimburse the owners of residential properties for some of the equity. Would this apply here? Did I --

MR. NOLAN:

No, it's -- we're putting this on under the 72-h transfer section. So like all 72-h transfers, you won't have that scenario where a former owner is going to get the proceeds from an auction sale because there is no auction sale.

LEG. MONTANO:

So residential owners who live in the house and fall on hard times and lose the property for back-taxes, if it were auctioned off, they would be able to at least get part of their equity back, but in this case they would receive nothing, is that what we're saying?

MR. NOLAN:

Correct, there's --

LEG. MONTANO:

Okay.

MR. NOLAN:

We're not auctioning these properties. These properties are 72-h'd to the towns.

LEG. CILMI:

And we have to vote on every one of them, right? This doesn't give --

MR. NOLAN:

Right, any --

LEG. MONTANO:

Well, I'll yield. I'll yield to Legislator Cilmi on that.

MR. NOLAN:

Any 72-h will come to the Legislature for approval.

P.O. LINDSAY:

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

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1850 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Southampton for Affordable Housing Purposes (SCTM No. 0900-139.00-02.00-033.001 and 033.002) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman? Did you make a motion?

LEG. SCHNEIDERMAN:

I did.

P.O. LINDSAY:

Do I have a second?

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1886 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day School, the Community Programs Center of Long Island, Inc. - Port Jefferson, the Community Programs Center of Long Island, Inc. - Ronkonkoma, Lazy Cow, Inc. dba Kiddie Care Early Learning Center, Rainbow Chimes Inc., Brightwaters Child Care and Development Center, Inc., dba Kiddie Academy of Brightwaters, and Colonial Youth and Family Services Day Care Providers under contract with the Department of Social Services (County Executive).

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Browning; second by Legislator Viloría-Fisher. All in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed.

MR. LAUBE:

Seventeen.

D.P.O. VILORIA-FISHER:

1782 - A Local Law to establish a reporting requirement for registered sex offenders in County parks (Lindsay).

P.O. LINDSAY:

I make a motion.

D.P.O. VILORIA-FISHER:

Is there a second?

LEG. BROWNING:

Second.

LEG. STERN:

Second.

P.O. LINDSAY:

Second, Legislator Browning. All in favor? Oh, is there a discussion

LEG. CILMI:

I have a question.

D.P.O. VILORIA-FISHER:

Legislator Cilmi. Sorry.

D.P.O. VILORIA-FISHER:

John, did you have a question?

LEG. KENNEDY:

I did.

D.P.O. VILORIA-FISHER:

Okay.

LEG. CILMI:

Thank you. Just I have a question with regard to -- I mean, this is yet another one of these restrictions. And I read somewhere recently -- I guess this is to Counsel. I read somewhere recently that some of these laws have been stricken as unconstitutional. I just wondered if you could opine on that?

P.O. LINDSAY:

First, what I was just going to say, this doesn't prohibit the sex offender from doing anything except, if he's going to stay in the campgrounds, he has to make the Park Police aware that he's there.

MR. NOLAN:

I understand there's some cases from around the State where residency restrictions that are enacted by localities are being struck down, I believe because of unpreemption, because the State of New York recently passed a statute imposing restrictions on sex offenders and where they live. There hasn't been a decision out here yet striking down our statutes, but that does appear to be a trend.

LEG. CILMI:

Have there been any cases brought against us to do just that?

MR. NOLAN:

I believe there are some cases pending.

LEG. CILMI:

Okay.

LEG. MONTANO:

If I may.

LEG. KENNEDY:

Mr. Chair.

D.P.O. VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I had an opportunity -- and I appreciate Legislative Counsel weighing in. I spoke with the County Attorney's Office at length about this matter as well, because I was concerned about prohibitions or conflict with the State statute. And in the process of their review as well, I believe -- I don't want to speak for Ms. Lolis, but she's here and I was just going to ask her. I think she concurs with Legislative Counsel.

MS. LOLIS:

That is correct, we don't have any legal concerns about the constitutionality of this.

LEG. KENNEDY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm just surprised this already isn't required under the State Reporting Law. They're supposed to say where they're living. If they're in a campground for a week, I would think that they would have to report that location.

P.O. LINDSAY:

It isn't their permanent residence. It isn't their permanent residence, and the reporting requirement leaves like a one-week window.

LEG. SCHNEIDERMAN:

Oh, okay.

P.O. LINDSAY:

Ten days, ten-day window.

LEG. SCHNEIDERMAN:

So it's within that window. And so you don't make them report onto the web, just to Park Police.

P.O. LINDSAY:

No.

LEG. SCHNEIDERMAN:

Okay.

P.O. LINDSAY:

Right. And this came about as a request from a Park Policeman that saw a pattern of some of these characters staying in our parks. And he said that, you know, unless you really are up on the web page of who is a registered sex offender, you wouldn't know it, so he asked me to take this step. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

(1785) Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to campgrounds (CP 7009) (Romaine).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

We have a motion and a second.

LEG. MONTANO:

Explanation, please.

P.O. LINDSAY:

This is to create a station for the sex offenders to weigh in.

*(*Laughter*)*

I'm only kidding. Legislator Romaine.

LEG. MONTANO:

I would laugh harder, but I didn't hear you.

P.O. LINDSAY:

No. I said it would -- this creates a station for the sex offenders to register.

LEG. ROMAINE:

Yes. This is at Indian Island Park, and at the very eastern terminus of that park there are bluffs that over the last couple of years have been eroding and clogging the channel for Meeting House Creek as it flows into the Peconic Bay. This is an attempt by Public Works and the Parks Department to build a stone revetment to prevent the continued erosion at that particular site. It has created a navigation hazard because it has clogged the channel, and it's obviously eroding the cliffs and we're losing a couple of feet each year.

P.O. LINDSAY:

Anything else?

LEG. MONTANO:

Yeah. I had a question.

LEG. ANKER:

Yes.

P.O. LINDSAY:

Legislator Anker, go ahead.

LEG. ANKER:

You know, I have the same problem over in Mount Sinai Harbor, a lot of that erosion is happening. So maybe we can get together and try to figure out what the latest technology in trying to, what, maintain those cliffs, because, again -- and it clogs up the harbors.

LEG. ROMAINE:

This is a -- I don't know about Mount Sinai Harbor, but this is County land, this is a County park, and it's raised a lot of concerns, and probably going to require us to re-dredge the entire channel along this front. It's almost closed the Meeting House Creek, which is a large -- there's a large marina in there and several other boating communities in there. They can't even get their boats out because of the erosion from the County park to these bluffs, and these bluffs are going to be lost over time. And what's interesting is not too far from these bluffs is an Indian burial ground, so we're trying to preserve that as well.

LEG. MONTANO:

I had a question.

P.O. LINDSAY:

Yes, Legislator Montano.

LEG. MONTANO:

Yeah. I'm sorry, I lost focus here for a second. Legislator Romaine, is this an existing capital project that we're moving money within, or is this something that is new and we're taking money from another capital project?

LEG. ROMAINE:

No. I believe this is an existing capital project and it's simply appropriating money to do this project.

LEG. MONTANO:

Oh, okay. So we're moving money from within the existing appropriation?

LEG. ROMAINE:

That's correct.

LEG. MONTANO:

Okay. Thank you.

LEG. ROMAINE:

And I think Budget Review would confirm that as well.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Legislator Montano asked my question, but just to go a little further. So this is appropriating only 40,000, and is that -- what phase are we at in this project, and is there enough in the project to complete it?

LEG. ROMAINE:

According to Public Works, there is. So, you know, in this case I'm their handmaiden moving this forward because I'm very familiar with this project. I've lived with this for the last couple of years, and people are all complaining about this, and the Parks Department realizing they have a problem. And every year what they've done, just so we should know, it's called surrender sand. They dump tons of cubic yards of dirt on the bluff to try to stabilize it. It doesn't do any good, it just goes right into the bay by the end of the season. So, instead of doing that, this is a different approach that, hopefully, they'll be taking.

LEG. D'AMARO:

Okay. But the capital project that we have right now, which is CP7009, does not have sufficient funds in it for this project because we're using an offset here, right? So is this -- is this an ongoing project? Is this a cost overrun or an unanticipated --

LEG. ROMAINE:

This is an ongoing project. Every year they dump this sand. And what I'm trying to do is, instead of dumping sand that just clogs the bay because it erodes within a matter of weeks, let's see if we can do a little revetment to prevent that sand from entering the bay.

LEG. D'AMARO:

I'm not -- I don't dispute that. I'm just asking why are we taking money from another project?

LEG. ROMAINE:

I assume because they needed -- they needed more money for the project.

LEG. D'AMARO:

Right. So then that begs the question, how come? Is this something -- excuse me. Is this something, an unanticipated problem? Is it a cost overrun? Was it not --

LEG. ROMAINE:

This is a well-anticipated problem. This has been anticipated for many years. What I'm trying to get Public Works, and what Public Works has agreed, is, you're right, dumping sand there every year is not a solution to the problem. In fact, it's probably creating all of the sediment and clogging of the bay and the channel, that the way to try to save these cliffs is to try to do some type of -- a form of revetment, and that's why, I guess, the extra money was needed.

LEG. D'AMARO:

So it's done every year, though.

LEG. ROMAINE:

Well, the sand-dumping is. This is a different approach --

LEG. D'AMARO:

Oh, this is --

LEG. ROMAINE:

-- that we're hoping to do this year.

LEG. D'AMARO:

Okay. So this is --

LEG. ROMAINE:

This coming year, right.

LEG. D'AMARO:

This is, in effect, a new project funded with an offset.

LEG. ROMAINE:

Yes, yes.

LEG. D'AMARO:

Okay. Because Legislator Montano had asked if it's an existing capital project and you said -- I thought you said yes to that.

LEG. ROMAINE:

Yeah, I thought it was an existing capital project, but I realize that there's -- we needed additional money for this project.

LEG. D'AMARO:

All right. So then my last question is, how much more would the projects cost? You know, we're voting for 40,000 authorization today.

LEG. ROMAINE:

I think this is about it. The size of the cliff is probably as high as this room and probably one-and-a-half times the lengths of this room. We're talking at the southern end of Indian Island Park. Sometimes, anyone that's -- occasionally they have press conferences out there because it's great vista. So we're not talking about a large area, we're talking about a small area that's eroding. It's the southern point of Indian Island Park.

LEG. D'AMARO:

Okay. Well, I don't know anything about the project. So you're saying that this is the only appropriation you're going to need for this?

LEG. ROMAINE:

I believe so at this time. But, I mean, really, I wish there was someone here from Public Works that could comment on it a little bit more.

LEG. D'AMARO:

Yeah, me too. I just don't -- you know, I'm just questioning it. I'm not questioning really the merits of what you're trying to do, but we are amending the Capital Budget, which in my mind we're creating a new capital project, and I just don't know anything about the project or what ultimately the cost of the project is going to be, that's my point.

LEG. ROMAINE:

Gil Anderson, just in time to save the day. We're talking about Capital Project 7009 for Indian Island Park and what we're going to be doing to the -- for the erosion of the cliffs at the southern terminus of that park.

COMMISSIONER ANDERSON:

That's at the tee, hole number 5, I believe, there. Yeah. The bank there has eroded significantly. It's gone into the actual -- the green area. We're going to stabilize that slope and, you know, through engineering means, to keep it from further eroding, and that's really the plan at this point.

LEG. D'AMARO:

Wait a minute. This -- I think that's a different resolution, Commissioner. We're on 1785, Capital Project 7009, in connection with improvements to campgrounds.

LEG. ROMAINE:

The second one under the Parks and Recreation.

COMMISSIONER ANDERSON:

Unfortunately, I don't know.

LEG. D'AMARO:

Indian Island County Park Campground in Riverhead.

COMMISSIONER ANDERSON:

Yeah. I don't know anything about what we're doing with that one?

LEG. D'AMARO:

Oh, really. Neither do I. I just think that, you know, again, Legislator Romaine, I'm not trying to, you know, hold this up in any way, but I just see it as a new capital project and I'm just curious what DPW's position is on it and what the ultimate cost is going to be.

LEG. SCHNEIDERMAN:

Can I suggest we pass over it, give Gil a little bit of time to review it?

LEG. D'AMARO:

Sure, yeah, absolutely.

LEG. SCHNEIDERMAN:

And we can come back?

COMMISSIONER ANDERSON:

Let me see if I can reach some staff and I'll --

P.O. LINDSAY:

Maybe I could just clarify. Gil, there's two Indian Island resolutions, one is the campgrounds, the other one is stated golf course.

COMMISSIONER ANDERSON:

Correct.

P.O. LINDSAY:

One of them is for erosion, right?

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

I think that's the golf course, isn't it?

COMMISSIONER ANDERSON:

Correct, yep.

P.O. LINDSAY:

Losing the fifth hole or something there?

D.P.O. VILORIA-FISHER:

Yes.

COMMISSIONER ANDERSON:

Yes, we are.

P.O. LINDSAY:

Is that the same one you're talking about, Legislator Romaine, or are they both erosion projects?

LEG. ROMAINE:

They're both erosion projects.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

The other erosion project is at the end of Indian Island Park.

The southern terminus, there's a -- like a cliff there and --

COMMISSIONER ANDERSON:

That keeps washing out and to the --

LEG. ROMAINE:

That keeps on washing out, and every year you keep on dumping sand into it.

COMMISSIONER ANDERSON:

Yes. I know which one this is now.

LEG. ROMAINE:

If you remember Larry's Lighthouse, and all of that, and the channel clogging up?

COMMISSIONER ANDERSON:

Again, this another engineered solution to stabilize the slope. As the Legislator mentioned, it keeps eroding during storms and washing into the creek. Our hope is that by stabilizing the slope through engineering means, we'll be able to eliminate any further erosions of that slope into the creek.

LEG. ROMAINE:

Legislator D'Amaro's question was would the \$40,000 be sufficient to complete this project, if I'm not -- if I'm paraphrasing that correctly.

LEG. D'AMARO:

That's fine.

COMMISSIONER ANDERSON:

I would assume so. Again, without having any of the detail in front of me, it seems like certainly enough to do what needs to be done.

LEG. D'AMARO:

Is this an existing capital project? In other words, we just -- we didn't anticipate an expense and we need another 40,000 or --

COMMISSIONER ANDERSON:

This is through an existing capital project, but this is an unexpected event that occurred.

LEG. D'AMARO:

It's a new project, in effect, within a generalized capital project?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

So you feel that appropriating \$40,000 for this specific purpose would be a sufficient amount to get the job done, what you're trying to accomplish there?

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

You do?

COMMISSIONER ANDERSON:

If we have --

LEG. D'AMARO:

Okay. Then that's fine. Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. SCHNEIDERMAN:

Bill, put me on the list.

LEG. MONTANO:

Hi, Commissioner. How are you? Commissioner, you weren't here earlier. I asked -- I got an answer, but I think --

P.O. LINDSAY:

You're in and out.

LEG. MONTANO:

Okay. Again, good afternoon, Bill. I had asked a question earlier, I got an answer, but now I'm not clear that that answer is necessarily accurate. What I had asked was if this was an existing capital project where we were moving money within the project, and I -- the answer was yes. But in discussing this with counsel, my understanding is that we're not moving money within the project, that the money that -- the \$40,000 that we're using is coming from a different source. Am I accurate in that or is that a --

COMMISSIONER ANDERSON:

I honestly don't know. I don't have the resolution in front of me. I'd have to see it.

LEG. MONTANO:

Then let me ask Counsel. Counsel, is this money, this \$40,000 -- we are talking 40,000, right, Ed?

LEG. ROMAINE:

Yes.

LEG. MONTANO:

Okay. Is this \$40,000 being moved within an existing capital project, or is it coming from a different source? And if so, what source is it coming from?

MR. NOLAN:

Yes. The 40,000 is being moved from the Capital Project 1755, which is the Legislature's offset account. It's being moved into improvements to campgrounds.

LEG. MONTANO:

So it's coming from one capital project to a totally different capital project, it's not money within an existing capital project.

MR. NOLAN:

That's correct.

LEG. MONTANO:

Okay. That's not what I understood earlier.

LEG. SCHNEIDERMAN:

Vivian.

D.P.O. VILORIA-FISHER:

Go ahead, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm familiar with this area. Forty-thousand dollars for an engineered solution, that sounds like sand, frankly. That's like not a lot of money, 40,000. I know that with the shore lines, whatever you do on the shore lines is often controversial and there's local waterfront plans, the DEC gets involved. There has been, certainly, a movement toward keeping the shoreline a natural shoreline, as hardened structures have caused unforeseen erosion in other areas. So, Gil, you know, typically, you'd obviously have to get DEC approval for a project like this, you know, unless it's a natural -- maybe you're just planting it. I don't know. Maybe it's filter cloth of some kind.

D.P.O. VILORIA-FISHER:

Gil, didn't somebody come to CEQ with this? I thought there was DEC comments already.

COMMISSIONER ANDERSON:

I would imagine.

LEG. SCHNEIDERMAN:

This does not sound like the cost of a revetment to me, a \$40,000 cost.

LEG. D'AMARO:

While they're looking at that, Legislator Schneiderman, I'm just wondering if this wasn't a project that was pushed back in the Capital Budget. I just want to really know what we're doing here.

Are we moving it forward?

LEG. SCHNEIDERMAN:

Well, you know, typically these come down from the County Executive's Office. This is somewhat unusual that the Legislator from the area is doing it. I imagine it needs to be done and he's got that familiarity, but I'm not familiar with this project. And it didn't go through Public Works, it's going through Parks.

COMMISSIONER ANDERSON:

That's why I'm having trouble with it, too. But looking at the resolution, this fourth "whereas" states DPW has estimated that planning and design of this project will run \$150,000, which is 40,000 more than previously appropriated for --

LEG. SCHNEIDERMAN:

That was planning and design.

LEG. ROMAINE:

Right.

COMMISSIONER ANDERSON:

For planning and design.

LEG. SCHNEIDERMAN:

Was 150,000, okay.

COMMISSIONER ANDERSON:

Right. Yeah. We wouldn't just dump sand back in. That's what we've been doing.

LEG. SCHNEIDERMAN:

So this 40,000 is additional planning and design funds.

COMMISSIONER ANDERSON:

Correct.

LEG. SCHNEIDERMAN:

That makes sense.

COMMISSIONER ANDERSON:

Yeah.

LEG. SCHNEIDERMAN:

Okay.

LEG. D'AMARO:

So, if I could, that's --

LEG. SCHNEIDERMAN:

So we'll still have to go to the DEC once we have a plan, so nothing's happening this year with this.

LEG. ROMAINE:

No.

COMMISSIONER ANDERSON:

I can't say. I don't know if they have the permits.

LEG. SCHNEIDERMAN:

Well, in terms of construction, nothing is happening.

COMMISSIONER ANDERSON:

Well, not now. I mean --

LEG. SCHNEIDERMAN:

You have to design a project first.

COMMISSIONER ANDERSON:

Yeah.

LEG. SCHNEIDERMAN:

Okay.

D.P.O. VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

So then -- so there is an existing project to do this work, planning and design phases, 40,000 deficient.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And that's what you're finding out now.

COMMISSIONER ANDERSON:

Uh-huh.

LEG. D'AMARO:

Okay. So did your office recommend this resolution?

COMMISSIONER ANDERSON:

If -- it look looks like it came through Parks.

LEG. D'AMARO:

I mean, are we ready to -- I'm sorry, go ahead.

COMMISSIONER ANDERSON:

I believe it came through Parks.

LEG. D'AMARO:

Are you ready to go forward, you know, with this?

COMMISSIONER ANDERSON:

If we're requesting the funding, I would believe we are.

LEG. D'AMARO:

But you're not requesting it. Are you requesting it?

COMMISSIONER ANDERSON:

Well, we generally don't request anything for Parks, the Parks Department does it, so I don't know.

LEG. D'AMARO:

Oh. If the Parks Department is requesting it, then they're probably ready to go forward.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

I see. So it's basically either an underestimate or a cost overrun.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Okay.

D.P.O. VILORIA-FISHER:

Okay? Are there any other questions? All right. We have a motion to approve and a second, yes? Am I correct, Tim?

MR. LAUBE:

Legislator Romaine and yourself.

D.P.O. VILORIA-FISHER:

Okay. That's what I thought. Okay.

LEG. MONTANO:

What are you doing, taking a vote?

D.P.O. VILORIA-FISHER:

Unless there's a motion to table.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I just really have to say for the record that, you know, if it's a cost overrun or an underestimate, I really think someone from the Parks Department then should be here and tell us what consultant is working on this, why is there an issue, why do we need another 40,000, I mean, just in my mind. I'm not saying that the project shouldn't go forward, but I just don't have the answers to those questions.

LEG. ROMAINE:

Based on Legislator D'Amaro's comments, which I think are certainly valid and worthy, I'm going to make a motion to table this and then I'm going to request that someone from Parks, maybe it's Deputy Commissioner, can be here. So I'll table this for one cycle and at the next meeting I'll request that someone from Parks, Mr. Gibbons, Ms. Bellone, someone come down to explain this in greater detail.

LEG. D'AMARO:

I appreciate that, Legislator Romaine.

LEG. ROMAINE:

All right.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. The accompanying is moot at this point. *1815 - Establishing an Historic Structure Restoration Pilot Program and directing the Department of Parks, Recreation and Conservation to issue a Request For Proposals (Horsley).*

LEG. HORSLEY:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Horsley; seconded by Legislator Viloría-Fisher. Any discussion? All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

J.R. 1920 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to the County golf courses, Indian Island (CP 7166) (County Executive).

D.P.O. VILORIA-FISHER:

Are you going to make a motion? Oh, I thought you were making the motion.

P.O. LINDSAY:

That isn't --

MR. NOLAN:

County Executive bill.

D.P.O. VILORIA-FISHER:

It's that fifth hole erosion. I'll make that -- did you want to make a motion, Lynne?

LEG. NOWICK:

I'll make a motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

D.P.O. VILORIA-FISHER:

I'll second that.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Question, Legislator Montano.

LEG. MONTANO:

Yeah. Same question I asked earlier. Is this money that's being moved within the capital project, or is this money that is coming from another source, if you know?

LEG. NOWICK:

It's amending the Capital Budget.

MR. NOLAN:

It's coming from the --

LEG. MONTANO:

It's amending the Capital Budget, but what I'm asking is, it says Capital Project 7166. So is the money coming from that capital project or is it coming from a different source?

MR. NOLAN:

It's coming from a different capital project.

LEG. MONTANO:

Which capital project is it?

MR. NOLAN:

7162, restoration of Smith Point County Park. It's moving \$150,000 into planning in 7166.

P.O. LINDSAY:

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

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Oh, Legislator D'Amaro.

LEG. D'AMARO:

I would just like to know, if anyone knows or can answer the question, if the fix that's proposed, is this a permanent fix or is this a stopgap? Does anybody know? There's really nobody here to answer these questions, I guess is the problem.

LEG. SCHNEIDERMAN:

Gil just stepped out.

MR. NOLAN:

It's really a Parks question.

D.P.O. VILORIA-FISHER:

Gil is in the lobby.

MR. NOLAN:

It's a Parks question.

P.O. LINDSAY:

Okay. My understanding of it is that one of the holes has eroded to the -- then you're going to wind up only having 17 holes on an 18-hole course. I don't -- you know --

LEG. SCHNEIDERMAN:

Gil is still here.

P.O. LINDSAY:

Yeah, it would help the score, yeah, but --

LEG. SCHNEIDERMAN:

Why don't we bring Gil up? I think he'll give us more information.

P.O. LINDSAY:

Maybe that's the way I should improve, right?

*(*Laughter*)*

LEG. NOWICK:

I think we all abstained.

LEG. GREGORY:

Cosponsor.

P.O. LINDSAY:

Legislator -- Legislator? Commissioner Anderson.

COMMISSIONER ANDERSON:

Yes, sir.

P.O. LINDSAY:

Now we're talking about the fifth hole at Indian Island.

COMMISSIONER ANDERSON:

Yeah, that one is a similar situation. The hole is right on the water. The side slopes have been eroding. It's impacting the actual green now. We want -- we're asking for the funding to -- or the funding's being asked for so we can basically stabilize that slope, again, using -- not necessarily putting sand back, but using geo-technical methods, that type of thing, to stabilize the slope.

LEG. BROWNING:

Bill.

LEG. D'AMARO:

So this is more of a permanent fix, right, Gil?

COMMISSIONER ANDERSON:

Yes, sir.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. I see the offset is money from Smith Point Park. And I'd like to know what that money was going to be used for at Smith Point, because I know there's a lot of work needs done down there, too.

COMMISSIONER ANDERSON:

Unfortunately, I can't answer that one. Sorry.

LEG. BROWNING:

So this is out of the Parks budget, it's not -- does anybody have an answer? Budget Review know anything? No?

P.O. LINDSAY:

Commissioner, do you know if we tabled this for one cycle, would it be critical to -- I mean, the golf course is going to close shortly anyway, right, for the winter.

COMMISSIONER ANDERSON:

We're back in -- we're back in two weeks, I believe, anyway.

P.O. LINDSAY:

Huh?

COMMISSIONER ANDERSON:

We're back in two weeks anyway. I would say yeah, it can --

P.O. LINDSAY:

So it would be all right if we table it for one cycle?

COMMISSIONER ANDERSON:

Yes.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

I'll offer a motion to table.

P.O. LINDSAY:

Okay.

D.P.O. VILORIA-FISHER:

I'll second that motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

1624 - Defining child concealment in Suffolk County (Romaine).

LEG. ROMAINE:

Motion.

D.P.O. VILORIA-FISHER:

Explanation.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator Muratore.

D.P.O. VILORIA-FISHER:

Explanation, please, George.

MR. NOLAN:

What the resolution does, or purports to do, is it defines a term, "child concealment", as meaning, taking, enticing away, keeping, withholding or concealing a child and maliciously depriving a lawful custodian of a right to custody or person of a right to visitation, and then goes on to state that the Police Department will consider child concealment, as I just read it, during investigations related to violations of the New York Penal Law. That's a statute relating to kidnapping, interference with custodial custody, and that's what the resolution does.

D.P.O. VILORIA-FISHER:

So I'm looking in the "whereas", George, and it says that New York does not define child concealment?

MR. NOLAN:

It doesn't use that language. New York law, the Penal statute, has, you know, kidnapping statute, custodial interference. I don't know if the term -- I don't think the term "child concealment" is specifically used in the statute, but there is a State Penal statute that deals with the situation of custodial interference. And at a committee meeting a couple of cycles ago, there was a question about this resolution and I think it was Chief Moore from the Police Department came down and was asked could he use this, would the Police Department use it, and he said, "Look, we're going to enforce the Penal statute, and this really is not going to have any meaning to the Police Department in enforcing those statutes. I would say that this definition of child concealment is also -- it's pretty redundant to what's already in the State law, so I don't know what impact this resolution would have, if it was enacted.

LEG. D'AMARO:

Bill.

D.P.O. VILORIA-FISHER:

So you're saying that although in terms it's not in State Law, but, in fact, it is in practice under other names?

MR. NOLAN:

Right.

D.P.O. VILORIA-FISHER:

Under other terms?

MR. NOLAN:

It's interfering with -- when you're interfering with somebody's custody of a child --

D.P.O. VILORIA-FISHER:

Custody, yeah.

MR. NOLAN:

-- when a relative does that, it is covered by the State law.

D.P.O. VILORIA-FISHER:

It's already covered.

MR. NOLAN:

Yes.

D.P.O. VILORIA-FISHER:

So this would be redundant and --

MR. NOLAN:

I think it's redundant, yes.

D.P.O. VILORIA-FISHER:

And it's something that wouldn't have any impact, because you're saying that the police are representing that they wouldn't be -- they would be fooling New York State Penal Code.

MR. NOLAN:

That's what they're going to do. And whether we pass it or not, I don't think it's going to make any difference to the Police Department.

P.O. LINDSAY:

Legislator Nowick, and then D'Amaro.

LEG. NOWICK:

Legislator Vilorio-Fisher, just so you know, I have it in front of me here. It says, "Custodial Interference in the Second Degree." A person is guilty of that if, being a relative of a child less than 16 years old, intending to hold such child permanently or for protracted periods, and knowing that he has no legal, or she, has no legal right to do so, he or she takes or entices such child from his lawful custodian. That's a misdemeanor. But the next sentence, Custodial Interference in the First Degree, you are guilty of that if you commit Custodial Interference of the Second Degree. So it is -- while I have no problem defining a definition, I think that this is already set in stone, like our Counsel said.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Well, I might have a problem defining this, Legislator Nowick. Just to think out loud --

LEG. NOWICK:

You're the attorney, so.

LEG. D'AMARO:

Just to think out loud a little bit, you know, if the police were before the Public Safety Committee, Chief Moore, and said, "You know, we already have a statute on the books that we are enforcing,"

you know, could this create a gray area, muddy the waters? You know, you don't want to interfere with that police work either to put an ineffective non-enforceable clause into some County law where they're enforcing the State Penal Code. So, you know, we're giving the sense of security to people that we're passing a law that's going to accomplish something when it accomplishes nothing, and it may, in fact, be an impediment to clear police work. So I have a concern about that, yeah.

P.O. LINDSAY:

Someone had a question over here? Legislator Montano?

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

LEG. MONTANO:

Yes, and it's sort of along the lines of what Legislator D'Amaro said. I'm looking at the second RESOLVED clause, you know, forgetting that we created the definition, but it says, "The Police Department is authorized, empowered and directed to consider child concealment."

I'm not sure how I would interpret that in a legal context. It's not language that I've really seen in any statute in the years I've practiced. Could you expound on that? Could you tell me what that means or is that, you know, in your opinion a gray area that, as Legislator D'Amaro said, leads to maybe possibly confusion and other issues that would complicate existing law enforcement?

MR. NOLAN:

Well, I think as Chief Moore said, he's going to enforce the State law, and I believe he testified at Public Safety that he really can't do anything with this.

LEG. MONTANO:

Okay. Then you've answered my question. I appreciate it.

P.O. LINDSAY:

Anybody else?

LEG. MONTANO:

What do we have on the table?

P.O. LINDSAY:

We have a motion to approve is the only motion, right?

MR. LAUBE:

That's correct.

LEG. MONTANO:

You want to table it or you want to just vote it up or down.

P.O. LINDSAY:

I don't care.

D.P.O. VILORIA-FISHER:

Up or down.

LEG. MONTANO:

Okay, vote it up or down.

LEG. D'AMARO:

I'll offer a motion to table, if anyone wants to consider that.

LEG. SCHNEIDERMAN:

I'll second it.

LEG. MONTANO:

I think maybe we should just vote it up or down.

LEG. D'AMARO:

Okay, that's fine.

LEG. MONTANO:

I would consider your --

LEG. D'AMARO:

Yeah, that's fine.

LEG. MONTANO:

Okay.

P.O. LINDSAY:

I guess the question that I have, I hear what Counsel says, and repeating what Chief Moore said; does it do any harm?

LEG. MONTANO:

Yeah, it does.

D.P.O. VILORIA-FISHER:

It could.

LEG. D'AMARO:

Well, I think it does.

P.O. LINDSAY:

It could.

LEG. MONTANO:

Well, if I may -- no, I'll yield to Legislator D'Amaro.

LEG. D'AMARO:

Well, yeah, I think we're making the same point. That, you know, you have -- the Police are charged with the responsibility of enforcing the Penal Code. Right now they have experience doing that, they know how to interpret that, they know what it means. And frankly, you know, people involved in the unfortunate circumstance of custody battles or concealment battles all know the law is clear to them. We put this on the books, the Police are looking at this and saying, "Well, what do you mean consider? What do we have to do with this? What does it -- how does it impact our investigations? How does it impact any court proceeding?" I just think you -- I think it could do some harm, frankly. I know it's well intentioned. I know the Statute is trying to somehow help and aid those who feel that they're subjected to their child being concealed. But I just think this is misguided; I don't think it gets you where you think it might take you; I think it may hinder an investigation.

P.O. LINDSAY:

That was my concern, is that it would do harm.

D.P.O. VILORIA-FISHER:

Yes, because it's directing.

P.O. LINDSAY:

Yes. Legislator Montano.

LEG. MONTANO:

Speaking more as someone that's actually practiced, I would concur fully with Legislator D'Amaro. And certainly when it comes to issues like this, I would not want to arm anyone, any attorney with the possibility of bringing up side issues that can, you know, take the court in a different direction, sort of murky the waters when we have some very clear language in the Penal Code with respect to this issue. So I would agree with Lou D'Amaro on this.

P.O. LINDSAY:

Okay. So we have a motion to approve. We never got a second to the tabling?

LEG. SCHNEIDERMAN:

I'll second the tabling.

P.O. LINDSAY:

Second to table, okay.

D.P.O. VILORIA-FISHER:

I'd rather vote it up or down.

P.O. LINDSAY:

Okay. We have a motion --

LEG. D'AMARO:

Excuse me, I'm sorry. I had withdrawn my motion to table.

P.O. LINDSAY:

Okay, so you withdrew it.

LEG. SCHNEIDERMAN:

I'll make a motion to table.

P.O. LINDSAY:

Ed?

LEG. ROMAINE:

Yeah, I'd like to just say something. The reason I sponsored this was there were a number of people that had approached my office about issues where they had children where they had custody of their children, the children were removed by another parent or another custodian, unlawful custodian or a parent that did not have custody from them; they complained to the law enforcement officials and got absolutely no result. Absolutely no result. They felt that there was a lack in New York State Law that it did not deal and the reason, and I've spoken to Counsel about this and my Aide spoke to Counsel about this when this was proposed, is this going to conflict with New York State Law? Because obviously we don't want to be conflicting with State Law.

There wasn't a conflict because there is no definition of child concealment in New York State Law per se; many parents felt that that was a problem. I've had people, and one of them is a constituent of mine, Mr. Fischer who's out in the audience, who has repeatedly brought up the fact that his children have been taken by his ex-spouse, he was never notified where they were. We heard the gentleman testify about his son that he hasn't seen that he feels is going down the wrong road, that he had

some degree of custody over and the child was concealed from him. I've heard numerous horror stories in which the State Law deals with abductions but doesn't deal with child concealment.

Child concealment occurs in definition after a very short period of time, you know if your children are -- let's say your ex-spouse has visitation rights. You drop them off there, you go back to pick them up, she's not there, the children are not there or he's not there, the children are not there and you're saying, "What happened?" And weeks go by and you don't know what's happening. You go to the Police at some point, they don't investigate, they don't look into this matter. This is an effort to simply define under County Law what is not defined in State Law which is child concealment. I think the opposite; not only is it not going to do any harm, it may actually do some good, particularly for parents that are afflicted by that problem.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Mr. Romaine, I think I would feel a little more comfortable with the bill if the second RESOLVED was worded a little bit differently. "The Suffolk County Police Department is authorized, empowered and directed to consider"; I would have preferred "shall" or "must consider", this way they're obligated to do something in this particular area with reference to this particular resolution and State Law. I think the wording is weak here.

LEG. ROMAINE:

Your point is well taken. I would ask Counsel if you would consider amending my bill to reflect Legislator Barraga's suggestion. And I will table this for one cycle to strengthen the law to make it exactly as you had indicated. If that's permissible with my colleagues, if this could be tabled for one cycle.

LEG. D'AMARO:

Bill?

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I have no objection, of course, to tabling for a cycle, but Legislator Barraga, I think just the opposite of your point. If you direct the Police Department to -- that "shall consider" this new definition, which is non-binding, it has no real status in Police investigatory work. So let's carry the logic. Let's say you're a Police Detective, you are directed to consider this and you do, and you think that there might be activity being conducted under this definition. There's no remedy. What do you do with it? I mean, you turn to the Penal Code anyway. So in my mind, that's redundant.

But even worse than being redundant is if you're that same Police Detective and you're considering this language, what -- wouldn't you want to go to the Penal Code first? Why are you putting this other layer in the way of that investigation when it has no ramification anyway? So I don't understand --

LEG. BARRAGA:

I guess my --

LEG. D'AMARO:

I just -- I'm very -- let me just finish and I'll yield in a second.

LEG. BARRAGA:

Yeah.

LEG. D'AMARO:

I'm just very concerned. You know, this body and this County has no jurisdiction over New York State Penal Code, as you well know. And to now start to legislate in this area and hold out to County residents that we're putting laws on the books that are going to age you in this very unfortunate situation, and then also putting the Police Department into the position of having to or being directed to consider these unenforceable provisions of our code which could also then open up our Police Department to liabilities unnecessarily, because then the charge will come in that, "Well, you really didn't consider it. What's the standard? What is the Police Department required to do to consider the concealment issue?"

So, you know, again, I don't -- I think this is very well-intentioned, but I can't see why we would want to inject ourselves into trying to, in effect or de facto, amend the New York State Penal Code; I think that could do more harm than good at this point.

LEG. BARRAGA:

I think my reference to making the wording stronger has to do with Mr. Romaine's comment. And I've experienced this myself where he said constituents were -- they've come in and they've had serious issues and the Police have not acted at all. That Detective Investigator has not done his or her job.

LEG. MONTANO:

No.

LEG. BARRAGA:

This would kind of, not guide them, it would force them to take a look at the whole question of concealment as it pertains to these particular issues that are --

LEG. D'AMARO:

Well, I'll do you one better.

LEG. BARRAGA:

-- coming before Mr. Romaine or myself.

LEG. D'AMARO:

Well, what if they say, "Okay, we've fulfilled our obligation," and considered concealment under the County Code, but not the State Code; that's the enforceable code. I mean, if a Detective is not doing their job, that's wrong; I don't think anyone would disagree with that. But you want them to be considering the law that has some ramification.

LEG. BARRAGA:

But apparently, from my experience and Mr. Romaine's, that is not the case right now. They're not taking a look at the State Penal Law. Something has to push them in that direction, and I think this kind of legislation would do that.

P.O. LINDSAY:

Legislator Montano.

LEG. SCHNEIDERMAN:

Bill?

LEG. MONTANO:

You're on the list.

LEG. SCHNEIDERMAN:

No, I'll be put on.

LEG. MONTANO:

Okay. You know, again, I think Legislator D'Amaro and I are really saying the same thing, but this opens up a number of issues. First of all, with respect to the accusation that Police are not doing their job; in this type of area, I think that really is a very subjective kind of statement. I don't know of any Police Officer who, given the right facts and the right case, would not do his or her job. I think they're very dedicated. And Legislator D'Amaro said, you know, very clearly that that -- if they didn't do their job, that is wrong, they're subject to disciplinary action, etcetera, etcetera. They're doing their job, but sometimes because of the way the Statute is written, the result that the person who's making the accusation desires is not achieved and, therefore, it's interpreted as, "You're not doing anything for me."

But more importantly, from a legal perspective, this is something that I believe pertains just to Suffolk County; Counsel, am I correct? Because we're passing it here -- if we pass this, we're passing it at the Legislature.

MR. NOLAN:

Yes.

LEG. MONTANO:

And it opens up a number of issues that I think become very complicated. For instance, just say hypothetically a situation arises where the custodial -- the two parents live in Suffolk County, the child is transferred from one home to another and then the person leaves the jurisdiction and, you know, a charge is made with the Police Officer, and they have certain obligations. What if the child is dropped off in Nassau County, voluntarily? And then the person in Nassau County or the residential custodial parent, you know, does something that would violate the intent of this Statute; how do you enforce that? Because there is no jurisdiction. The child hasn't been taken -- so it really is a statute that, you know, whether you want to call it void for vagueness or unenforceable, it's really not something I think we should consider.

And even with the change in language, Legislator Romaine, to make it stronger, I don't think that it accomplishes the worthy purposes for which you introduced it. And this to me is just -- you know, would fall in the category of maybe good politics, but bad legislation. I don't see that changing the language, as suggested by Legislator Barraga, will cure the inherent defects in the bill, considering the jurisdictional limitations that we have here at the County Legislature.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

My confusion comes in the first RESOLVED and the actual definition of child concealment. Most of the definition makes sense, at least in the taking and the keeping or withholding or concealing. It's the enticing away that confuses me because it seems so subjective, that if you have parents who are, you know, disputing, you know, the kid doesn't want to really go to Mommy that weekend cause Daddy's got something going on that might be more exciting for the kid; is that enticing away or visa versa? It's not defined, enticing. It seems to me that that term, George, is just too vague

and can be interpreted in a million different ways. Where the others are physical, you're physically not allowing the custodial parent to be with that child during that time. Enticing away seems like the kid is making a decision not to go with the custodial parent based on whatever factor, a more exciting environment with one of the other -- with the other parent. So, you know, if I'm going to support this bill, I prefer to see that cleaned up a little bit so we have a cleaner definition of what enticing away is.

MR. NOLAN:

I would only say that enticing is also used in the State Statute. It's part of the State Statute where, you know, you would perhaps use some type of enticement and the child decides to go with the person but you're -- so there might be some aspect where the kid agrees to go, but you're still interfering with the custodial right of the parent either way. Whether you take them physically or you entice them --

LEG. SCHNEIDERMAN:

Stay with me, I'll take you to the candy store kind of thing.

MR. NOLAN:

Exactly, but you're still interfering with the proper custody, either way.

LEG. D'AMARO:

And George, you would need the intent also there.

MR. NOLAN:

Yeah.

LEG. ROMAINE:

Again, just for language sake and for an opportunity to discuss it with my colleagues to change any concerns they might have with the language, let's table this for one cycle.

LEG. D'AMARO:

Can I say something?

LEG. ROMAINE:

I'll work on doing an amendment and discuss with my colleagues their thoughts on this matter.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I would suggest also, Legislator Romaine, and again, I'm just thinking out loud here, but you may want to consider an amendment that would -- that maybe directs the Police Department to consider the applicable sections of the New York State Penal Code, as opposed to --

LEG. ROMAINE:

That certainly could be added. I drafted this --

LEG. D'AMARO:

Well, as opposed to a definition that's unenforceable or different. You know, maybe that's something -- I'd have to think that through myself, but maybe that's something you'd want to think about.

LEG. ROMAINE:

I'm going to meet with Counsel about that. Obviously, when this bill was crafted, the major concern was let's do something that we can do that's not preempted by State Law. And Counsel suggested this based on what I had explained to him and what I was trying to address, and I appreciate Counsel's help on this and I will turn to him again. But I make -- I'll renew my motion to table this for one cycle.

P.O. LINDSAY:

Okay. Mr. Clerk, we have a motion to table and a second? And we have a motion to --

MR. LAUBE:

No, you never actually recognized somebody. I heard a couple of different people chime in, but --

P.O. LINDSAY:

Okay. We have a motion by Legislator Romaine to table and a second by Legislator Schneiderman. And you made the initial motion to approve, so you're withdrawing that.

LEG. ROMAINE:

Yes, I did.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions as far as tabling?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It stands tabled.

Public Safety (Continued):

Next up is ***1894-11 - Approving an increase of one vehicle in the fleet for the Suffolk County Sheriff's Office through the Federal Asset Forfeiture Program (County Executive).***

LEG. KENNEDY:

Mr. Chair, I'm going to ask for a motion to table for one cycle, please.

P.O. LINDSAY:

Okay.

LEG. GREGORY:

I'll second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. KENNEDY:

Yeah, I -- Chief Sharkey and I have had a conversation about this. I do have some information about the vehicle, we talked in committee. I did reach out to Mr. Anderson to talk about the impact associated with the fleet in total and he's not been able to go ahead and secure the information we need.

P.O. LINDSAY:

Okay.

LEG. KENNEDY:

So since we're on a tight cycle --

P.O. LINDSAY:

We have a motion to table and a second.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

LEG. MURATORE:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislators Muratore & Barraga).

P.O. LINDSAY:

1899-11 - Appropriating furniture and equipment funds for the new replacement correctional facility at Yaphank (CP 3008).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Recused: Legislator Stern).

P.O. LINDSAY:

On the accompanying Bond, ***1899A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,595,339 bonds to finance a part of the cost of furniture and equipment in connection with the construction of a new jail/correctional replacement facility in Yaphank (CP 3008.510), same motion, same second. Roll Call.***

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

LEG. BROWNING:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. STERN:

Recuse.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

Public Works:

P.O. LINDSAY:

IR 1875-11 - Authorizing the inclusion of a County contract provision whereby natural gas may be purchased under County contracts by any political subdivision or fire company or district pursuant to New York State County Law (County Executive). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Stern).

1876-11 - Appropriating funds in connection with replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706) (County Executive). I'll make a motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

Second by Legislator Cilmi?

LEG. CILMI:

Yep.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:

Same motion on the accompanying Bond, *1876A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of the replacement/cleanup of fossil fuel, toxic and hazardous material storage tanks (CP 1706.330)*; same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. CILMI:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

(Not present).

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1877-11 - Appropriating funds in connection with moveable bridges needs assessment and rehabilitation (CP 5806) (County Executive). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:

On the accompanying Bond Resolution, *1877A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,300,000 bonds to finance the cost of the movable bridge needs assessment and rehabilitation (CP 5806.311))*, same motion, same second.
Roll call.

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

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

(Not present).

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1878-11 - Appropriating funds in connection with moveable bridges needs assessment and rehabilitation (CP 5806) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. I'll second it. Commissioner Anderson?

COMMISSIONER ANDERSON:

Different bridges. The previous resolution was for construction of improvements to Quogue Bridge and this is to appropriate 750 for design and rehab to the Beach Lane Bridge and West Bay Bridges.

P.O. LINDSAY:

Okay. Thank you very much for clarifying that. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:

On the accompanying Bond Resolution, *1878A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 bonds to finance the cost of planning and engineering in connection with the movable bridge needs assessment and rehabilitation in the Town of Southampton (CP 5806.113)*, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

(Not present).

LEG. MONTANO:

Yeah.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1879-11 - Appropriating funds in connection with rehabilitation of various bridges and embankments (CP 5850) (County Executive).

I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Eddington).

P.O. LINDSAY:

On the accompanying Bond Resolution, *1879A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,950,000 bonds to finance the cost of rehabilitation of various bridges and embankments (CP 5850.323))*, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

(Not present).

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. *1880-11 - Appropriating funds in connection with improvements to water supply systems (CP 1724)(County Executive)*. Legislator Schneiderman, you want to make the motion?

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

On accompanying Bond Resolution, *1880A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$275,000 bonds to finance the cost of improvements to water supply systems at County facilities (CP 1724.318)*, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

(Not present).

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1881-11 - Appropriating funds in connection with dredging of County waters (CP 5200) (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning? Who made the motion?

LEG. BROWNING:

Yes.

P.O. LINDSAY:

Yes, okay.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. ROMAINE:

Question.

P.O. LINDSAY:

All in -- oh, Legislator Romaine.

LEG. ROMAINE:

Yes. This project involves dredging of what County waters?

LEG. SCHNEIDERMAN:

Forge River.

P.O. LINDSAY:

Mr. Anderson will be right up to tell you.

COMMISSIONER ANDERSON:

This is for the first of the three phases of the Forge River dredging.

LEG. ROMAINE:

This is being contracted out, it's not being handled by County workers; is that correct?

COMMISSIONER ANDERSON:

Correct.

LEG. ROMAINE:

Okay. Can you comment on what is being handled by County workers now during the dredge? I believe the dredge window is from October 1st to about January 1st; correct me if I'm wrong?

COMMISSIONER ANDERSON:

It really is dependent on the actual water body, but in most cases it is that.

LEG. ROMAINE:

Right, sometimes December 15th.

COMMISSIONER ANDERSON:

Yep. They are -- they're working -- our crews primarily work in the Peconic area.

LEG. ROMAINE:

Right.

COMMISSIONER ANDERSON:

Generally they'll do some along the Great South Bay, that type of thing, if it's sized right, otherwise we contract out. A job of this size is much bigger than we have the capability for.

LEG. BROWNING:

Bill?

LEG. ROMAINE:

I'm going to ask you some things for the record because this is a verbatim record. In terms of dredging, my concern is in the past -- because we have such a narrow window of dredging, you know, usually from October 1st to December 15th or to January 1st depending on the body of water that the permits are given for us -- that most of the time in the past, the dredge crews have worked overtime so within that shortened window they could dredge as many water bodies as possible. I am now told that you started on the South Fork in Southampton and you're moving east and then will swing around to Shelter Island, eventually Southold and eventually Riverhead. But you may not even get to Southold and Riverhead this year because you have been restricted in terms of overtime, and thus in that shortened window you will not, your dredge crews will not be able to do

the dredging that you originally anticipated they would be doing; is that correct?

COMMISSIONER ANDERSON:

You are correct in the overtime issue being restricted. The ability of us to get -- I can't tell you how far we're going to get. I will go back to my shop and advise you of where we think we're going to be, but --

LEG. ROMAINE:

I would appreciate that, because there's a number of creeks, I think there's four in Southold that I think there was a kind of -- I won't use the word commitment, but understanding that those creeks would be done during this dredging window, because they won't be able to be dredged again until next year. These are -- some of them are in pretty bad shape. And if you can inform me about Riverhead, Southold and Shelter Island, which ones are going to get done, because every one is like really pushing.

COMMISSIONER ANDERSON:

Understood.

LEG. ROMAINE:

I appreciate that very much. Thank you.

P.O. LINDSAY:

Legislator Browning, Horsley and then Anker.

LEG. BROWNING:

Okay. The Dredge Screening Committee, I know we've reached out about having a Dredge Screening Committee meeting because we wanted to include the waterways. What's the status of that?

COMMISSIONER ANDERSON:

Actually, we were talking about that, trying to schedule that. I will get back to you and let you know.

LEG. BROWNING:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Horsley.

LEG. HORSLEY:

Yeah. Hi, Gil. You know my complaint about dredging and the -- that you don't come west and we have no dredging. Legislator Romaine has numbers of poor canals and things like that and areas that need to be dredged, where you haven't come our way at all in the last two years. But that's not the reason why I'm asking the question, but I just wanted to put it -- let you know again that that still bothers me.

We have a problem on our end of the world down on the west end with spoils. Where is the Forge River spoils going to go? What kind of -- how can they get -- because it seems to be a problematic area. How come the DEC allows that to occur and not elsewhere?

COMMISSIONER ANDERSON:

Well, right now we have applied for permitting to put it in primarily two locations, one would be behind the south end, if you will, of Smiths Park. There's a former dredge spoil site which we would reuse and essentially create a natural habitat there. There's also a site in the north -- sorry, in the

southeast -- southeast corner of Smith Point Marina that we are looking to possibly use. We have some different options that we're still exploring as to identify the actual locations for the dredge spoil site, for the drying sites before they're disposed of.

The question comes down to land. There is still some available land on the east end where, you know, the muck can be dried. In some cases, as in Islip, we're using the local marinas as a drying spot temporarily. That's really -- that's the quotation (sic). If you have something or a piece of land where it can be used and has been used in the past, we can use it again. What's happening is a lot of places which were just abandoned waterside land are now prime real estate and nobody wants to let us put our dredge spoils there. Some areas that are parkland, you know, it's all been changed.

LEG. HORSLEY:

Has DEC given you any indication that they can reuse some of the Islands out in the bay?

COMMISSIONER ANDERSON:

No, that's -- I mean, that's their boating. Yeah, no, they've basically said there's no way you're going to use that.

LEG. HORSLEY:

Okay. I'm just curious. We've got to find a place, you've got to come our way, buddy.

COMMISSIONER ANDERSON:

I agree.

LEG. HORSLEY:

Thank you.

D.P.O. VILORIA-FISHER:

Legislator Anker.

LEG. ANKER:

I have a question about the dredge spoils. Actually, basically it's mainly sand, is that what this is?

COMMISSIONER ANDERSON:

No. There's generally you have two types of soils, you have sand, which in most cases if it is a sandy material, it's approved by the DEC, we reuse that as a beach nourishment. We'll place them in adjacent beaches in close proximity to where we're dredging. If it's muck --

LEG. ROMAINE:

Contaminated.

COMMISSIONER ANDERSON:

Well, it could be, or even just muck. If it's a very fine, thick, you know, goopy material that you sometimes have, that has to be dried out and then it gets disposed of. If it's contaminated or if it's -- generally, if it's contaminated it has to find a landfill that can handle it, otherwise if it's not contaminated it can stay in the same location, you know, just basically forever.

LEG. ANKER:

So have you considered taking some of the sand and selling it for revenue to pay for some of the dredging?

COMMISSIONER ANDERSON:

No, I -- no. I think right now it's much more or much less expensive for us to be able to take that material and place it on adjacent beaches, because most people want that. You know, they want

the sand, they want their beaches renourished and we don't have to deal with the handling and the placement. We'd have to get permits to store the material, essentially almost like a transfer station. It would be a -- it would -- while I understand where you're coming from, I think it would be a lot more work. Beneficially for us, it's just to get rid of the stuff. It's adjacent, it's very little work for us and, you know, that's why we do it that way rather than trying to sell it.

LEG. SCHNEIDERMAN:

Gil, it's my understanding, too, the DEC is not allowing that anymore. They're requiring the sand to go on the down-drift beaches. They're not allowing the sand to go to some other place where it wouldn't naturally have ended up.

COMMISSIONER ANDERSON:

It may, I'm not familiar with that. I just --

LEG. SCHNEIDERMAN:

And it's a shift of policy for them, but that's my understanding.

COMMISSIONER ANDERSON:

Yeah, and that may be. But for us, it's just the simplicity of having the ability to get rid of the material very close by. We don't have to handle it, we can just dredge it, deposit it, smooth it out and get out of there.

LEG. ANKER:

So basically you haven't looked into a situation, maybe a barter, if the company would come in instead of us paying \$1.5 million to do a dredging area; that's never been looked into?

COMMISSIONER ANDERSON:

Well, I don't believe it has. Maybe it has, I'll ask and I'll get back to you. But I believe -- most of the -- a lot of the material in there is going to be unsuitable for selling. We're really looking to dry it out and then dispose of it.

LEG. ANKER:

All right. Thank you.

LEG. SCHNEIDERMAN:

Again, I believe that policy has been changed. Because I know in East Hampton they used to do that, and the DEC is saying, "No, you cannot do that. You can't bring in somebody to take that sand." It has to go to the beach where it was heading if it wasn't for that, you know, jetty or groin or whatever that was blocking it. So I don't believe you can do that anymore, those type of barter.

P.O. LINDSAY:

Anybody else? No. Okay, we have a motion and a second, Mr. Clerk?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All right. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

On the accompanying Bond Resolution, *1881A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,500,000 bonds to finance the cost of dredging County Waters (CP 5200.444)*, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yep.

LEG. COOPER:

Yep.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1882-11 - Appropriating funds in connection with replacement of dredge support equipment (CP 5201) (County Executive).

LEG. BROWNING:

Motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

On the accompanying Bond Resolution, ***1882A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the acquisition of replacement dredge support equipment (CP 5201.519), same motion, same second. Roll call.***

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

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

1893-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the installation of guide rails on CR 19 in Patchogue Village (CP 5180) (Eddington).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Second by Legislator -- who made the second, Muratore? All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Same motion, same second on the accompanying Bond Resolution, **1893A**
(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$75,000 bonds to finance the cost of the installation of guide rails on CR19 in Patchogue Village (CP 5180.347)). Roll call.

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

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes, here. Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Seventeen.

Ways & Means:

P.O. LINDSAY:

IR 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).

D.P.O. VILORIA-FISHER:

Motion to approve. Cosponsor, Tim.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1845-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 South Jersey Ave. Holding, Corp. (SCTM No. 0200-110.00-04.00-001.000) (County Executive).

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion by Legislator Montano.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

LEG. MONTANO:

Same motion, same vote.

P.O. LINDSAY:

1846-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Arturo Isaac Andrade and Raquel L. Lopez, his wife (SCTM No. 0200-312.00-07.00-022.002) (County Executive). How about same motion, same second, same vote --

LEG. MONTANO:

Yeah, they're all 13's.

P.O. LINDSAY:

-- all right with everybody?

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1847-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Ignazio Panepinto (SCTM No. 0200-982.80-07.00-010.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1848-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James S. Canty Jr., and Diane Canty, his wife (SCTM No. 0400-142.00-02.00-027.001) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1849-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Brian Jackson and Kimberly Jackson, his wife (SCTM No. 0800-021.00-05.00-015.000). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1892-11 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Biju Sam and Manju Sam, his wife (SCTM No. 0200-308.00-02.00-036.000) (County Executive). Same motion, same second, same vote.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

1905-11 - Amending Resolution No. 600-2001 and 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. 0200-983.30-02.00-002.000, pursuant to Section 40-D of the Suffolk County Tax Act (County Executive).

You want to do same motion, same second, same vote on that, too? Okay.

MR. LAUBE:

Seventeen (Not Present: Legislator Kennedy).

P.O. LINDSAY:

Okay, we have one -- we skipped over under tabled, right? Why did we do that?

LEG. MONTANO:

Which one is that?

MR. LAUBE:

You were looking for the Open Space rating forms. I've e-mailed them to every Legislator and staff and I have a hard copy right here.

If anybody needs additional, I can hand them out right now.

P.O. LINDSAY:

What was that?

MR. LAUBE:

You were looking for the Open Space rating forms for 1713.

I've e-mailed them to everybody.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I'd like to make a motion at this time to table 1713, because there are errors in this rating form that I want to bring to the attention of the Planning Department that Laurretta Fischer filled out.

Obviously, it's right next to the North Fork Preserve; there are no points given for that. And there were a number of other points that should have been given that is missing, and I will raise that question at EPA Committee on Monday, but in the meantime, I'd like to table this. And then at the next meeting, I think we should request someone come down from the Parks Department to explain what the proper uses would be. Because it's at their request that I carried this and I'd like to hear their view as well. So motion to table.

LEG. D'AMARO:

I'll second, and on the motion. Also, looking at the e-mail from Laurretta Fischer, it says that there's a question as to whether or not the town has committed to this as well. Did you see that section of the e-mail?

LEG. ROMAINE:

I haven't seen that. I saw the rating form. It's part of the North Fork Preserve, we just voted to purchase that several weeks ago and they don't even count that as a point adjacent to a County-owned property.

LEG. D'AMARO:

Right. But it goes on to say, "Additionally, please understand that we have not to date received a letter or resolution from the Town of Riverhead or any not-for-profit organization to partner on the development and/or maintenance of the property." So you may want to --

LEG. ROMAINE:

Even more reason to table because I'll produce that letter from the town shortly. Thank you.

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

All right, that completes the base agenda.

If you turn to the manilla folder --

MR. NOLAN:

The big one.

P.O. LINDSAY:

-- with *Procedural Motions*.

We have *Procedural Motion No. 36-2011 - Apportioning Mortgage Tax by: County Treasurer (Presiding Officer Lindsay)*. Do I have a motion?

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore. Do I have a second?

LEG. NOWICK:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay, that's it in that folder.

And now if we go to the other manilla folder, it's the Warrants.

MR. LAUBE:

Levies.

Tax Levies:

P.O. LINDSAY:

Okay, *Resolution 2012-2011 - Levying unpaid sewer rent and charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington and Islip (Presiding Officer Lindsay)*, and do I have a motion?

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolution 2013-2011 - Levying unpaid sewer rent and charges in Suffolk County Sewer District No. 13 - (Wind Watch), No. 14 (Parkland), No. 15 (Nob Hill), and No. 18 (Hauppauge Industrial) in the Town of Islip (Presiding Officer Lindsay).

LEG. HORSLEY:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Resolution 2014-2011 - Levying unpaid sewer rent and charges in Suffolk County Sewer District No. 1 - (Port Jefferson), No. 2 (Tallmadge Woods), No. 7 (Medford), No. 10 (Stony Brook), No. 11 (Selden), No. 12 (Birchwood North Shore), No. 14 (Parkland), No. 19 (Haven Mills), No. 20 (William Floyd), and No. 23 (Coventry Manor) in the Town of Islip (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

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

D.P.O. VILORIA-FISHER:

Do you want me to take over?

P.O. LINDSAY:

Yes. Thank you.

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Resolution 2015-2011 - Levying unpaid sewer rent and charges in Suffolk County Sewer District No. 6 - (Kings Park), No. 13 (Wind Watch), No. 15 (Nob Hill), No. 18 (Hauppauge Industrial), No. 22 (Hauppauge Municipal), and No. 28 (Fairfield at St. James) in the Town of Smithtown (Presiding Officer Lindsay).

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Legislator Nowick. Second, Legislator Horsley. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

2016-2011 - Approving the return of the fund balance of the General Fund, Police District Fund and District Court District to the taxpayers of the Towns of Suffolk County (Presiding Officer Lindsay). No motion here?

LEG. MURATORE:

Motion.

D.P.O. VILORIA-FISHER:

Legislator Montano. Second, Legislator --

LEG. MONTANO:

I didn't say anything.

D.P.O. VILORIA-FISHER:

Oh, who was it on that side? I'm sorry.

LEG. MURATORE:

Muratore, the other end.

D.P.O. VILORIA-FISHER:

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

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

2017-2011 - Determining equalized real property valuations for the Assessment rolls of the ten towns (Presiding Officer Lindsay).

P.O. LINDSAY:

Make a motion.

D.P.O. VILORIA-FISHER:

I think they're looking at it first. Legislator Gregory makes the motion. Is there a second? Seconded by Legislator Barraga. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

2018-2011 - Approving the tabulation of town charges and fixing the tax levies and charges to the towns under the County budget for Fiscal Year 2011 (Presiding Officer Lindsay). Okay, I'm looking at my --

P.O. LINDSAY:

I'll make a motion.

D.P.O. VILORIA-FISHER:

Motion by the Presiding Officer, seconded by Legislator Gregory. All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

IR 2019-2011 - Approving and directing the Levy of taxes and assessments for Sewer Districts of Suffolk County under the Suffolk County budget for Fiscal Year 2011 (Presiding Officer Lindsay). Motion by Legislator Muratore. Seconded by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

2020-11 - Affirming, confirming and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest and directing the Levy of assessments and charges within the Towns of Babylon, Islip and Huntington for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2012 (Presiding Officer Lindsay).

LEG. D'AMARO:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator D'Amaro. Seconded by Legislator Barraga.

D.P.O. VILORIA-FISHER:

2021-11 - Extending the time for the --

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Oh, I'm sorry. I thought I was on a roll; must have been a bagel. Okay, *Extending the time for the annexation of the warrants to the tax rolls (Presiding Officer Lindsay).* Do I hear a motion?

LEG. KENNEDY:

Motion.

LEG. NOWICK:

Motion.

D.P.O. VILORIA-FISHER:

Legislator Kennedy, seconded by Legislator Nowick. All in favor? Opposed? Abstain?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

2022-2011 - Approving the tabulation of town charges and fixing the Tax Levies and charges to the towns of the MTA Tax under the County budget for Fiscal Year 2012 (Presiding Officer Lindsay).

"Ooooh" said in unison

*(*Laughter*)*

Motion by?

LEG. MONTANO:

Not me.

D.P.O. VILORIA-FISHER:

Legislator Gregory. Seconded by -- some term-limited person; who might that be? Let me see.

LEG. COOPER:

Fine.

*(*Laughter*)*

D.P.O. VILORIA-FISHER:

Seconded by Jon Cooper, Legislator Cooper. All in favor? Opposed? Disinclined to vote? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Okay.

CN's, your red folder:

CN No. 1958-11 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Rizzotto (SCTM No. 0200-034.00-09.00-015.000) (County Executive).

P.O. LINDSAY:

Motion.

D.P.O. VILORIA-FISHER:

Motion by Legislator Lindsay.

LEG. CILMI:

Second.

D.P.O. VILORIA-FISHER:

Second by -- I couldn't see who said it.

LEG. CILMI:

Me.

D.P.O. VILORIA-FISHER:

Legislator Cilmi.

LEG. MONTANO:

Question on the motion?

D.P.O. VILORIA-FISHER:

On the motion, Legislator Montano.

LEG. MONTANO:

Yeah, I'm not clear on what -- what the need for a C of N is on this; can someone explain that to me? This is 1958, right?

P.O. LINDSAY:

Right.

LEG. MONTANO:

Hey, Eric. How are you doing?

MR. KOPP:

Yes. Legislator, if you might think back a day or two when we didn't get it.

LEG. MONTANO:

I can't think that far back.

MR. KOPP:

We didn't get it, we missed the deadline to get it through. We spoke to you after committee, told you we would have this one redemption resolution coming through via CN and you told us you would be fine with that? Well, this is the one.

LEG. MONTANO:

Oh, okay. I must have had a senior moment. Thank you.

MR. KOPP:

We all do from time to time. Thanks.

LEG. MONTANO:

(Laughter) Some more than others.

D.P.O. VILORIA-FISHER:

Okay, there's a motion and a second to approve. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

CN No. 2041-11 - Authorizing a technical correction to stand alone Discretionary Budget Amendment No. 20-2011 (County Executive). Explanation; Gail, maybe?

MR. LIPP:

There's a technical --

LEG. SCHNEIDERMAN:

What's the difference?

D.P.O. VILORIA-FISHER:

2041, but it was an amendment to Budget Amendment No. 20 of 2011.

MR. LIPP:

There was a minor problem with the original resolution. The title, the last two columns the title was permuted.

D.P.O. VILORIA-FISHER:

Okay. Did everyone hear the explanation? I'll make the motion.
Is there a second?

LEG. MURATORE:

Second.

D.P.O. VILORIA-FISHER:

Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

CN No. 1828-11 - Authorizing the transfer of \$8,000,000 from the Tax Stabilization Reserve Fund to the General Fund in the wake of Tropical Storm Irene, a public emergency (County Executive).

MR. CHAMBERLAIN:

Madam Chair.

D.P.O. VILORIA-FISHER:

Yes?

MR. CHAMBERLAIN:

We're going to withdraw this Certificate of Necessity this evening and let it go through the committee process.

D.P.O. VILORIA-FISHER:

Okay.

LEG. MONTANO:

Question.

D.P.O. VILORIA-FISHER:

He said he was withdrawing it.

LEG. MONTANO:

Right, I understand that. Did you submit the bill as a Late Starter?

MR. CHAMBERLAIN:

The bill is currently in committee.

LEG. MONTANO:

Oh, okay.

MR. CHAMBERLAIN:

We have a revised copy that's on file with the Clerk of the Legislature.

LEG. MONTANO:

Gotcha. Thank you.

D.P.O. VILORIA-FISHER:

So George, they could just withdraw it, right?

LEG. MONTANO:

Throw this out.

D.P.O. VILORIA-FISHER:

Okay, thank you. That's it for the CN's.

The yellow folder, *Late Starters:*

And we're almost done, getting ready for Thanksgiving.

MR. NOLAN:

Make a motion.

D.P.O. VILORIA-FISHER:

Okay, I make a motion to waive the rules and lay on the table the following resolutions.
I need a second.

P.O. LINDSAY:

Second.

D.P.O. VILORIA-FISHER:

Seconded by Legislator Lindsay:

IR 2023 to Ways & Means; IR 2024 to Public Safety; IR 2025 to Public Safety; IR 2026 to Public Works; IR 2027 to Public Safety; IR 2028 to Public Safety; IR 2029 to Health & Human Services, setting the Public Hearing for December 6th in Riverhead; IR 2031, Ways & Means, set the Public Hearing to December -- no, I can't read that?

MR. NOLAN:

Yeah, we're on IR 2030.

D.P.O. VILORIA-FISHER:

We're on 2031 right now. Did I miss one?

MR. NOLAN:

No, keep going.

D.P.O. VILORIA-FISHER:

Okay. But can I read the Public Hearing date?

MR. NOLAN:

I'm sorry.

D.P.O. VILORIA-FISHER:

Set the Public Hearing for December 6th at 2:30 in Riverhead; IR 2032, Health & Human Services, set the Public Hearing on December 6th at 2:30 in Riverhead; IR 2033 is -- Ways & Means, set the public hearing for December 6th at 2:30 in Riverhead; IR 2034, EPA, set Public Hearing to December 6th, 2:30 in Riverhead; IR 2035, Public Safety, set the Public Hearing for December 6th at 2:30 in Riverhead; IR 2036, Ways & Means, set the Public Hearing for December 6th, 2:30, Riverhead; IR 2037, Public Works; IR 2038, Ways & Means; IR 2039, Parks & Recreation; IR 2040, Budget & Finance, set Public Hearing for December 6th, 2:30, Riverhead; IR 2042, Public Works; IR 2044, Public Works; IR --

MR. NOLAN:

Did you say 2043?

D.P.O. VILORIA-FISHER:

Sorry, it might have been caught on the staple. Oh, it was caught on the staple. *IR 2043, Public Works; IR 2045, Public Works; IR 2046, Public Works; IR 2047, Public Works; IR 2048, Parks & Recreation; IR 2049, Ways & Means, set Public Hearing, December 6th, 2:30, Riverhead.* Is there anything else, Mr. Presiding Officer?

MR. NOLAN:

Just call the vote on that.

D.P.O. VILORIA-FISHER:

All in favor? Opposed?

MR. LAUBE:

Eighteen.

D.P.O. VILORIA-FISHER:

Okay. All of that being said --

P.O. LINDSAY:

Just two things. I need a motion to adjourn, and I wish everybody a happy and healthy Thanksgiving holiday. We have a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

We stand adjourned.

*(*The meeting was adjourned at 4:54 PM*)*

{ } - Denotes Spelled Phonetically