

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

EIGHTEENTH DAY

December 20, 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 meeting was called to order at 9:29 A.M. *)*

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

P.O. LINDSAY:

Okay. Mr. Clerk, are you ready? Call the roll, please.

MR. LAUBE:

Good morning, Mr. Presiding Officer.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. MURATORE:

Here.

LEG. ANKER:

Here.

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

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:

(Not present).

D.P.O. VILORIA-FISHER:

Here.

P.O. LINDSAY:

Here.

LEG. BROWNING:

Tim, I'm here.

MR. LAUBE:

Seventeen (Not Present: Legislator Cooper).

P.O. LINDSAY:

Cooper is here. Okay, could everyone rise for our salute to the flag led by Legislator Muratore.

Salutation

If everyone could remain standing for our visiting clergy which -- oh no, I'm sorry. First we have Legislator Montano will announce the Central Islip High School Concert Choir.

LEG. MONTANO:

You want to do them before the prayer?

P.O. LINDSAY:

That's what she has down.

LEG. MONTANO:

Okay.

LEG. HORSLEY:

Okay to sit?

P.O. LINDSAY:

I guess it's okay to sit.

LEG. MONTANO:

Thank you, Mr. Presiding Officer, my colleagues on the Legislature and all the guests. I wish you a happy holiday. It is my pleasure to bring forward the Central Islip High School Choir.

Just to give you a little bit about the history, they have been acclaimed since 2002. They received only Gold or Gold With Distinction ratings in the New York State SMA Major Organization Evaluational Festival since 1992. The CI Choir has traveled to participate in numerous national and international venues. In 2005, they visited Orlando, Florida to participate in the All-American Music Festival; in 2006, they participated in the 250th Anniversary Celebration of Mozart's Birth in Austria and the Czech Republic; and they received the Disney Honors National Choral Invitational in 19 -- in 2007.

In 2006, the CI Choir was invited guests of the Lauri Strauss Leukemia Foundation to attend their annual benefit at Carnegie Hall in New York City. They also participated in the American Celebration of Music in Vienna, Italy in 2008, and most recently they have just returned from participating in the 2011 holiday season celebrations at the White House in Washington D.C..

Under the leadership of Director John Anthony, I present to you the Central Islip Choir and my constituents. And I've just got to say, I'm very proud to represent you. Thank you.

Applause

***"The Star Spangled Banner" was performed by
The Central Islip High School Concert Choir***

MR. ANTHONY:

The next selection -- we're going to take two selections for you. One is "*O Day, Full of Grace*" by {Emeral}, and the third one will be a very interesting arrangement of the "*The 12 Days of Christmas*".

"O Day, Full of Grace" & "The 12 Days of Christmas" were performed by the Central Islip High School Concert Choir.

Applause

LEG. MONTANO:

Now you see why they were invited to the White House. In true Legislative fashion, we have a proclamation for all of you, and I'm so proud of you. They represent the best that this country has to offer. Come on, everybody in the photo. We'll be quick.

Photograph Taken

P.O. LINDSAY:

Okay. Central Islip High School, that was very, very nice. Thank you again. That was a very, very pleasant diversion from our normal business.

Now I'm going to ask everybody's indulgence and to rise again for our introduction of our visiting Clergy by Legislator Muratore.

LEG. MURATORE:

Thank you, Mr. Lindsay. I feel like it's Tom Muratore Day here. My high school that I graduated from, the choir was here, I have my champions from Newfield and Sachem East, and my brother is going to do an invocation. So thank you, Mr. Lindsay, so much.

First of all, let me start by wishing everyone a very Happy Hanukah, a joyous Christmas, a happy holiday and a safe and prosperous new year. You know, each meeting one of the Legislators is assigned to bring a spiritual leader from their community to help this body learn or get to do the right thing. And I've been very fortunate in my life, is that I have a brother who has helped me through these 66 years of mine. Yes, I'm admitting my age, but he is older than me, I want you to know that.

(*Laughter*)

But a little bit about my brother. We call him Deacon Biagio. Biagio was ordained a Deacon in 1979. He served as a Deacon ever since then at St. Margaret of Scotland Roman Catholic Church in Selden. He's also the Spiritual Leader for the Suffolk County Police Columbia Association, that's the

Italian faction of the Police Department. For over 20 years, Biagio served as the Outreach Coordinator at St. Margaret's. He initiated the "Peanut Butter & Jelly Program" that provides sandwiches to French nuns in the Bronx and the Lighthouse Mission in Bellport on a regular basis. Biagio lives with my sister Angela in Selden. Together they have three children, Biagio Jr., Laura and Mary Rose, and four wonderful grandchildren. So please join me today in welcoming Deacon Biagio.

Applause

DEACON BIAGIO:

Thank you, Tom. He thinks that because I'm a Deacon he has an easy pass; it doesn't work that way.

*(*Laughter*)*

Each one of us has special gifts and we owe our call to share these gifts with one another. You, my friends, have chosen to share your gift of leadership with the people of Suffolk County. Your task is not an easy one; you have had your accomplishments and your defeats. But through it all, you have had the best interests of the people of Suffolk County in your hearts. During this special season of giving, I call upon the Father of each and every one of us to continue to bless each and every one of you with his gift of grace, that grace to help you continue your leadership. So, therefore, let us bow our heads and pray.

Oh, Lord, give to these Legislators and all authority wisdom and strength to know and do your will. Fill them with love of truth, honesty and righteousness. Make them always remember that they are your servants called to share their gifts and to lead and serve this County and its people. Amen.

"Amen" said in unison

And at this time, Legislator Jon Cooper, Legislator Vivian Viloría-Fisher and Legislator Jack Eddington, I understand that you are leaving office, and we wish to thank you for your service and call upon the Father to bless you. May the Lord bless you and keep you, amen. May the Lord make his face shine upon you and be gracious to you, amen. And may the Lord lift up his countenance upon you and give you his peace now and forever, amen. Good luck and God bless you and much happiness in your retired life.

Upon leaving, permit me to share the story from an article that I read entitled *Signs of the Times*. A woman went to the post office to buy stamps for her Christmas cards. "What denomination do you want", asked the Clerk? "Oh, good heavens. Have we come to this," said the woman. "Well, then give me 30 Catholic ones, 10 Baptist ones, 20 Lutheran and 40 Presbyterians."

God bless you and have a very Merry Christmas and a joyous and happy holiday season for each and every one of you. God bless you.

P.O. LINDSAY:

Thank you, Deacon.

D.P.O. VILORIA-FISHER:

Thank you.

Applause

P.O. LINDSAY:

Wait, everybody remain standing. This is like going to church; you sit down, you stand up. You know, pretty soon we're going to take a collection.

*(*Laughter*)*

We need it. After that very beautiful prayer, I just want to have a moment of silence for the New York Police Department Officer Peter Figoski. A much decorated 22-year veteran was tragically killed in the line of duty on December 12th while responding to a robbery in Brooklyn. Officer Figoski of West Babylon left behind four daughters. May he rest in peace.

And also, as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country. And I just would like to make an observation, that our prayers for all of our people overseas over the years to bring them home safe is starting to be realized this holiday season, they're starting to come home.

Moment of Silence Observed

Okay, you can sit down. We have a number of proclamations. First up, Legislator Stern, are you ready for your procs; yes? Legislator Stern for the purpose of a proclamation.

LEG. STERN:

Good morning. Thank you, Mr. Presiding Officer. First of all, let me wish everybody here a very happy and healthy holiday season, happy, healthy new year to you and all your families. Today is a special day for the Elwood-John Glenn School District and High School. We have champions here with us today. First, let me introduce to you the Elwood-John Glenn High School Knights Football Team here to celebrate their Suffolk County Championship and then having gone on to win the Long Island Championship for the second consecutive year. Please join me in congratulating the Elwood-John Glenn Football Knights.

Applause

We welcome Coach Dave Shanahan.

COACH SHANAHAN:

I'll just take a moment to thank you for having us here on this wonderful occasion. In life you can't buy back time, so we try to recognize our student athletes, let them know what's really important. And what they did, the experiences they had this Fall was unbelievable, and hopefully it lasts a lifetime. So again, Merry Christmas, happy holidays. Thank you for having us here and I wish you the best.
Thank you.

Applause

LEG. STERN:

Thank you, Coach. We're also joined by other champions, we're going to call them up in just a moment, but Athletic Director Lou Tuorto is here and he really is such a great representative of the school district and the representative of such great pride that our champions bring to our community. Also, a special day for Coach Shanahan here; he is here not just in his capacity as a championship coach, but also as a proud father, his daughter is here to receive a proclamation for being a champion in the Sachem School District as well. So a great day for you, Coach Shanahan. Good to see you.

COACH SHANAHAN:

Thank you.

LEG. STERN:

So maybe we can have our boys step back.

COACH SHANAHAN:

Yes. Guys, we're going to take a photo outside.

LEG. STERN:

I'm going to have you say a few words about our volleyball team.

P.O. LINDSAY:

Next up is Legislator Muratore.

D.P.O. VILORIA-FISHER:

He's not done.

P.O. LINDSAY:

Oh, I'm sorry, Legislator Muratore. Go ahead, Legislator Stern.

LEG. STERN:

To my colleagues, we also are very proud to welcome the Elwood-John Glenn High School Spiders Girls Volleyball team. The girl volleyball team this year were both Long Island Champions and New York State Class B Champions. What an outstanding program. They continue on a great legacy in their school and their community, they bring such great pride to our entire Elwood community. We knew they do great things for the high school and they're going to be doing great things and we wish them every success in the future. Please join me in congratulating the New York State Champion Elwood-John Glenn High School Spiders.

Applause

And we welcome our Athletic Director, Lou Tuorto.

MR. TUORTO:

Thank you, everyone, for having us here today. I certainly want to wish everyone a very happy holiday season, Merry Christmas. And it's my pleasure to introduce the girls volleyball team. And not only these girls are outstanding volleyball players, they're a scholar athlete team by New York State and they also were recognized as the Sportsmanship Team of the Year at the New York State Volleyball Tournament. And they're lovely girls to work with. I had the pleasure of escorting them on the trip to the State and they couldn't have represented our community and our County any more prouder than they did. I would be remiss, Coach Harrington, who is the coach of this team, was not able to attend today, he had some academic Regents testing to attend to, so he sends his regards. And thanks, everyone, very much. And again, thank you for having us.

Applause

P.O. LINDSAY:

Thank you. Okay. Legislator Muratore, when you can maneuver the aisles there, whenever you're ready.

LEG. MURATORE:

Thank you, Mr. Lindsay. The first group I would like to recognize today, because, you know, we call the 4th Legislative District the home of champions, because we've got a whole bunch of them there.

If I can have the Sachem East Field Hockey Team come up here, please. Just right up front there. All these wonderful young ladies from Sachem East.

While they're coming up, you know, they have been County Champion -- they have been in the County Champion Finals in 2007, 2010 and have a very competitive program over the past 12 years. 2011 was their break-thru year. They won Division I, being champions their record was 13 and 1; they are Suffolk County Champions; they are Long Island Champions; and they are also New York State Champions with an overall record of 21 and 1. So congratulations to this entire group of young ladies, the Sachem East Field Hockey Team.

And another honor bestowed upon them, besides individual honors, the Coach of the Year for the Mary Hauser Memorial Coach of the Year Award, Coach Tina Moon. Tina? There you are, Coach. As a matter of fact, she was a guidance counselor to my niece and my two nephews, so we go back a long time in Sachem. But I want to congratulate the young ladies. God bless you. Have another wonderful season next year and keep up the great work. Thank you so very much. I also have a proclamation here for you.

Applause

Look, the place is getting empty now. Isn't this a marvelous day? All the young people here. This is reflective of our County. You know, this is where we're going, we are becoming champions here. I know my colleagues and I have a lot of work to do, I'm just trying to burn up time here. It's all about this, what we see, the choir, football teams, the hockey team. I thank all of my colleagues for the great job we're doing here. Hopefully -- you know what we'll do? We'll take it outside. Okay, Coach? You want to take this and I'll meet you outside? Okay, great.

Applause

Okay, the next group of young men I'd like to bring up are the Suffolk County -- the Long Island Champions in Football in Division II and that's the Newfield Wolverine Varsity High School Football Team. Can you come up, guys? Right up front there, where the ladies were; come on.

You know, another representative of the 4th Legislative District, the Newfield Wolverines. They are, like I said, the Long Island Champions. On their way to victory, they had two great accomplishments; number one, they defeated unbeaten Garden City in the finals 14-7. And realize, this is the first championship in the history of the school so, again, you know, a big congratulations to the guys on the team.

Applause

And another great accomplishment, and it's really selfish on my part, but they beat East Islip. And a little bit about me, when I was in high school, which was a long time ago, my high school team, from freshman to senior, we were undefeated and one year unscored upon defensively. And the team that beat us on Thanksgiving Day of 1960 was East Islip. So thank you, guys, for putting it back to them, for me personally.

(*Laughter*)

What I would like to do -- you know, I don't really want to sit here and talk about this team because, you know, they are in my district, I'm very, very proud of them, but I would like Joe Pic -- Coach Joe to pick to talk for them for me. Okay, Joe; if you would, please?

COACH PICCININNI:

Okay. I would like to thank everyone for inviting us here today. Yeah, what these guys have accomplished is a true testament to their character and who they are, as persons and as a team. You know, they have overcome a lot of different adversities throughout the season and, you know, put it together when it counted and took care of business when they needed to. Okay. Mr. Muratore, thank you.

LEG. MURATORE:

Oh, thank you, Coach.

Applause

Thank you, gentlemen. You did a great job, an outstanding job.

Applause

You know, there were a couple of individual accomplishments, too, on this team. As great as they are, you know, they function as a team and every team has leaders. Of course, at the very top, the Coach of the Year of Section -- what is that, 11, Division II Coach of the year and Long Island Coach-of-the-Year? Coach Joe Piccininni. Also, we had Senior Ron Denig, All-County/All-Long Island. He won the Collatta Award for the Best Linebacker and MSG Varsity Rob Burnett Award as Best Defensive Player; Mike Silver, All-County MVP of the Suffolk County Championship game; James Manginelli, Defensive Player of the Game, Long Island Championship game; and Julian Santiago, Offensive Player of Game, Long Island Championship Games. So we have a team and we have leaders here, and God bless you's and good luck in your future endeavors. Thank you very, very much.

Applause

P.O. LINDSAY:

Next up is Legislator Anker for the purpose of a proclamation.

LEG. ANKER:

I finally got you over here to the Legislature, it took a couple of months. I am so proud to honor this gentleman who has done so much for his community. Joe Cognitore has been extremely busy in my district, 6th District and across Suffolk County. Joe is one of the leading active members of the VFW Post; his specifically, 6249 in Rocky Point. And for decades -- I'm sorry, I don't mean to put you out there forever -- but he has been working so hard. And coming from a civic and environment and health advocate and activist, I know one when I see one. And I know Joe and his sincere interest in helping other people; he will go out of his way, he will do what it takes to make sure that person is well taken care of. And again, I am just so proud.

Joe served in the Vietnam War, he's, again, been directing and helping with the Veterans of Foreign War Post 6249 for a number of years.

Joe also -- let's see, you've got a lot of things that you've been doing. You're currently the Commander, oh, since 1973? Since 1973; wow, that's wonderful. And it is one of the largest organizations on Long Island. I went to a culmination of all the VFW posts, a breakfast, and the Rocky Point one, many members. In fact, you work on projects for other VFW posts in other areas that don't have a large membership. So again, doing what you can for the people, for the Foreign Wars people coming back.

So Joe, again, I just want to thank you. And Joe works across party lines. You know, you see Joe working, I gave a Summer Concert Series, and both for, you know, nonpartisan efforts, I am just so proud to give Joe this proclamation. So again, thank you for coming here this morning.

Applause

P.O. LINDSAY:

Okay, next up is Legislator Cilmi for the purpose of a proclamation.

LEG. CILMI:

Thank you, Mr. Presiding Officer. I'm joined this morning by a young lady from East Islip -- come over here, sweetheart -- by the name of Cari Roccaro. One of the greatest things that we have an opportunity to do as Legislators is to honor exceptionalism, particularly with our youth.

With me today is somebody who has been able to combine the qualities of literally fierce competitiveness and humility in one person, and that's really very, very special. She's played for East Islip Soccer, for the Redmen, for the varsity team since she was in 8th grade. She -- through those years, she -- in fact, as a freshman, saw the team, lead the team to the Long Island Championships. She has been All-Long Island for three years in a row, All-American for two years straight. She was recently named Newsday's Player-of-the-Year, and she was also named number five, top five players in the country in -- for women's youth soccer. She is just a sweetheart of a young lady, it's been a pleasure to watch her grow up. And she's off to Notre Dame, but although you're leaving Long Island for a soccer career and an educational career at Notre Dame, you know that Long Island will always be your home. So Cari, congratulations. I have a proclamation for you from all of us. Keep up the good work.

Applause

P.O. LINDSAY:

Okay, we're getting there. Next up is Legislator Montano for the purpose of a proclamation.

LEG. MONTANO:

Thank you, Mr. Presiding Officer and, again, my colleagues. Today is a day of champions. I would like to bring forward Brentwood High School's Varsity Soccer Team. Come on up, guys.

Applause

Just very briefly, I know we've had a long day. The coach is here, the Athletic Director, Kevin O'Reilly, Dan Robinson, Jay Lance, Rich Costello, Peter Gentile and Steve Rochester. Are they here?

MR. O'REILLY:

Dan Robinson, Kevin O'Reilly and the High School Principal, Mr. Loeschner.

LEG. MONTANO:

Okay. Who wants to speak?

MR. O'REILLY:

I'll speak, after you.

LEG. MONTANO:

Very quickly. Again, Brentwood High School Soccer Team is presented to you for their fourth consecutive Suffolk County AA Championship this year. In the past they have been not only the State Champs, they have been recognized by ESPN as a top choice for the ESPN Fab 50 National Rankings. They survived the grueling New York Class AA State Tournament in which the four semifinalists were combined 86-1-1.

In 2010, they finished their season with a record of 20 wins, 11 losses, two ties. And they also won

the Suffolk County Championship and the Long Island Championship. The team finished the season ranked 7th in the nation, according to the NSCAA poll. With that, I'd like to present Kevin O'Reilly, and you're the Athletic Director for Brentwood; he's been before and it's my pleasure to welcome him again. Speak about your team and some of the outstanding athletes that represent Brentwood High School.

MR. O'REILLY:

Thank you, Legislator Montano. And thank you, Suffolk County Legislature, for having us here, it's a great honor. It's very hard to win championships. We were lucky to win our fourth consecutive; it's the first team and the largest class to win four straight. This doesn't happen without total teamwork, from our Board of Education, Superintendent, our High School Principal, Mr. Loeschner, and obviously Coach Eden. And it was so eloquently put by one of our players, Jeffrey Madina, "It's always hard to win a championship in any sport. Luckily we have a great coach behind us. He's always there for us." And without that, Coach Eden has many accolades, coaches of the year, different things, but one thing he's very proud of and so is the school district, that we just won our second consecutive New York State Public High School Athletic Association's Scholar Athlete Team Award, and that's through his hard work to make sure our boys are doing the right thing in school and on the field. So right now in front of you are your four-time Suffolk County Champion Brentwood Varsity Boys Soccer Team.

Applause

LEG. MONTANO:

Let's step outside, young men, and take a photo. Oh, you want to do it here? Kevin, they want to do it here. Let's get the high school Principal.

LEG. MONTANO:

Is he here? Come on up.

Photograph Taken

P.O. LINDSAY:

Okay, I'd like to have Legislator Browning come to the podium for the purpose of a proclamation.

LEG. BROWNING:

Okay, last but not least. This is certainly high school day at the Legislature. I would like to introduce to you the William Floyd High School Football Team, better known as the Colonials. Yeah (*Laughter*). They're pretty fired up anyway.

November 27th, the William Floyd Colonials won the Long Island Championship defeating East Meadow by 54-47. They are the Division I Champions here in Long Island. The football program began in 1959. William Floyd School District has won one Suffolk County Championships, four Long Island Championships, and they've had three consecutive 11-0 seasons, and the Long Island record of 42 consecutive wins from 2005 to 2008. I'm extremely proud of these players. In fact, there's a few of them, I don't know if the Martucci boys are here, I didn't see them today, but some of them I've known from when they were very little, being the former school bus driver. And it's great to see where they are today, and I know we have an Eagle Scout amongst us, Frank Summers. But I am very proud to be a William Floyd parent and I'm very proud of these young men and what their accomplishments are. And I do wish all of them the best of luck, especially our seniors, in their future endeavors. And for those of you who are returning, let's do it again in 2012. Thank you.

Applause

And I have a proclamation; Coach Longo, if you would step forward. Coach Longo has done a

phenomenal job with the William Floyd Football Team. And I can say that he encourages them not just on the field and pushes them and all of its coaches, but also in the classroom and I think that's important. So I have a proclamation here for the William Floyd Colonials to say thank you from Suffolk County and congratulations.

Applause

And also, Stacey, if you'd like to come forward? And here I have Stacey Bedell who is the star running back, defenses back for the champion -- for the Champion Colonials. He was this year's co-winner of the Hanson Award, which goes to Suffolk County's most outstanding football players. He broke a Long Island Championship game record with 412 rushing yards and also scored four touchdowns in the game. Stacey totaled 2,532 yards in the season, which is the third most in Suffolk County history, and scored 39 touchdowns. Stacey recently committed to James Madison University to play football and I wish him the best of luck. And Stacey, I have a proclamation for you and I wish you all the best in your future endeavors. Because I've actually heard a lot of great things about you from Mrs. Summers last night at Boy Scouts and she was telling me --

(*Laughter*)

I'm telling you, she had not -- so many fantastic things to say about you. So I wish you lots of luck at James Madison.

MR. BEDELL:

Thank you.

Applause

Where do you want us? And with that, I'm sorry, Coach Longo, would you like to say a few words?

COACH LONGO:

I would like to thank Legislator Browning for having us here.

LEG. BROWNING:

Here, I'll hold it.

COACH LONGO:

Oh, I hold and talk. Okay, I can hold and talk. I would like to thank Legislator Browning for having us here today. I also would also like to recognize my Defensive Coordinator, Coach {Achico} is here, does a great job, and Coach {Leskowitz}, my line coach. And in the last eleven years we did win eight of the County Championships and four of the last seven Long Island Champs, we're very proud of our team. Thank you very much for having us here today.

Applause

P.O. LINDSAY:

Next is Legislator Schneiderman for the purpose of a proclamation.

LEG. SCHNEIDERMAN:

Legislator Anker is joining me.

P.O. LINDSAY:

And he'll be joined by Legislator Anker.

LEG. SCHNEIDERMAN:

Good morning. Legislature, meet Taylor Adamo. She's a young nurse at Stony Brook Medical Hospital. You know, some days life doesn't go according to schedule. Life presents situations that really test us and develop our character and force us to see what kind of human being we can possibly be to the greatest extent possible, and October 8th was one of those mornings. You all probably heard about the horrific accident that happened on County Road 111.

Taylor was on her way home from working the night shift at Stony Brook and she was the first upon this accident where she found a van had crashed into a car. The driver, a woman, was dead when she looked inside the car. There were three children still alive and Taylor used her nursing skills to immediately assist. The three kids were ultimately raced to the hospital. One of the boys, Jason, didn't make it, the other two kids are still in critical condition. And Taylor, I don't think in her life, had ever seen anything like this before. You can all imagine being brought into a situation completely unexpected, after a long night of work, heading home and then being presented with a situation where you really have to find that strength inside and respond and that's really what a hero is, and Taylor did just that. And she helped assist until the ambulances could arrive and it really was a remarkable feat. And we're here with a proclamation, I'm joined by Legislator Anker, but presented through the Presiding Officer with all of our signatures on it thanking her for her courage and being there when she was needed. So thank you, Taylor.

MS. ADAMO:

Thank you.

Applause & Standing Ovation

P.O. LINDSAY:

I'm going to take center stage for the last presentation of the morning. The one thing that we know from the this morning is that high school athletics succeed in Suffolk County, and that wasn't all of our champions. I had the District 3 Football Champs in Sayville, they won 12-0 and won a very tight defensive battle, they beat Lawrence for the Long Island Championship 79-68, the most points ever scored in a high school football game. They couldn't come here today, so I went to the high school and made a presentation, and that's a good thing because the auditorium couldn't hold anymore.

This is our last meeting of 2011 and it's kind of a bitter sweet meeting. Tonight is the start of Hanukah and Christmas is Sunday, and I would be remiss if I didn't wish everybody a wonderful holiday season. But this is the last meeting for three of our Legislators that, combined, have more than three decades of experience. And I would just like to be joined by our Minority Leader, John Kennedy, and would ask Legislator Viloría-Fisher, the Deputy Presiding Officer; Legislator Jon Cooper, the Majority Leader for the Legislature; and Legislator Jack Eddington, the Chair of our Safety Committee to join me.

This is a very, I think, unusual Legislative body. We represent all walks of life. We come to this career from many other different careers with all kinds of political perspectives. I call it a stew; we have people from the far right, we have people from the far left and we have a lot of people in the middle. But the source that binds us all together is the people of Suffolk County and our dedication to them, and the Legislators surrounding me have really done themselves proud over the combined more than 30 years. They've individually introduced some really ground-breaking legislation. They all had different cares and needs and brought them forward, but they're all in the name of the people. I just want to thank them for their many, many years of service and say that they'll be dearly missed.

LEG. COOPER:

Thank you, Bill.

D.P.O. VILORIA-FISHER:

Thank you.

Applause & Standing Ovation

LEG. KENNEDY:

Let me just add that it's been a great privilege to serve with each three of these Legislators. And for all of us, being a Legislator is kind of like a learning process, and I can look to each one of them and know that throughout the process they've helped and guided me in a lot of ways. And it's always been neat to be a pair of Jacks any time I worked with Legislator Eddington. Legislator Viloría-Fisher has helped me on so many different issues and she's been a key note in the areas of the environment and certainly our youth. And Jon Cooper kind of helped me to grow into something that's not the easiest thing to do, which is to be somebody who brings a consensus amongst a caucus. And we all in Suffolk County have been benefitted from their service and we all wish you great luck, great success. And I don't think you'll be retired, I know each one of you has great plans going forward. So thank you and good luck.

D.P.O. VILORIA-FISHER:

Thank you, John.

LEG. COOPER:

Thank you, John.

P.O. LINDSAY:

Why doesn't everybody join us in taking a full Legislature photograph.

Applause

Photograph Taken

Okay, we'll go to the Public Portion now, and we have with us Councilman Dan Panico from the Town of Brookhaven. Dan, you want to come up first?

COUNCILMAN PANICO:

Good morning, and thank you for the opportunity to address you. Happy Holidays, Merry Christmas, and certainly Happy Hanukah. My name is Dan Panico, I'm Brookhaven Town Councilman for the 6th Town Council District and I'm here today to speak about Legislator Romaine's resolution, 1916, to turn the now single light, the blinking red light at Halsey Manor Road into a fully signalized intersection with three colors.

To me, everyone knows the story of what occurred on County Road 111. And I am also a Manorville resident, my wife and myself, we travel these roads. And Manorville has changed over time. It's not a country road, it's not a country-type setting that many people would think of the past. Manorville has changed but the roads haven't kept up with the times; I think that's a very true statement. And we have an opportunity here, at very little cost, to make a signalized intersection out of a blinking red light. To me, it is a no-brainer and I would hope that it would pass unanimously.

The tragedy that unfolded two months ago, had this light been full color, truth be told, it probably wouldn't have stopped that. However, this would avert another tragedy, a tragedy which I believe certainly will happen, I hope not to myself or to anyone that I know. Because when you're crossing from Halsey Manor Road in either direction, north or south on 111, you're taking your life in your hands. The speeds on that road are very high. We do not have adequate police protection on that road. I know everyone has a tight budget, we have a tight budget at the town. This will help. This will allow safe passage across County Road 111 for myself, for my wife and for the community that I represent. And many times, speeds there hit in excess of 80 miles an hour. This light certainly is

not going to speed people up, it could only help the situation.

The limited site distance. When you're looking, when you're heading across 111/Halsey Manor Road, when you look to the left and you look to the right, many times I have endured the fact that there is a tractor trailer, and it's very heavily traveled by tractor trailers, in the right lane and you get across and all of a sudden in the left lane, this happened to me last week, a white Audi must have been doing close to 90 miles an hour. I was caught in the middle because I had to look to the right from the Hamptons traffic coming up on Sunday night, to try to make it through. And in-between all of that, you have cars making lefts and rights to head onto Halsey Manor Road. It's a dangerous situation and it really isn't much of a lift. It can be resolved by simply adding the amber and the green light, making a fully signalized intersection. You would make everybody's Christmas in Manorville and you certainly would make mine because you would be protecting my life and the life of my wife.

If there's ever anything I can do for you as a Councilman in the Town of Brookhaven, and I know many of these Legislative seats touch and concern Brookhaven, I certainly would pay you the same respect. And I thank you for the opportunity.

Applause

P.O. LINDSAY:

Thank you, Councilman Panico. Next speaker is Greg Fischer.

MR. FISCHER:

Hi. I'm Greg Fischer, I'm a Calverton resident. I'm here to speak in support before the vote today of 1624, which is to define child concealment.

Child concealment is not defined anywhere in New York State, in New York State Code, not in any County code, nowhere. This bill does define it. It also asks that the police consider it in matters of custodial interference. That it's not defined means it doesn't conflict at all, it's not preempted by the New York State Code. As well, we know that custodial interference is almost never enforced in the State of New York. For some reason, there's a pattern of selective enforcement where the police choose not to enforce custodial interference. We're hoping to gather some attention for child concealment, child abduction. And we, of course, know that the police really do want to protect children and that this body really wants to protect children. What can happen and does happen is children are abducted, taken to other jurisdictions, and the New York State Courts, the Family Courts especially, are pre-circumvented. This will help us take one step towards preventing the undermining of our Family Courts.

As you heard before, my children were abducted for a period of 25 months once; they've been abducted many times since. The police continue to say that this is a civil matter and the civil process has been unable to resolve my matter and the matters of others. We've had people here speaking that were Suffolk County residents that have had similar problems. We have had people from out of state that were formerly Suffolk County residents, have had these problems. But concealment is the first act, the first physical act where we can say yes, there is a problem that we need to address. So I'm hoping that this Legislature will set precedent, take action on an area and a harm that's never been addressed before, and hopefully we can get other areas of the state and to get the State Legislature to take further action, like New Jersey has taken action, like California has taken action, to make the concealment commence a felony so that these international and out-of-state abductions are halted, or at least the police can intervene and we can get these children back promptly and prevent the harm. Thank you very much.

Applause

P.O. LINDSAY:
John Newcombe.

MR. NEWCOMBE:
Good morning. I'm here to urge you to --

MR. LAUBE:
Hold the button.

MR. NEWCOMBE:
Oh, just hold that down. Okay. I'm here to urge you this morning to adopt the traffic light at Halsey Manor Road. Next week marks the beginning of our family's 24th year at Tendo Run in Manorville, just two miles from Halsey Manor and County Road 111 intersection. Every time we go to cross, we say a prayer, take a deep breath and try to move forward.

Twenty years ago my mother-in-law was involved in a terrible accident there coming home from Thanksgiving dinner with us with her two friends who were retired nuns. Three years ago I miraculously survived a crash there going across. What people don't understand is that there's a dip in the road just before Halsey Manor and cars disappear down there, they're going tremendous speeds, as the gentleman before said that. The blinking light is also very dangerous. My son was with some friends trying to cross from the other side of Halsey Manor yesterday, in the evening, and a car actually stopped from going 65 miles an hour to let them cross, they didn't know what to do, and that car was nearly ran from behind.

So I urge you to adopt this measure and to put in that three-colored light so that we can live and breathe a little easier out there.
Thank you.

Applause

P.O. LINDSAY:
Thank you. Before I continue with the public portion, I'm going to take a very unusual action. I've been asked to take 2111, 2112, 2113 and 2115 out of order at this time. They're all appointments to the Teen Pregnancy Advisory Board. All four of these folks are in the audience. I have a very -- I have about 25 cards, so I don't want to make them wait all morning. So if I could have a second to that, we could dispose of it.

LEG. BROWNING:
Second.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Muratore).

P.O. LINDSAY:
All right, let me bring them up first. Denise Ferrera, are you in the audience? Please come forward, Denise. I'll make a motion to approve ***2111-11 - To appoint member to the Teen Pregnancy Advisory Board (Denise Ferrera)(Viloria-Fisher).***

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

P.O. LINDSAY:

Seconded by Legislator Viloría-Fisher. Does anyone have any questions of Denise? Seeing none, all in favor? Opposed? Abstentions.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Thank you, Denise.

2112-11 - To appoint member to the Teen Pregnancy Advisory Board (Marcia Spector) (Viloría-Fisher). Marcia, please come forward. Legislator Viloría-Fisher, you want to make the motion?

D.P.O. VILORIA-FISHER:

Yes. Motion to approve.

P.O. LINDSAY:

I'll second it. Does anybody have any questions of Ms. Spector? No. Thank you very much, Marcia. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And **2113-11 - To appoint member to the Teen Pregnancy Advisory Board (Gina D'Andrea Weatherup) (Viloría-Fisher).** Are you here, Gina? Oh, very good. Thank you for coming, Gina. Same motion, same second. Anybody have any questions for Ms. Weatherup? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

And Judy Cummings, **2115-11 - To appoint member to the Teen Pregnancy Advisory Board (Judy Cummings) (Viloría-Fisher).** Is Judy here? No Judy? Okay. Okay, thank you.

D.P.O. VILORIA-FISHER:

Can I make a motion anyway?

P.O. LINDSAY:

That's fine by me.

D.P.O. VILORIA-FISHER:

Yeah. I'll make a motion to approve.

LEG. BROWNING:

I'll second that.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Thank you, Ladies, for coming. I'm sorry for the inconvenience. Happy holidays.

Okay, back to the [public portion \(continued\)](#). Next up is Keith Botts.

MR. BOTTS:

Good morning, everybody. I am here today representing my family and other residents from Halsey Manor Road who could not be here today to ask that the existing traffic light at Halsey Manor Road and County Road 111 be fully operational to help save lives.

I have lived on Halsey Manor Road, north of County Road 111, eighteen years and have seen numerous accidents at Halsey Manor Road and County Road 111 resulting in injury and death. It is impossible to cross this intersection from Halsey Manor without putting yourself at risk of an accident. This is what people do coming from the north side of Halsey Manor. You stop at the stop sign, you look east for traffic, County Road 111 has a long dip just before Halsey Manor; cars come out of the dip about 150 feet before the intersection traveling at least 70 miles per hour or more. You have to time it just right to get across the first two lanes, then you stop in the middle to check the eastbound traffic that is also going 70 miles an hour. You need to stop just right, because the car barely has enough room to stop in the median between before four lanes of traffic. The school buses that carry our children have to stop in the median at an angle and hope no one runs into them. Finally, you can finish crossing the other two lanes. This goes on every time someone crosses. No one feels safe navigating this intersection.

Department of Public Works says they need to do another study. One was completed two years ago and I know this intersection has been studied before -- before that, because residents have asked for a light before the firehouse was built. We already know what another study will say; not enough traffic from Halsey Manor Road to warrant a light. Never mind the hundreds of families that use this intersection daily and risk their lives. I would love to see the DPW engineers navigate this intersection with their families every day and tell us that we don't need a light, or try to get across on a Friday evening or a Sunday with the Hamptons traffic. Changing the speed limit will not help enough. People will not slow down enough to make it safe. The speed limit is already 45 miles per hour heading east up to Halsey Manor.

What determines the need for a light? Not enough cars from Halsey Manor Road? How about 16,000 cars that travel County Road 111 each day? Do we need more than one death in the last year? At the last meeting, a DPW representative made the comment, "Only one death." They've admitted the cost is minimal. The light already exists, just activate it. The only effect it will have is the safety of our community and the safety of the 16,000 vehicles that travel County Road 111 each day. There are no negatives.

Please vote to activate the traffic light at Halsey Manor Road and County Road to save lives. This is long overdue. As a community, we demand it. For the safety of our families we demand it. Please help us here and do the right thing. Thank you.

Applause

P.O. LINDSAY:

Cliff Hymowitz.

MR. HYMOWITZ:

Okay. For those of you who don't know me, my name is Cliff Hymowitz and I've been addressing

this Legislature for probably ten years on transportation issues, and I come with good messages now. This body has in its power to have a new beginning, okay? Right now we only have two subcontractors for all of the Suffolk County fixed routes. It's Suffolk County's intention to keep them on separate radio frequencies; this is ridiculous. That means that somebody going eastbound to go westbound has to call their dispatcher who calls the other dispatcher who calls the bus driver and the person already missed the bus. So I encourage you -- and you'll be getting an e-mail from me on this, but I encourage you, we're getting a new beginning, let's do it right the first time and not have to remake the wheel.

The second thing is that I encourage you that -- I was able to get passed that a transfer would be good for two transfers, because people were paying two full fares and a transfer because of the way the system is set up. In order to get that passed, I had agreed to allow for a two-hour limit. It's not enough time. We have hour head-ways on a lot of our bus routes, and there's no reason why we shouldn't have the three hours. These are working people who don't make high wages. There's no reason why, because the bus system has set up ways, that they should have to pay a double fare.

The next thing is we are get a new Medicaid broker for the County. Okay? I know a lot about Medicaid brokerages on a national level. I'm optimistic but I'm cautious. The organization that's coming in here is LogistiCare; they don't have a great reputation for service all over the country. What I'm suggesting is that this body should hold them accountable to the same standards that para-transit is held to. That they're responsible -- not the drivers, because we're paying them to administer this program. That they're responsible that taxi cabs show up for Medicaid trips within a window, the same that it is of para-transit. Right now Service Air presently has no control. They give the trip and then they walk away. Okay? I don't want this body to let LogistiCare do the same thing.

My final comment is about SCAT, okay? A world -- a nationwide problem is no-shows and cancellations. One of our constituents made the complaint to the FTA Civil Rights Division, so now there's an investigation on Suffolk County transit for being non-compliant with too many denials. So County's answer is, well, we have to implement a policy to get people suspended if they have too many cancellations and no-shows. My feeling is that if you suspend somebody, you're not fixing the problem so, therefore, you're only going to have somebody else take their place. There's only about 19 people responsible for the majority of these no-shows and cancellations. Now they say -- when I first started here, we had two weeks notice to make the trip. They said, "We have to make it one week. This is going to solve the problem of no-shows and cancellations." Now they want to make it three days, okay? So the only thing they're going to accomplish is people are going to be denied because they're not going to get through on the phone. Okay?

P.O. LINDSAY:

Cliff, you're out of time.

MR. HYMOWITZ:

Okay. Anyway, I just hope you take these comments to heart and expect to hear from me in the future. And we have a chance in 2012 to make transportation right in Suffolk County and it can't be done without your support.

Applause

P.O. LINDSAY:

Next up is Glenn Svoboda.

MR. SVOBODA:

Thank you for me, Ladies and Gentlemen of the Legislature. I'm here in support of Mr. Romaine's legislation of 1624, the parental abduction. And listen, I've been doing this for 16 years. I'm a

American member of Americans For Legal Reform, the television show *Families in Transition*, I've been an advocate for men's suicide for over 16 years, and I have to tell you, the court in Suffolk County primarily does not enforce visitation denials. We used to call it parental alienation and I urge that -- what we call fatherlessness Suffolk County where 40 to 50% of the children in our schools don't live with a biological father anymore.

We have a group here come from Connecticut who knows just how bad it is here in Suffolk County. We want to see you start spending money on forcing families to stay together, not the lucrative amounts of money that this County receives to destroy families. And I know Mr. Cooper knows what I'm talking about, I know Mr. Romaine, as the former Clerk of the court knows what I'm talking about. I know Mrs. Fisher, I spoke to her when she first ran for office. I speak to Josh, many other people in here. And of course Mr. Gregory, a gentleman over there, I think he's starting to understand our issues.

So now I understand there's no teeth in this legislation, that they're complaining it might not go through today. I've seen many cases in the past, if a non-custodial parent wants to take visitation on a child, I've seen the courts implement bond money, a million dollars for a non-custodial parent to have visitation. There's no effect for any non-custodial parent to have any rights. If I, as a non-custodial parent, take my child from the custodial mother, it's called kidnapping; on the other hand, nobody cares. But if we owe child support because we lost our job, we'll go right to jail. And I object for being here today as I could be put in jail for not working to pay my child support, so I'm putting my own self in jeopardy.

Also, we're asking in this legislation, Mr. Romaine, that to change custody, I think it's no surprise, for about eighteen years we've been trying to have the court impose that. In fact, in 1994, the Suffolk County Court passed a resolution to adopt shared parenting. You have that resolution here where the Honorable Judge Gregory Blass, the new Commissioner of the Department of Social Services, Child Support Enforcement Bureau, Donald Blydenburgh, Angie Carpenter, and many other people sat on that. We want to start seeing the best parent is both parents, and I would appreciate it if you's could finally do something in this County, it's way over do. Thank you very much.

Applause

D.P.O. VILORIA-FISHER:

Our next speaker is John DiBiase, Jr.

MR. DiBIASE:

Good morning. I appreciate the opportunity to speak before you today. I currently am a victim of this abuse by another parent who I'm going through a divorce right now. My wife moved out on December 1st, she took our two children, or her two children, I adopted the children a year ago. In Connecticut we have what's called automatic court orders and number ten of this court order states, *"If parties shall steal a child or children, a party vacating the family residence shall notify the other party or the other party's attorney in writing within 48 hours of such a move so the relocated party can receive communication. This provision shall not apply if there is prior contradictory court order."* In my case, there's no court order and it's been almost two weeks now since she moved out with the kids. I don't know where they're at, what school they're in; she pulled them out of the school they were in which is not in their best interest.

This was a result of a domestic violence thing that happened just prior to that and she -- a restraining order was issued against her. I was fully involved with her kids for two years before the separation here and I have haven't had any contact with them. Like I said, there was a restraining order issued against her, there was a capias ordered against her because she didn't appear in court. I know friends of hers who knows where she is and I dropped papers off to her and she didn't appear in court, so the Judge dropped the capias.

In Connecticut, if you're not custodial parent and you have your visitation interfered with, there is no consequences for those actions. I've been in court a number of times for contempt motions and, like I said, there's never any consequences. I've introduced two bills regarding parental alienation in Connecticut last session and hope to reintroduce this session. In Brazil there is -- they passed legislation making it a criminal offense to alienate your child from the other parent, and that's what my bill in Connecticut is about.

P.O. LINDSAY:

Mr. DiBiase, you're out of time.

MR. DiBIASE:

And with regards to this bill, 1624 --

P.O. LINDSAY:

You're out of time. Mr. DiBiase, you're out of time.

MR. DiBIASE:

Okay. A change of custody is warranted.

Applause

P.O. LINDSAY:

I would like to make a motion to extend the public portion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen.

D.P.O. VILORIA-FISHER:

Cheryl Martone.

MR. LAUBE:

Fourteen (Not Present: Legislators Browning, Kennedy, Gregory & Stern).

MS. MARTONE:

Good morning to the --

MS. LOMORIELLO:

Hold your finger on the button, please, and remain it there.

MS. MARTONE:

Can you hear me now?

MS. LOMORIELLO:

You have to hold your finger on it.

MS. MARTONE:

Keep my finger on it? Sorry, it's different than Connecticut. I've testified at Legislative hearings in Connecticut, so I'm not used to this. Hi. My name is Cheryl Martone. Good morning, legislation

(sic) in Suffolk County. I'm from Westbrook, Connecticut, and I started two years ago U.S. Concerned Parents Support Group, and I'm with the group from Connecticut. We came in the fashion that we were told that there is this anti-concealment bill going on, because I see many parents need to be -- have information about a bill that becomes -- make this bill become law, what the importance of this law in our society and to uphold the law enforcement in the courts. Because the orders are given to parents that have custody, guardianship and visitation are not upheld in the courts, and we need to make this explicit to the -- about the lawyers, the GAL's and the Judges that have to hold up these laws, please.

It's a parent's duty to direct and control the upbringing of their child, as you may well know, by both parents, not one. I'm going to be generic about this, as this is my child and many child (sic) I know about -- are hidden from their loving parents. When a child is concealed from their loving, caring parents, it causes them mental distress and emotional disturbance. I pray and hope that this bill gets passed, because it -- we can model it in the rest of the country. It causes -- and like my child, it causes Stockholm Syndrome and it leaves a permanent impression. This jurisdiction has the inherent responsibility to impose and direct the rightful way to make this law and make a better life for children. It's up to you. This overlooking of contempt of the court -- this overlooking of the contempt of the court in aiding and abetting the risk of injury, poisoning the minds of the child and bribery of the child when the concealment taking -- is taking place before they attempt to take the child into total concealment. This will -- passing this bill will help the child to be with both loving and caring parents.

So I pray and hope that Legislators will pass this bill today so that there's no brain washing of children anymore and the condition that gets created can be avoided. Thank you very much. And I do have key pieces of evidence that I can show you and court orders. Thank you.

Applause

P.O. LINDSAY:

Mark Nocero.

MR. NOCERO:

Good morning. My name is Mark Nocero, I'm School Superintendent of the Eastport-South Manor Central School District. I'm here this morning to speak to you regarding Resolution 1916 about the traffic light at County Road 111 and Halsey Manor Road.

I have 4,000 children in my school district. This road goes directly through ESM. Each morning, hundreds of my students travel to school on this road and in the afternoon they travel home on this road. Some of them are on school buses, some of them are in cars with their parents, and the scariest part is other ones are new teen-age drivers who are driving back and forth to high school.

You've heard about the tragedies that have happened on this road; the most recent, the horrible loss of a mother and her young son. I've been in Manorville for seven years. I've heard of so many other accidents that have happened on this road that don't make the headlines where people have been hurt and injured. I'm asking you today to please, please consider this legislation. I'm not one who's prone to get melodramatic, but I have an empty student desk and chair at school this year and that can't happen again. And this simple piece of legislation, if you approve it, may prevent that from happening again. Thank you.

Applause

P.O. LINDSAY:

Superintendent Nocero, thank you for being patient with us. I know you're a busy man, but thank you for coming with your testimony this morning. Ken Krajewski,

MR. KRAJEWSKI:

Hello, everybody on the committee here. Thank you for listening to what we have to say today. I'm Ken Krajewski, founder of Save Our Kids Parental Alienation Founder. I'm a Marine, a proud Dad and uncle of fourteen. I'm here to support the concealment bill, 1624.

It is not recognized or defined here and in many states nationwide.

I deal with parents nationwide everywhere and speak in Washington D.C., too. In many states, this is a felony when there's concealment of a child, whether it's behind closed doors or over state lines. Many of these issues, if police involvement was used, a lot of these issues wouldn't continue to happen. Instead of a civil matter brought back to court and the broken court orders continue to happen and concealment continue to happen.

I had six broken visitation orders and also a vacated house when I went to pick up my children. Had I brought my children back 30 minutes late, a couple of hours late, there would be an Amber Alert and nobody would say anything about -- "We're the Police, we can't do anything about it." It happens all over the country. We'd really like police enforcement on this. And shared parenting would ultimately eliminate a lot of these issues. Because of a lot of these issues aren't enforced, both in the Family Courts and at the police station, I, like many other parents, have become exiled. My children have been left fatherless and I'm a law abiding citizen and I will continue to fight for shared parenting and other issues that deal with the best interests of our children and not just a word. Thank you.

Applause

P.O. LINDSAY:

Anthony Manelli?

MR. MANUELE:

Hi. My name is Anthony Manuele, I'm here with U.S. Concerned Parents. I've been fighting corruption in a Britian Court for about five years; I have documents here, I have transcripts. Right now, I haven't seen my child in a week. I've filed contempts. I have a court order to see my child, I've filed contempts. I told the police if you can file an Amber Alert. I'm very concerned, the Court doesn't do anything. I've been fighting corruption with my lawyer working in my child's mother's law firm, so I can't get my rights. While I'm fighting corruption, I lost two years of fighting for my child's right. She could conceal him from me, keep him away from me. Meanwhile, the Courts are allowing unjustful acts. I have the transcripts here where they admit it. My attorney working in a law firm, I know he just rents a closet, always shows up and one of an appearance where her lawyer couldn't show up.

I filed grievances with the Bar and it doesn't get anywhere because another lawyer from another bar -- there's no oversight on the Bar Association. Meanwhile, my child cries, "Daddy." You've got to read these transcripts; "Daddy, Daddy." I never did anything, but I have to fight corruption. And these orders I have, I have orders that my child's mother has answered a phone every day, she didn't answer last night. They're not being -- I want justice, that's all I want. I want justice, I want the lawyers to follow the rule book, I want the Judges to follow the rule book and I want the orders to be ordered -- court ordered that I have to see my child and she has to answer the phone, it should be done. Why should I fight corruption? And then my other attorney gets arrested while he's representing me for embezzlement. It's one after another, and it's got to stop. And the childs (sic) are suffering. And there's a million cases, but my -- I have transcripts to prove it and Judges that committed crimes and told me to shut up during my hearing. How could you tell me, it's my hearing, "Shut up. Arrest him if he speaks," when the hearing just began? I have to fight corruption? I'm so silly. My father worked hard, three jobs, and I have to spend all of my father's inheritance on fighting justice that's being unjustly done. All right? This is a shame that I have to

waste my life. Instead of running the family business, I have to step out and I have to fight. I don't know law, but I have files up the ying-yang fighting corruption. I'm going to get my day before I die. Meanwhile, I love my son, he's three and a half and this should not continue. If I have a court order, she should follow it. Enough of this.

*(*Timer Sounded*)*

And if it's a law it's a law, and if it's an order and it's in the rule book then everyone should follow. I want these lawyers arrested and Judges. I'm going to pursue it and you're going to hear my name.

P.O. LINDSAY:

Mr. Manuele, you're out of time.

MR. MANUELE:

You will hear it some more.

P.O. LINDSAY:

You're out of time.

MR. MANUELE:

Yep. Thank you.

Applause

UNKNOWN AUDIENCE MEMBER:

You're not alone, sir.

P.O. LINDSAY:

Helen O'Brien. Helena O'Brien, excuse me.

MS. O'BRIEN:

Good morning. My name is Helena O'Brien, I live on Pineholm Farm, Halsey Manor Road, north side of County Road 111.

As you know, the safety concerns on County Road 111 are not recent developments. They date back as far as I can remember, even before ground was broken for the King Kullen Shopping Center. The takeaway from the many community meetings over the years has been that an already dangerous road is being made even more so. My mantra has always been install more lights and lower the speed limit; it doesn't seem that complicated. I encourage the Legislature to look at County Road 111 as an entity. As in this case, a tricolor light at Halsey Manor would not only result in a safer intersection, but would reduce the number of speeding infractions north and southbound. Please understand the community's frustration level when, after so many years of begging for a safer roadway, here we are today with the same mess amid a mounting number of catastrophic accidents.

Furthermore, I take issue with Bill Hillman's position at our meeting at the high school last month, remarking that he could never turn County Road 111 into an accident-proof road. Should not the goal here be to at least lower the odds, and that all future collisions be, at the very least, survivable? I asked Mr. Hillman point blank at a meeting two years ago, how many more deaths and serious accidents need to occur before the County does something? I guess he took that as a rhetorical question. I would not invite the Public Works Department to walk a mile in my shoes, but rather drive a few feet in my car through the pocket of peril at the Halsey Manor intersection; that should be study enough. And if not, may I mention, with all due respect and in the nicest way possible,

that the expertise of certain members of the Public Works Department may be better suited to the private sector where imminent public safety no longer falls within their purview.

D.P.O. VILORIA-FISHER:

Your time is up.

MS. O'BRIEN:

We encourage this Legislature to partner with us --

D.P.O. VILORIA-FISHER:

Your time is up, Ms. O'Brien. Can you wrap up, please? Your time is up.

MS. O'BRIEN:

I could. In our single-minded purpose to make County Road as safe as humanly possible.

D.P.O. VILORIA-FISHER:

Okay. Your time is up, we have many cards.

MS. O'BRIEN:

Yes. Thank you, Ed Romaine. Thank you to this Legislature for supporting us in this matter. Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

Applause

D.P.O. VILORIA-FISHER:

Brent Vinch.

MR. VINCH:

Hi. Good morning. I'm Brent Vinch, I'm a resident of the Town of Manorville, 33 Ocean View Boulevard, and I'm coming here today in support of Senator -- Legislature Mr. Romaine's legislation, 1916, to put in a fully functional light at Halsey Manor Road.

I think by the presence of Mr. Panico and Mr. Nacero today, along with many other members of the community, to see just how important this light is to the local community. It's probably going to be mentioned, but there's also been many workings on more safety on this road. There's been a petition and a group of people to try to put together a safety committee for the road, there's been a petition that was submitted of almost 5,000 names to work on the safety of this road. And it won't be evidenced here today because of the timing of this public hearing, but we had a public meeting at the high school with over 200 residents who are working on the safety of this road and ideas that they could have. And thankfully Mr. Romaine had already put in this legislation after the Trinca accident to go ahead and get this light fully signalized.

I think it's also important to note that this highway, County Road 111, it's really kind of a thru-highway connecting two State roads. I think anywhere else in Suffolk County, I liken it to William Floyd Parkway and Veterans Highway; I don't believe there's any intersections on those roads that aren't traffic controlled. DPW is saying, "Hey, there's not enough traffic on Halsey Manor Road to go ahead and support this light being turned on," but there's no other intersections on two comparable roads. People are traveling 55 miles an hour on that road, 45 in that area, 55 at the next light. To be able to go ahead and slow people down as they come through that intersection, and as the poor people who are actually trying to make a left or a right off Halsey Manor Road, north or south, trying to access this road and getting to where they're going to be, citizens, school buses, parents, it's really just a very, very unsafe intersection. It's a very easy fix for you folks. And I, as

a member of Country Point, 271 homes who access that road every day, I'm supporting to fully signalize this light. Thank you for your time.

Applause

D.P.O. VILORIA-FISHER:

Donna Colello.

MS. COLELLO:

Hi. Good morning. I'm a resident of Manorville. I'm here as a voice to try and get the light on Halsey Manor fully functional. I have been a resident of Manorville since 1994, and there's been abundance of population and commercial buildings since then with no changes done actually to 111. Myself, my family, my daughter, who is now turning 17 -- is going to be driving at the end of this month, actually -- will be traveling that roadway and it's a big concern of mine. I'm here to just ask you to please -- we're pleading with you to please just turn this light on so it's fully functional, so it makes that roadway a safer road to travel, especially in the summer time. And I just ask you, on behalf of myself and my family and the community, to continue to try and make this light functional. Thank you very much.

Applause

P.O. LINDSAY:

Before I call the next card, we've heard testimony from a number of you people about this same subject. We still have nine more and you are saying the same thing over and over again. I would like to address this issue before our lunch break; we break at 12:30. So please, if you're going to say something that's already been said before, maybe you could shorten it up so we can address it before you leave the auditorium.

LEG. ROMAINE:

Mr. Presiding Officer?

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Maybe it would be appropriate, considering your feelings, to take this out of order at this time.

P.O. LINDSAY:

Well, we considered that, but I don't like to preempt somebody who signed a card.

LEG. ROMAINE:

I understand, sir.

P.O. LINDSAY:

You know?

D.P.O. VILORIA-FISHER:

Lynne Ross?

MS. ROSS:

I'll keep this very brief. I'm also a 20-year resident of Manorville and I'm here in regards to the Halsey Manor Road and County Road 111, Resolution 1916. And I am begging you to make the light a fully functional, tri-color traffic light. I do not want to see any more death on County Road 111.

Thank you.

D.P.O. VILORIA-FISHER:

Thank you.

Applause

Jonathan Cohen.

MS. COHEN:

Good morning, everyone. I will keep this brief. However, I do think that it's very important that you all hear the strong support that there is for this in our community. Every day you all make decisions that impact people's lives, but every now and again -- every now and again the opportunity comes up for you to make a decision that will literally save lives.

This intersection is one of the most dangerous in our community. And as has been said before, in order to cross it, you have to cross four-lanes of traffic where the cars are traveling in excess of 70 miles per hour. Imagine this as a real life game of Frogger, except that you have to win every time because if you lose, you're not going to come back. So this is extremely important to our community.

And you're going to hear opposition from the Department of Public Works, and they're entitled to that. Their opposition is not about finances, their opposition is that they want to study the road further. And the facts are that they're probably right, we probably don't have as many cars as DOT recommends to put in a traffic light. But for the people who travel on this road every day, this is a matter of life and death, and I urge you to see it through those eyes and to understand that our community can't do this without you and we need your support and I'm asking for that today.

Applause

D.P.O. VILORIA-FISHER:

Karen Dunne.

MS. DUNNE:

I'll be real brief. I'm here as the President of the Manorville Chamber of Commerce who formed a Safety Committee to address this and many other issues, as well as a member of the Eastport South Manor School Board.

You've heard all the facts and I don't need to repeat what people have already said. I specifically want to thank those members of the Legislature who were here last Tuesday when we heard from the Department of Public Works. And in spite of their trying to table it and saying we need to have studies of anywhere from three to six months at a minimum, you went forward and did the right thing by bringing it today for discussion and a vote and I truly do thank you for that and I'm confident that you'll make the right decision. Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Michael Lieberman.

MR. LIEBERMAN:

I am also from the Manorville area. I represent the Youth Sports Association as well as some of the victims. I had a daughter that was involved in an accident on that road. I'm a parent and it's a harrowing thing to travel to a scene of an accident not knowing how your daughter is; you know, I

was very fortunate she was okay, we totaled the car. But we are all in support of this idea to get this light functioning if it saves one life. You know, I heard the remark about the Public Works gentleman that compared it to only one life. I ask everyone sitting on the board that's making a decision today, consider if that life is somebody that's in your family or a friend or somebody you love or know, how you would feel and how you would vote at that juncture.

I am one of these people, I haven't -- I've lost a lot of faith in government over the years. I'm hoping that you're going to restore my faith and vote for this resolution and get this light going. Thank you very much.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Jay Gootenberg.

MR. GOOTENBERG:

Thank you very much for allowing me to speak today. My name is Jay Gootenberg, I represent the Eastport-South Manor Sports Association as well as the Manorville Chamber. The Sports Association represents approximately a thousand families and over 2,000 participating youth children in our organization.

And I'm only going to add to the information that you've already heard today by stating that there are a lot of youth activities, sporting events, community activities that surround the area. We have been known to have the largest growth in school district history in the entire state. Due to the fact that we have a lack of ball fields out in the Manorville area, these parents and the kids traveling to the limited number of athletic facilities, not only during school hours but also on the weekends, creates a tremendous amount of traffic on 111, especially during the height of the season. The Hampton traffic is no longer seasonal, it happens all year round, and I encourage you to pass the bill to have that light made permanent.

I've been a resident, I live about six houses off of that traffic intersection and I travel it approximately eight times a day. So once again, I encourage you to pass that so that that becomes a full functional light, as well as the other issues on 111, and certainly complete a study that will enhance the rest of the safety issues on either side of that light as well. Thank you.

D.P.O. VILORIA-FISHER:

Thank you. Deborah Zeltmann.

MS. ZELTMANN:

Hi. I'm Debra Zeltmann, I am also a resident of Manorville, and I thank you for this opportunity to just share my views --

D.P.O. VILORIA-FISHER:

Are you pressing the button?

MS. ZELTMANN:

Yeah. Do you hear? Okay. So I'm here like to represent the young women, I guess, the young families. The Trinca Family was representing a lot of young families in Manorville. So at this point, there are thousands of people that showed up for the memorial they had at the high school for the Trincas, and it was obvious that the community would be here if they could, if it was the right timing and they know that a lot of people are representing them here, too; they're working and things like that. So I'm just going to urge you to please pass this bill.

My concern is for my family and for the people that I love. My daughter was very aware, at nine

years old, of what happened, that her classmate was gone, asking, you know, "Why isn't the light turned on?" You can't explain to a child, you can't even explain to me what the Public Works is trying to say about a study; you know, it doesn't make sense. I feel it is a moral decision at this point. However it gets caught up with the red tape and, you know, whatever, it doesn't make sense. So I hope that you will make sense of it. And hopefully, if there was something that came out of the Trinca accident, it would be that attention was brought to this and that something positive was done for the safety of the community and to let the kids know we do care about them. And I just hope that you vote in favor of this.
Thank you.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Caryn Burk.

MS. BURK:

Hi. My name is Caryn Burk and I've been a Manorville resident for 14 years. And trying not to repeat what anybody else said, William Floyd is a very similar road. And today on my way here, dropping off my daughter to come, I looked at my speedometer and I was doing 65; and I am a speeder, I am known as "lead foot". And what Brent just said earlier that made me think of it, I looked to my right, I looked to my left, there was no intersections anywhere until I came to a light, and that's the same issue with County Road 111.

I lived in Syosett before I lived in Manorville. I used to go to the Hamptons every weekend, which is what a lot of the commuters are doing, and you don't realize that County Road 111 is a County Road. You get off the Expressway doing -- you were doing 70 miles an hour for 45 minutes, you get on County Road 111 and you just continue, you don't realize that there's intersections. If you could put a big, blaring sign that said, "There's an intersection here," that would be great. But I think a light does just that. When you see a light, for me, even if I'm driving too fast, I slow down or I cover my brake with my foot and I look to see if -- even if I have a green light, if somebody is going to blow the light on either side of me. So I'm protecting myself and I'm protecting the person that I could possibly T-bone. So to me, that is the reason.

I feel that the DPW, in all the years I've been fighting County Road 111 for other issues, I feel that they always lean toward the commuter traffic. It just seems like Hampton traffic takes priority over the residents of Manorville, and that really needs to be addressed. Because we're asking for a light, you know, we're asking for safety, and I don't understand in any way how a light that's already there that's not going to cost anybody money can be an issue. So thank you for hearing what I had to say.

Applause

D.P.O. VILORIA-FISHER:

Thank you. Stephen Serl.

*(*The following testimony was taken and transcribed by
Lucia Braaten - Court Reporter*)*

MR. SEARL:

Hi. Good morning. My name is Stephen Searl. I'm with Peconic Land Trust. I'm here to express our support for two resolutions that came out of the EPA Committee. The first is I.R. 2073, authorizing the acquisition of farmland development rights for the Sylvester Manor property on Shelter Island. The second is I.R. 2074, authorizing the acquisition of the Long Island Beagle Club property in Calverton.

A few words about if the Sylvester Manor property first, I.R. 2073. The resolution before you is the acquisition of development rights on approximately 57 acres to be shared by Suffolk County, the Town of Shelter Island, and USDA's Farm and Ranchlands Protection Program. The fourteenth generation descendant of the original purchasers in 1651, owner Eben Ostby, is committed to preservation to the greatest extent possible, which began with a donation of a conservation easement to Peconic Land Trust in 2009 on 22 waterfront acres. The owner has previously sold development rights to Suffolk County and the Town of Shelter Island on 28 acres of farmland immediately to the north of this proposed acquisition. This was known as Phase I. This purchase of development rights known as Phase 2 will trigger the donation by Mr. Ostby of the subject farmland acreage to the not-for-profit Sylvester Manor Educational Farm. These purchase of development rights are key to the transition into the public sector of lands held privately by one family for 360 years.

The not-for-profit educational farm is thriving with year-round agricultural production, year-round staff and fund-raising success. The farm works closely with the Natural Resource Conservation Service, and was the recipient of a USDA grant to assist with the clearing of the long dormant agricultural land in this proposed acquisition. The Peconic Land Trust continues to facilitate a conservation outcome for the property and is working closely with the owner and Sylvester Manor Educational Farm to advance our collective mission. As always, we welcome Legislators to come and experience this unique farm for themselves.

Finally, a few words about the Beagle Club property, I.R. 2074. This is an important open space project that is considered a priority, both by the State of New York -- the property is specifically referenced in the State's Open Space Conservation Plan -- and the Town of Riverhead's Open Space Committee. Moreover, it serves as a buffer between the active agricultural land that stretches down the west side of Edwards Avenue and the large scale residential development that is directly across the street. It's also important because of its size, it's 150 acres, its location in the special groundwater protection area, its visibility -- there is about a half mile of road frontage on Edwards Avenue -- its habitat and species diversity, its potential for public access and passive recreation. But most important, it's important because this piece of vacant land, if preserved, would complete one of the largest blocks of preserved land in Riverhead, by my calculation, at least 450 acres.

We urge this body to approve both resolutions today and conserve these important properties. Thank you for your time.

D.P.O. VILORIA-FISHER:

Thank you, Steve. Louis Lipira.

MR. LIPIRA:

I'm here to talk about the light at Halsey Manor Road. I'm a resident of Manorville for 15 years. I've had to negotiate this intersection, my daughter, my grandchildren, every day. I think everything has pretty much been said that has to be said about it, other than the average person who negotiates this intersection, four lanes at 70-mile-an-hour traffic, can't really relate to the Department of Traffic Safety's studies. I've been talking to them for ten years about this, it seems to fall on deaf ears. All I can say is it'd be safer to -- the figure-eight track at Riverhead is safer than the intersection of Halsey Manor Road and County Road 111. Thank you.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you. Nanci Dallaire.

MS. DALLAIRE:

Good morning. My name is Nanci Dallaire. I have been speaking before you all year, expressing my concerns and lodging my complaints. And although I still object to the I.R. 2132, 2132A, with the purchase of additional helicopters, today I would just like to take this opportunity to thank you. You have given peace to those at John J. Foley this season for the first time in many years. You could feel it in the atmosphere. Morale is recovering and there's hope for the new year. Thank you for listening to us, and more importantly, thank you for acting on our behalf. There are no words that can express our gratitude, but we would like you to know that your hard work and tireless efforts do not go unnoticed or unappreciated.

To our Legislators who will be leaving office, we wish you success in all that you endeavor. And for our Legislators who will remain, may you continue to have the strength and courage that it takes to represent us. And may you all have a blessed holiday and a happy, healthy new year.

*(*Applause*)*

D.P.O. VILORIA-FISHER:

Thank you, Nanci, same to you. John Rather.

P.O. LINDSAY:

Okay. We have no John Rather. Is there anyone else in the audience who would like to speak to us under the public portion this morning? Seeing none, I'll entertain a motion to close the public portion --

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

-- by Legislator Barraga, second by Legislator Muratore. All in favor? Opposed? Abstentions?

LEG. ROMAINE:

Mr. Presiding Officer.

P.O. LINDSAY:

Let me just call Legislators to the horseshoe, please.

MR. LAUBE:

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

P.O. LINDSAY:

Okay. Legislator Romaine.

LEG. ROMAINE:

I'd like to make a motion to take *I.R. 1916* out of the order.

LEG. COOPER:

I'll second.

LEG. BROWNING:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Seventeen. (Not Present: Leg. Montano)

LEG. ROMAINE:

I'd like to make a motion to approve *I.R. 1916 (Directing the Department of Public Works to install a full three-color stoplight at the intersection of CR 111 and Halsey Manor Road) (Romaine)*.

LEG. BROWNING:

Second.

LEG. CILMI:

Second.

P.O. LINDSAY:

Is there any discussion? Yes, Legislator Browning.

LEG. BROWNING:

No, no discussion, I just said second.

P.O. LINDSAY:

Okay. It's on Page 10, 1916, first one under Public Works. Okay.

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

MR. LAUBE:

Eighteen.

LEG. MONTANO:

Was that to take it out of order or to --

D.P.O. VILORIA-FISHER:

No. We already did the taking out of order.

P.O. LINDSAY:

We already --

LEG. MONTANO:

Okay.

P.O. LINDSAY:

We already took it out of order.

LEG. MONTANO:

All right.

D.P.O. VILORIA-FISHER:

There was sixteen on that.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. We have a couple of Capital Budget items in Public Works, and we have members from the Police Department here as well. So I'm going to ask that we consider -- there are four capital resolutions, and if we can take those out of order, we'll be able to dispose of them and let our Police personnel return to their duties.

P.O. LINDSAY:

I think that's a good idea. The first one, I guess, would be 2070. You might as well do all the --

LEG. KENNEDY:

Sure.

P.O. LINDSAY:

-- Police ones, all right? *2070 is accepting and appropriating a grant in the amount of \$120,000 from the New York State Division of Criminal Justice Services --*

D.P.O. VILORIA-FISHER:

We're on Page 9.

P.O. LINDSAY:

-- *for the Suffolk County Police Department's Operation Hot Wheels VIII Program with 82.29% support (Co. Exec).* Legislator Kennedy makes a motion to take it out of order, I'll second it. All in favor? Opposed? Abstentions?

LEG. HORSLEY:

2070?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2070. 2070 is now before us.

D.P.O. VILORIA-FISHER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Viloría-Fisher.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

2076 - Accepting and appropriating Federal funding in the amount of \$16,000 from the United States Department of Justice --

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

-- *U.S. Marshals Service, for the Suffolk County Police Department's participation in the Regional Fugitive Task Force with 81.53% support (Co. Exec).* Motion by --

D.P.O. VILORIA-FISHER:

Kennedy and Jack.

P.O. LINDSAY:

-- Legislator Kennedy, seconded by Legislator Eddington. All in -- this is to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

It's now before us. Can we do "same motion, same second" on the approval?

(*Affirmative Response*)

Same vote.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. **2077 - Accepting and appropriating Federal funding in the amount of \$17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 81.53% support (Co. Exec.).** "Same motion, same second" on taking it out of order all right?

(*Affirmative Response*)

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same vote. And the same motion and second on approval is okay with everybody and same vote?

D.P.O. VILORIA-FISHER:

No. On the motion.

P.O. LINDSAY:

On the motion.

D.P.O. VILORIA-FISHER:

Is there anyone here who could answer a question about this?

P.O. LINDSAY:

Well, someone from the Police Department. That's why we're taking --

D.P.O. VILORIA-FISHER:

I'm looking.

P.O. LINDSAY:

They were over here.

D.P.O. VILORIA-FISHER:

2077. I just wanted to make certain that this didn't direct investigations to immigrants.

DEPUTY INSPECTOR NIEVES:

Deputy Inspector Ted Nieves, Executive Officer, Chief -- Office of the Chief of Department. No, ma'am. This is a recurring grant that we use in various joint operations with Federal and local operations, it is not aimed at immigration.

D.P.O. VILORIA-FISHER:

Okay. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second to approve; am I correct?

MR. LAUBE:

You are correct.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

The next one is 2116, setting Police Department fees. I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. MONTANO:

Explanation on this one.

MR. LAUBE:

That's to take out of order, correct?

P.O. LINDSAY:

To take it out of order.

MR. LAUBE:

Okay.

P.O. LINDSAY:

All right. All in favor? Opposed to taking it out of order?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. It's before us. Go ahead, Counsel, if you could.

MR. NOLAN:
Actually, these are two department fees that were inadvertently lost when we did the recodification of the code. We're reinstating them. It has to do with providing letters of good conduct, and also for individual fingerprinting. It's \$10 for the fingerprinting, \$20 for a letter of good conduct. Again these were fees that we always had. They were lost inadvertently, we're reinstating them.

P.O. LINDSAY:
We had a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
2124 - Appropriating funds in connection with safety improvements at the police firearm shooting range (CP 3111) (Pres. Off.).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion to take it out of order by Legislator Kennedy, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. Same motion to approve. Second? Maybe you should go over it, Mr. Counsel, on what 2124 does.

MR. NOLAN:
This is strictly an appropriating resolution on funds that are already included in the Capital Budget and Program, \$300,000.

P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
On the accompanying bond resolution, **2124A**, same motion, same second. Roll call.

MR. LAUBE:
Legislator Kennedy.

LEG. KENNEDY:

I'm sorry?

MR. LAUBE:
Legislator Kennedy.

MR. NOLAN:
On the bond.

D.P.O. VILORIA-FISHER:
Roll call on the bond.

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

LEG. KENNEDY:
Oh, yes, yes, yes.

P.O. LINDSAY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Okay. Next up is *2125 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP3135) (Pres. Officer)*. I'll make a motion to take it out of order.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

I'll make a motion to approve.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second. And do you want to explain? Anybody from the Police Department want to make a case for this? No? Go ahead, explain it, George.

MR. NOLAN:

Again, it's appropriating money. It's in the Capital Budget and Program, \$120,000 for the purchase of heavy -- of a heavy-duty vehicle.

P.O. LINDSAY:

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

MR. LAUBE:

Eighteen.

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution, *2125A*, roll call.

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

P.O. LINDSAY:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
The next one is *2132 - Appropriating funds in connection with the purchase of additional helicopters (CP 3117) (Pres. Officer)*. I'll make a motion to take it out of order.

LEG. KENNEDY:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
It is before us.

LEG. KENNEDY:
Mr. Chair, on the motion.

P.O. LINDSAY:
Well, let me make a motion to approve before we start the discussion.

D.P.O. VILORIA-FISHER:
Jack is the second.

P.O. LINDSAY:
I'll make a motion to approve for the purpose of discussion, seconded by Legislator Eddington. And I recognize Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. And I appreciate the opportunity to go ahead and discuss this resolution.

I had an opportunity last week and again today to speak in detail with the Department about our present fleet. We currently have one twin engine EC-145, and three single engine A-Star aircraft. It's my understanding at this point that all of our aircraft are functional, operational. And, as a matter of fact, one of the aircraft is in the process of doing a 12-year rebuild. Considering the fact that the purchase of a new helicopter is in excess of 7.5 million. I'm going to make a motion to table. And I've indicated to the Department that we would give earnest consideration to a purchase of a new helicopter in 2013.

There are some superior capabilities associated with the EC-145, the twin engine vehicle, and quite candidly, we have Inspector Cameron here, so it occurs to me, I shouldn't be having this conversation, we should be asking the Inspector. So I'm going to ask Inspector Cameron if he can, please, just tell us a little bit about the fleet and the ability to go ahead and meet our --

P.O. LINDSAY:
Inspector, if you want to sit at the table, it would be more comfortable, and that mic stays on.

INSPECTOR CAMERON:

Thank you, Legislator Kennedy, for taking this out of the order. We appreciate your considering for our time. I want to apologize to the Public Safety Committee. I understand this came up last week and no one was present. And I do not want you to insinuate any disrespect for the committee or any lack of support from the Police Department for the project. And I also apologize to the full Legislature that this has to come before you with no recommendation from the Public Safety Committee, but I'm happy to address any questions or concerns that you may have about the project.

As Legislator Kennedy indicated, there are some superior advantages to a twin-engine helicopter. We do perform MedEvacs with a single-engine helicopter, but in order to do that, we need to remove the co-pilot seat, and patient's lower extremities go into the cockpit. Generally, our patients are stabilized and well packaged before they're transported, but should there become an issue, there's -- for a need for medical care to the lower extremities, an example for that may be that the gentleman that was involved in the industrial accident in the Seventh Precinct whose feet were amputated, should he hemorrhage in flight during a single-engine transport, we'd probably have to land to attenuate to that because the medic cannot access his extremities.

Also there are some superior advantages with respect to search and rescue. The twin-engine aircraft has a hoist where you can send it further out over the ocean because it has twin engine capability. As Legislator Browning's husband can certainly attest, you know, the search and rescue capability of a twin-engine helicopter are far superior to a single-engine helicopter.

The twin engine that we have, the EC-145, the -- I think the Legislature was very prudent in not buying two of them at a time. They wanted to make sure that they were reliable before we bought a second one. It has proven to be very reliable. That being said, it is in service approximately 80% of the time, so there are about two months a year, a little bit over two months a year where we do not have a twin-engine helicopter at all in the County. So should, you know, one of those issues come up where we do need a twin-engine helicopter, we would be unable to address them.

P.O. LINDSAY:

Legislator Kennedy, do you have any other questions before I turn it over to Legislator Eddington?

LEG. KENNEDY:

No, no. Certainly, I'll yield to Legislator Eddington and I may follow up later on.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. And I appreciate you being here. And over the years I've gotten to see the helicopters and I've seen the difference. And the smaller crafts really, as I had seen it personally, and you don't have to say it because I know I saw it, it's somewhat dangerous when it's doing rescue missions. I saw where a guy your size that we were rescuing, if you're in there, your feet are up by the controls, and in some cases I was shown how you could kick the door. It's a dangerous situation and we did it for fiscal reasons, and now we're starting to balk on getting the second one because of the same fiscal considerations. And this really is something you do -- I don't know the percent, but aren't a great deal of the work you do with the helicopters rescue?

INSPECTOR CAMERON:

If you mean MedEvacs, sir, yes.

LEG. EDDINGTON:

Yes.

INSPECTOR CAMERON:

Yes, a substantial portion of our missions are related to MedEvac.

LEG. EDDINGTON:

Right. So, as the Chair of Public Safety, I certainly would ask the Legislature to support this because this really is putting our pilots in danger and also the people that are being rescued, and that is the majority of what you're doing. So I would just ask people -- and besides, before -- because we approved this doesn't mean we're going to buy it tomorrow, it means that if we need it, we can get it; am I correct with that?

INSPECTOR CAMERON:

I guess we'd appropriate the money and, you know, obviously, it would depend upon my superiors as to whether we'd move forward and actually purchase the helicopter or not.

LEG. EDDINGTON:

Okay. Thank you very much.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, thanks. Thanks, Inspector, for being here to answer some questions. We have four helicopters presently?

INSPECTOR CAMERON:

That's correct, sir. We have -- as Legislator Kennedy stated earlier, we have three single-engine helicopters and the one twin-engine helicopter.

LEG. CILMI:

And for how long have we had our -- this program in the County where we've had helicopters in service?

INSPECTOR CAMERON:

We've had helicopters -- we got our first helicopter as a donation back in the '60's, so we've had an aviation program since the '60's. That's when our aviation section was stood up. In 2001, the Legislature purchased those two twin-engine MD-902's, and that was done in conjunction with the opening of a second base on the East End to better serve the East End, because there's a flight issue with time responding from Long Island MacArthur Airport for the MedEvacs on the East End. It's about 20 or 30 minutes additional flight time. So that the twin-engine -- that program has worked really well having the second base. We did see an increase in MedEvacs from the East End, and people that are catastrophically injured from the East End can get to Stony Brook University and get superior care much more rapidly.

What didn't work out well was the MD-902's. They were not well supported by the company. We had repeated premature failures of component parts, and we also had extreme difficulty in getting parts. Therefore, their in-service times were very poor. We were able to trade one in in 2007 when we purchased the EC-145, and I was able to sell actually for a much greater price than I got for the first aircraft as a trade-in, I was able to sell the second aircraft. We used the funding to buy the third single-engine aircraft and we've, therefore, saved a lot of money. But it was not a substantial degradation of service when we did that, because at the time, that aircraft was really only in service about 30% of the time.

LEG. CILMI:

The three single-engine aircraft that we have presently, how are those working out?

INSPECTOR CAMERON:

They're working out extremely well, sir. They're very reliable and they're very well supported by the company.

LEG. CILMI:

And for how long have we had the one twin-engine aircraft?

INSPECTOR CAMERON:

Well, we purchased that in 2007.

LEG. CILMI:

2007.

INSPECTOR CAMERON:

Correct.

LEG. CILMI:

And you said that the vast majority of missions that are flown out of the Division are rescue missions.

INSPECTOR CAMERON:

A substantial portion of our missions, our highest priority missions are MedEvac missions.

LEG. CILMI:

Okay. And so you've used both aircraft, the twin-engine and the single-engine aircraft for those missions throughout the years, obviously.

INSPECTOR CAMERON:

That's correct, sir.

LEG. CILMI:

Okay. So what's the expected life of one of these aircraft, whether it be the single-engine or the twin-engine.

INSPECTOR CAMERON:

Helicopters are sort of like a car. You can continue to keep it in service by doing maintenance to it, but as it ages, it will become somewhat less reliable.

LEG. CILMI:

Okay. I mean, I just -- given the fiscal challenges that we're facing, given the fact that we already have four of these aircraft, and one of which is a twin-engine aircraft which is serving us well, the other single-engine aircraft which is serving us well and have over the years, I just -- I don't think it's prudent to spend 7 1/2 million dollars now for this purpose. Seven-and-a-half million dollars is a lot of cops that we could have on the streets. It's a luxury, I can see the benefit of the luxury, but I think it's not one that we can afford today. So I'd be happy to second Legislator Kennedy's motion to table. Thanks, Inspector.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This debate's been actually going on a long time. I remember Angie Carpenter in the first bill, you know, the goal then was to have the two larger helicopters, at least my recollection, and the two smaller ones -- the A-Stars, those are the smaller ones, and I think they're hot-pursuit helicopters that have been modified to be MedEvac, but they're hardly ambulances, whereas the larger helicopters, the twin-engine ones have the room in there for the -- right? For the EMT, right? You can lay out the entire body and work around it 360 degrees?

INSPECTOR CAMERON:

Yes, sir. The twin-engine is a superior MedEvac platform. However, we do -- as I've said, we have done MedEvacs --

LEG. SCHNEIDERMAN:

Right.

INSPECTOR CAMERON:

-- in the single-engine aircraft and we have done them for years.

LEG. SCHNEIDERMAN:

So we've been trying to get the fleet into this configuration. And we just expanded the hangar, as you know, on the East End. Now it's big enough to house two helicopters because we own it. Of the four helicopters that we have now, where are they stationed? I know MacArthur houses them and Gabreski, but in terms of the breakdown, the --

INSPECTOR CAMERON:

Well, we -- sir, we have two bases, one at MacArthur Airport and one at Francis Gabreski Airport. If all four aircraft were in service, two of the A-Stars would be at Francis Gabreski, and the twin-engine and one single-engine would be at MacArthur Airport.

LEG. SCHNEIDERMAN:

Right. So currently we don't have any of the larger helicopters out on the East End, they're all at -- there's only one of them and it's at MacArthur. So is the plan, if we get this, you know, we trade one of these A-Stars in for a larger helicopter, it will go out at Gabreski; is that the plan?

INSPECTOR CAMERON:

If we had one twin-engine service, sir, it would be based out of MacArthur, and the reason for that is we get --

LEG. SCHNEIDERMAN:

Well, if we had two in service.

INSPECTOR CAMERON:

If we had two in service, the second one would be at Francis Gabreski Airport.

LEG. SCHNEIDERMAN:

All right. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Inspector, good morning. Let me ask you, are you given any advance notice in terms of the emergency situation as to how many people have to be evacuated? What makes the determination as to whether or not you send the single-engine or the twin-engine?

INSPECTOR CAMERON:

A lot of that depends on aircraft availability, sir. If the MedEvac comes up on the East End, generally, we will send the aircraft that's assigned there, again, because there's a time savings, and, you know, one of the major considerations with MedEvac operations getting patients to the hospital as quickly as we can.

LEG. BARRAGA:

Are you ever told in advance before any helicopter takes off how many people have to be evacuated, or is that just something you just don't know until you get there?

INSPECTOR CAMERON:

Frequently, we are, sir. Frequently we do have a stand-by program that we want to try and expedite the notification to the aviation second. So when things come through communications, whether they be police communications or FRES communications that could potentially involve a MedEvac, we ask that we receive advanced notice so we can configure ourselves to depart as rapidly as possible.

LEG. BARRAGA:

Is it safe to say if you're told it's one individual, you normally send the single-engine helicopter?

INSPECTOR CAMERON:

Well, again, we'll send whatever aircraft is in service at that base.

LEG. BARRAGA:

Is available. Most of the time it's the single-engine, because if you have --

INSPECTOR CAMERON:

But, you know, if we were told there were two potential patients and we only had the A-Stars in service, we would send two A-Stars, if they're available.

LEG. BARRAGA:

On an annual basis, how many months is the twin-engine available.

INSPECTOR CAMERON:

The twin-engine has proven, as I said, very reliable. In 2011 and 2010, it's been the second most reliable aircraft we have, which pretty remarkable considering that it's far more complicated than our single-engine aircraft, but it's in service approximately 80% of the time.

LEG. BARRAGA:

Eighty percent of the time. So the 20% where it's not in service, then you're forced to utilize the single-engine?

INSPECTOR CAMERON:

That's correct.

LEG. BARRAGA:

Okay. Thank you.

LEG. NOWICK:

Bill, just one question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Thank you. Good morning. Good morning -- good afternoon, Inspector. Just very quickly, just so I'm clear. We have four helicopters and now we're talking about the purchase of additional one?

INSPECTOR CAMERON:

What we're talking about, sir, is trading in our older A-Star towards the purchase of this helicopter and maintaining a fleet of four, which would be then two twin-engine and two single-engine.

LEG. MONTANO:

Okay. Just want to get an idea, how many hours either -- I don't know how you record your periodic recording, but how many hours are these helicopters in the air over a given time, whether it be a year, a month, a week? Can you give me an idea of how often they are in use?

INSPECTOR CAMERON:

Yes, sir. On average, we fly about 1800 hours a year, which would be distributed amongst the fleet of four, depending on how -- you know, what their in-service time is. The distribution varies.

LEG. MONTANO:

And what does that translate into when you say 1800 hours? Can you give me a perspective in terms of how I look at things, Monday through Friday, or Sunday, you know? What does that mean, six hours a day, ten hours a day?

INSPECTOR CAMERON:

It's about 150 hours a month and varies based upon demand.

LEG. MONTANO:

All right. And are these -- this 150 hours, is this generally on emergency calls for medical evaluation, or is this surveillance or other types things?

INSPECTOR CAMERON:

We perform a variety of missions. MedEvac is our top-priority mission, as is search and rescue, because they're obviously --

LEG. MONTANO:

Okay. Well, let's stick to the MedEvac, then. Can you give me an indication of how many hours a month of the 150 are devoted to the MedEvac?

INSPECTOR CAMERON:

I would have to research that, sir, to give you the accurate figures on that. I'm not certain.

LEG. MONTANO:

Well, do you know if it's a lot, a little, or falls in the middle or -- I know it changes based on the need at that time. You cannot determine when an emergency is going to come up and you may need the helicopter for ten hours, whereas the next week you may not. But I'm trying to get an average of how much, or percentage-wise, these helicopters are used for the MedEvac function that you provide.

INSPECTOR CAMERON:

Sir, I believe it's the work we do, conduct about four to five hundred MedEvac flights per year.

LEG. MONTANO:

So, out of the 1800, that would be maybe a little more than 20%, you would say, 25%, between 20 and 25?

INSPECTOR CAMERON:

I would need to study the duration of the flights. Some flights last longer than others, so, I mean, the hours are not necessarily representative of how much -- how much missions are assigned to MedEvacs.

LEG. MONTANO:

Okay. And geographically, this function is provided throughout the County, or is it concentrated in one particular area where the helicopter is or where they're stationed, or how does that work?

INSPECTOR CAMERON:

We perform MedEvacs throughout the County. The Aviation section is, you know, one fund, so we cover the entire County. And we did, you know, see an increase in MedEvacs from the East End when we stood up the second base at Gabreski Airport because it reduced our response time.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Thank you, Mr. Chair. And thank you very much, Inspector, for being here. We've worked together for a long time now, because, actually, the program, which was to have a helicopter stationed out on the East End, was my pilot program that I introduced. And why would I, who don't live in the East End, have piloted that? The reason is that the medical personnel out of Stony Brook came to my office and said, "This is an issue of public safety. It takes us too long to get the helicopters from MacArthur out to the East End and then to bring them back."

And so I think, Inspector, what you said before is something I want to underscore. The time it takes from going -- to go from MacArthur to the East End, and also the fact that you have to put the lower extremities -- and very often when you take somebody out of a car with the Jaws of Life, their extremities have been severely impacted by the accident. And so, to go from what you said to what our Chair of Public Safety said, this is about public safety. You have someone with the extremities in the cockpit, you don't have the medical personnel who can work on that victim. And so you are denying the people on the East End the same level of public safety that you have for the people on the West End, because it takes an additional -- is it 20 minutes?

INSPECTOR CAMERON:

Of course it depends exactly where in the East End it is. It could take, you know, 20 to 30 minutes extra to get out there, depending on whether we're going to Riverhead or Southold.

D.P.O. VILORIA-FISHER:

Or you're going to Montauk.

INSPECTOR CAMERON:

Exactly.

D.P.O. VILORIA-FISHER:

Where one of our Legislators lives. So what I'm trying to say is that we want to remember our core mission here as a County, is public safety. And there's no reason to have three helicopters of one type when we need another twin-engine, because our rescue, our MedEvac rescue flights are

extraordinarily important and we need a helicopter capable of doing MedEvac rescues at the East End. That's a matter of fairness, it's a matter of public safety, and so -- and as you know, I've been very involved in this from the very beginning because of the medical piece of it. And hearing from medical personnel that it is -- we've heard much testimony about life and death and a traffic light. This is also about life and death. It can make a difference in someone surviving a serious accident or not.

So it's very important that we provide the money that isn't going to be spent right now, but will give our next administration the ability to make the decision as to when the appropriate time would be to do this and would have the money available to do it. These are reliable helicopters, they've proven their reliability. There's no reason why we shouldn't put -- make the money available. Thank you, Mr. Chair.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Yes. Thank you, Mr. Chair. Hello, Inspector. You had said before that the twin-engine model is out for about 20% of the time, about two months. Any idea how often that -- that's the cumulative time. But when they're out, how long, in general, is it out for? Is it a couple of days, is it a couple of weeks? It's not two months straight, or is it? That's my question.

INSPECTOR CAMERON:

Sir, that aircraft requires one fairly substantial maintenance per year. It's an annual maintenance that we try to coincide with the number of hours, so it is it down maybe for about a month straight for a year. And then the other down times are related to maybe component failures or other inspections that we had to perform on it. So it is down for one, you know, substantial period and then other lesser periods throughout the year.

LEG. STERN:

And, in general, how long might those lesser periods be?

INSPECTOR CAMERON:

It depends on exactly what the problem is, but, I mean, it may be a few days or it may be a week. You know, we do try to, obviously, schedule that substantial maintenance for a period of lesser activity during the year.

LEG. STERN:

Is there a particular time of year that you find it better to schedule that lengthy maintenance and take it out of service?

INSPECTOR CAMERON:

We certainly try to not perform it during the summer.

LEG. STERN:

And you had said that the twin-engine model is far more complicated than the other model. Are all of our pilots trained to fly both models, or are there pilots that are specific to one model over the other?

INSPECTOR CAMERON:

The goal is eventually to have all our pilots trained on both and they do transition through, but I believe all of our pilots at this time can fly both aircraft. They're both rated as pilots in command on both aircraft.

LEG. STERN:

Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Nowick.

LEG. NOWICK:

The question was already answered.

P.O. LINDSAY:

Oh, it was already answered.

LEG. BARRAGA:

Question.

P.O. LINDSAY:

I got a list. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Now I'm going to turn to BRO, if I can, for just a second, because, unfortunately, we are forced to go ahead and deal with the realities of our budget, both on the capital side and the operating side. And in no way, shape or form am I trying to equate value of rescue, time associated with rescue, but we need to know what the cost is. And I also want to understand the consequences of an approval on this resolution today. So first, Robert, let's go to, I believe, it's 7.5 million?

MR. LIPP:

Correct.

LEG. KENNEDY:

Okay. And what would the -- what would the carrying cost -- what is the -- what's the vig on that and what's the impact going to be for us next year?

MR. LIPP:

Okay. I like the way you talk.

*(*Laughter*)*

Probably in today's market, with low interest rates, and the typical bonds, typically like about 19 years we've been issuing on average, so it -- 7 1/2 with interest, another three million probably would be about in the neighborhood of 10/12 million. Over 19 years, that would be over a half a million per year, 550-something thousand per year for 19 years in today's market.

LEG. KENNEDY:

And if this resolution gets tabled today, would there be an opportunity to revisit this in the Capital Budget process for 2012, allowing for acquisition in 2013?

MR. LIPP:

I believe not because this is part of the -- unless I'm mistaken, this is part of the 2011 Capital Program, not 2012. So you either have to have an offset in 2012 to appropriate this in 2012, number one, or would have to put it as part of the 2013 Capital Program. That being said,

understand also, depending upon when the helicopter was purchased, if it was next year as an example, I don't know when, but if it was next year, the debt service would start the year after.

LEG. KENNEDY:

So we would see the expenditures begin in 20 --

MR. LIPP:

2013, hypothetically.

LEG. KENNEDY:

The increase in the debt in 2013.

MR. LIPP:

If it was purchased next year. I don't know if there -- we'd be ready to purchase it next year. That would be the Officer's question, not mine.

LEG. KENNEDY:

But let me just go to, then, the consequences, and this is to yourself, I guess, and this is to Counsel. Approval of this resolution today would then clear the Department to go ahead and make the purchase, or would it have to come back to us again, George.

MR. NOLAN:

No, it doesn't come back.

LEG. KENNEDY:

It does not come back. Then, and what I'm going to suggest to my colleagues is that in no way, shape or form do I subscribe to disenfranchising any portion of the county, East End, West End, North Shore or South Shore. But by purchasing this, what we are doing is, is we are buying into and subscribing to the notion that we have to have two equally co-located vehicles, twin-engine capacity, and it obviates a decision that our new County Executive might make. We are challenged as we go forward with the budget and he may, by and through his Police Commissioner, elect to centralize deployment of helicopter vehicles.

I just feel that we are at a time where we are not compromising the evacuation process, and we are committing a big-ticket purchase. That's why I've made the motion to table.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Put me on the list.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Okay. Thank you. I'll be very brief. Inspector, I just had -- I wanted to ask you, in terms of reality of using the helicopters, has not having the second twin helicopter ever compromised your ability to respond to any situation, and if so, how?

INSPECTOR CAMERON:

Not to my knowledge, sir. Not -- nothing -- no mission comes to mind that we had to decline because of -- we didn't have it.

LEG. D'AMARO:

Well, not even decline, but perhaps where, you know, especially in a rescue situation, every minute, every second counts. Has there ever been a time when you thought, you know, if we had that second twin-engine, it would have made a difference?

INSPECTOR CAMERON:

We do respond, obviously, with the single engine helicopters to MedEvac requests on the East End and we have been doing that for years. You know, the actual patient care would probably be a better issue addressed by Stony Brook Hospital as to whether their patient care capability was compromised on any specific mission by not having a twin-engine.

LEG. D'AMARO:

Well, I would expect that, whether you had the twin or the single-engine helicopter, the response time would be pretty much the same, right?

INSPECTOR CAMERON:

That's correct, yes.

LEG. D'AMARO:

Yeah. However, there are issues as to whether or not the single engine aircraft really accommodates what needs to be done while you're in flight and perhaps transporting somebody. The single-engine aircraft, are they certified, or can you bring them over water or no?

INSPECTOR CAMERON:

We tend not to bring them far out over water, because if there's a mechanical issue, they would be more susceptible to a malfunction over water.

LEG. D'AMARO:

How often is that an issue in a flight?

INSPECTOR CAMERON:

Well, we do get more search and rescue requests than we have in the past over water because the Coast Guard moved their aircraft, their helicopter off Long Island sometime ago. So we do work closely with the Coast Guard on many search and rescue operations until they can get one of their aircraft on station.

LEG. D'AMARO:

Right, but having the single-engine aircraft limits your ability to go over water. It's not really even recommended, I would assume.

INSPECTOR CAMERON:

We don't go far off shore if we can with the single-engine, we would go farther off shore with the twin-engine.

LEG. D'AMARO:

Have you ever found yourself in that situation, where having just the single engine limited your response, as far as water operation, over water?

INSPECTOR CAMERON:

It may have limited our ability to go farther out over the water for a search, but I don't know whether that actually had an effect on a rescue operation or not.

LEG. D'AMARO:

All right. Okay. Thank you. Thank you.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

No. I think Lou asked my questions. But again, if we approve this today, it doesn't have to come back to us. But I just want to be sure that we're not -- this is not a guarantee that we're going to move forward with a purchase.

P.O. LINDSAY:

What this does is it appropriates the money that was part of the Capital Budget, and it gives the Executive Branch the ability to buy this piece of apparatus, if they so choose to. They could still decide that they might not want to purchase it at this time.

LEG. BROWNING:

Right. It's just moving it forward in the event.

P.O. LINDSAY:

But the appropriation would stay alive.

LEG. BROWNING:

Correct.

P.O. LINDSAY:

If they chose for fiscal reasons not to purchase it in 12, it would still be a viable appropriation in '13 and moving forward, when they felt that they needed to purchase it.

LEG. BROWNING:

Right.

P.O. LINDSAY:

I'll put you on the list.

LEG. BROWNING:

You know, Inspector Cameron, I will tell you, I know that the incident my husband was involved in that you mentioned, a twin-engine, definitely, even in those conditions, was difficult. He actually said a Black Hawk would have been nicer, but I know we could never do that, so.

*(*Laughter*)*

But, anyway, I know in the weather conditions, the twin-engine is a much better aircraft.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Let me just give you a hypothetical. East End, severe accident, you respond with a single-engine helicopter, only to find that there isn't one, but two or three people that need immediate evacuation. What is Plan B in your case?

INSPECTOR CAMERON:

More than likely, sir, before we actually arrived on the scene, we would have been -- received communications that there are more than one victim that would be eligible for a MedEvac, and we would have already -- excuse me. We'd have already launched the second aircraft from MacArthur. That would probably be about, depending on where on the East End it is, 20 to 30 minutes behind the first aircraft. And if the rescue personnel decided that they could wait that period of time, we would then land with the second aircraft and transport the additional victims.

LEG. BARRAGA:

Have you ever had a situation where you were not advised in advance, where you actually showed up on the scene, there was more than one individual, but you had single-engine helicopter?

INSPECTOR CAMERON:

We generally have pretty good communications through the East End police departments and volunteer fire departments and we generally know what we're going into before we get there, but I can't say for certain that that had never happened.

LEG. BARRAGA:

All right. So the twin-engine takes an extra what, 20 or 25 minutes to get out to the East End?

INSPECTOR CAMERON:

Again, it depends on where it is. I mean, if we're going to Riverhead versus going to Montauk --

LEG. BARRAGA:

Let's say I go to Montauk.

INSPECTOR CAMERON:

-- you know, it could be up to a half an hour longer.

LEG. BARRAGA:

Versus if you had a twin-engine at the other location on the East End, what's the time frame to Montauk?

INSPECTOR CAMERON:

That would -- well, it would reduce the response time probably by about a half an hour.

LEG. BARRAGA:

Well, I'm a bit confused.

INSPECTOR CAMERON:

We're generally -- we're flying at about a hundred miles an hour, so, I mean, you can --

LEG. BARRAGA:

Okay. From MacArthur to Montauk, twin-engine, how long does it take?

INSPECTOR CAMERON:

MacArthur to Montauk, I'm not exactly certain, sir. I would have to get that. I don't want to -- I don't want to misquote figures for you, but I would say it would probably take us approximately 25 to a half -- 25 minutes to a half an hour longer.

LEG. BARRAGA:

All right. Now, if you had a twin engine on the East End and you had to go to Montauk, how long would it take?

INSPECTOR CAMERON:

We would get there probably 25 minutes to a half an hour faster.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Okay. Legislator Montano.

LEG. MONTANO:

Thank you. Just a quick question. Inspector, you had said earlier that you weren't clear on when you would get approval to purchase the helicopter; is that accurate?

INSPECTOR CAMERON:

I don't actually make the decision to purchase it, that would either be done by the Executives or the Chiefs.

LEG. MONTANO:

Okay.

INSPECTOR CAMERON:

But, you know, we will do the mechanics of actually purchasing the aircraft when we're approved to do so.

LEG. MONTANO:

Do you have any idea of when you expect to purchase? Assuming that this was appropriated today, do you have any idea when you would expect to purchase, actually purchase the helicopter?

INSPECTOR CAMERON:

No, sir, I don't, I'm not certain.

LEG. MONTANO:

Okay. And this is to BRO. If we appropriate this today, my understanding of the process is that it goes on to the list of the category appropriated, but not spent. Or what's the category?

MR. LIPP:

Authorized, unissued, yes.

LEG. MONTANO:

Authorized, unissued.

MR. LIPP:

Yeah. And the way it would mechanically work is the Department would let Audit and Control know when it's ready to purchase, and then in the next serial bond issue, they would do it twice a year, then Audit and Control would put it in as part of a multi-project bond issue.

LEG. MONTANO:

Would that come back to the Legislature?

MR. LIPP:

No.

LEG. MONTANO:

Okay.

MR. LIPP:

Once you appropriate it, then it's up to the Department, and Executive and Comptroller's Office to figure out when to, or if at all to issue it.

LEG. MONTANO:

Right. And my understanding is that this category of appropriate issued -- what -- say it again.

MR. LIPP:

Authorized --

LEG. MONTANO:

Authorized, but not issued.

MR. LIPP:

You're authorizing, but the Comptroller has yet to issue the bonds.

LEG. MONTANO:

Right. Would -- my understanding is that over the years we've accumulated a lot of money in that category; am I correct?

MR. LIPP:

You are correct.

LEG. MONTANO:

Now, would putting such an item, another 7.5 million, in any way affect our bond rating prospectively?

MR. LIPP:

No. You know, we -- obviously, we have severe financial difficulties, but the financial markets view the level of debt that we have as well within our ability to raise taxes. It's just a matter of whether we choose to.

LEG. MONTANO:

Didn't they just lower it?

MR. LIPP:

Yes, they did, but not for that reason. In other words, not because of the debt. The amount of borrowing was too high. That was not one of the reasons.

LEG. MONTANO:

Well, I won't get into that debate. But this purchase, assuming that we appropriate it and it goes on the appropriated, but not issued, or issued, but not spent, whatever category we're talking about, in your opinion, has no effect on our bond rating in the future?

MR. LIPP:

Correct. That being said, that we have -- not only do we have a lot of financial challenges, but in 2013 and 2014, the level of debt service will go up substantially with or without this.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. In studying history, someone once told me geography is destiny.
And as far as I'm --

P.O. LINDSAY:

Geography is destiny? I just can't let this pass. Is that why all these people are here from Connecticut?

*(*Laughter*)*

LEG. ROMAINE:

I hope so. I didn't bring those people out. The 111 people did -- I did.

P.O. LINDSAY:

I thought maybe we did redistrict already and Legislator Romaine's district went into Connecticut.

*(*Laughter*)*

LEG. ROMAINE:

I know a State Senator there. You know, remember Buzz? His daughter.

D.P.O. VILORIA-FISHER:

Oh, Buzz Schwenk.

LEG. ROMAINE:

That's right, is a State Senator. In any even, getting back to that, the East End, what people don't realize until they travel out there is geographically, because it's split into two forks, with Shelter Island in between, geographically is larger and travel times are longer than in western Suffolk. I live right near the split between east and west in a town called Center Moriches. I can make Amityville in forty-five minutes. If I'm going to go to Shelter Island in my district, it's an hour and fifteen minutes. If I'm going to go to Orient, it's an hour to an hour and five minutes. It's large travel times. There are accidents that happen out there; you need to have a response.

I listened to John Kennedy and I'm certainly swayed by the financial argument, but our Presiding Officer put this into proper perspective. All we're doing is appropriating the money, not spending it. That decision will be left to our new County Executive, and I assume our new Police Commissioner, on whether this is spent this year, or next year, or the following year. But once you appropriate it, what is the deadline to spend it? I think it's five years. So sometime in the next five years, they'll buy a new helicopter. I don't know if it's going to be 2012. It may be 2013, it may be 2014. But I do know that the East End has a huge coast.

In my district alone, the coastal line is larger than the rest of all of Suffolk County's coastline, okay? And then you add Jay's into it and it's more than two, almost three times the coast of the rest of Suffolk County. And flying over water is a lot of what you do on the East End if you're reaching the East End. And we do have medical emergencies. And I'm concerned if they're flying the twin-motor one from MacArthur as opposed to Gabreski. Gabreski is much closer. And while I want to listen to the fiscal argument, I'm listening far more to the safety argument into the needs of my constituents. And I'm going to support this and leave it to the good judgment of our next Police Commissioner and our next County Executive when to spend it. All we're doing today is appropriating it. Thank you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I love the "geography is destiny". Are you correlating it to manifest destiny and the future of the United States?

LEG. ROMAINE:

Not manifest destiny.

LEG. HORSLEY:

Well, anyway. Inspector, I just have -- there's been chatter back here about some of the concerns relating to the smaller helicopters and the medical issues. It has brought to our attention that when we use the smaller single engine helicopter, that there is a pilot, a co-pilot and a medical technician; is that correct?

INSPECTOR CAMERON:

That's the way we depart, sir, yes.

LEG. HORSLEY:

Okay. When they get to the scene of the issue, then the co-pilot, when you put in the patient into the helicopter, the co-pilot has to leave the engine -- leave helicopter?

INSPECTOR CAMERON:

That's correct, his seat has to come out and he has to leave the aircraft.

LEG. HORSLEY:

His seat has to come out. And then what happens, a police officer has to pick the person up at the scene?

INSPECTOR CAMERON:

With our older aircraft, yes. With our newer A-Stars, so we can generally reconfigure the back and fly him back, depending on the weight of the patient.

LEG. HORSLEY:

So things aren't that bad yet. So, in other words, that -- so you have actually a change in your medical and your procedures with the smaller helicopter than when you have the double-engine -- the double-engine helicopter.

INSPECTOR CAMERON:

Yeah. We will fly, sir, to -- generally, to Stony Brook Hospital to -- without the co-pilot once we pick up the patient.

LEG. HORSLEY:

By the loss of the co-pilot on the return leg to the hospital, does that affect or challenge the pilot that he doesn't have a backup at that point in time? Is there any -- is there any negative consequences of not having that second co-pilot in the helicopter?

INSPECTOR CAMERON:

It's certainly always safer, and that's why we do fly with two members and a flight crew. It's always safer to fly with two people on board. We have a second set of eyes. You know, we can -- especially at night, we can have a second set of eyes to look for obstructions. There are a lot of obstructions, wires, towers and whatnot. Our pilots are fairly familiar with the layout of the County. And we have had issues recently with our pilots receiving laser light into their eyes from the ground. So, I mean, if that happens with one pilot, obviously, as opposed to two, it's more of a safety issue.

LEG. HORSLEY:

Okay. So what you're saying is by this change of ability of having a second pilot, that has become more dangerous a venture to get to the hospital, and that it is better protocol to have the larger -- the double-engine helicopter so that all the members could be staying in the helicopter itself, as far as police safety is concerned?

INSPECTOR CAMERON:

I would say it's always safer to have a two-member flight crew than a one-member flight crew. The outbound leg to the site of the MedEvac is always the less safe route because we're flying into an uncontrolled -- generally an uncontrolled area, whereas when we depart, we're flying into a known landing site at Stony Brook Hospital. But it is safer to have two flight members on board.

LEG. HORSLEY:

Which makes sense. Does having the second co-pilot -- is there any medical duties that that person has, or is there any other issues that that person deals with on the way to the hospital? Does he ever assist the medical trainer, that type of thing?

INSPECTOR CAMERON:

Generally not. If we need any -- if we have the twin-engine aircraft and the paramedic from Stony Brook expresses a desire that he wants to have a second medical attendant on board, we'll generally take someone from the volunteer community on board with him. That option is limited, obviously, with the single-engine aircraft sometimes.

LEG. HORSLEY:

Right, okay. All righty. So I think it gives the committee here a better review of the differences between having the single and the double-engine helicopter and for the safety protocol. Okay. Thank you.

P.O. LINDSAY:

Okay. Legislator Cilmi, I was going to say you're the last speaker between us and lunch, but Legislator Anker wants to speak now, so go ahead.

LEG. MONTANO:

Hurry up guys, I'm hungry.

LEG. ANKER:

Okay.

P.O. LINDSAY:

Go ahead, Tom.

LEG. CILMI:

Oh, I'm up?

P.O. LINDSAY:

Yeah.

LEG. CILMI:

Oh, okay. Sorry. I was going to defer to Legislator Anker. But, in any event, just a couple of more questions. The thing here, I mean, you have four helicopters. Are we -- do we have one out at Gabreski now, one of the single-engine helicopters.

INSPECTOR CAMERON:

Yes, we have one of the A-Stars out at Gabreski.

LEG. CILMI:

We have two there now. So --

INSPECTOR CAMERON:

We have one there now because the -- one of our aircraft is down --

LEG. CILMI:

Is being rebuilt.

INSPECTOR CAMERON:

-- for the 12-year inspection. It's been out of service for a few months.

LEG. CILMI:

Right. Okay. So I think you said before the difference in response time between the two-engine craft and the single-engine craft is not significant, as long as they're both responding from the same location.

INSPECTOR CAMERON:

That's correct. They both fly at approximately the same speed, the same top speed.

LEG. CILMI:

Right, right. Just tell us a little bit about the aircraft itself, the twin-engine aircraft itself. Seven-and-a-half million dollars, it's probably got some bells and whistles, and I would imagine it's got some bells and whistles that we probably won't end up using. Are there other aircraft that are available that may be less expensive that will provide us with the benefit that the twin-engine aircraft does without the extra bells and whistles that we don't really need?

INSPECTOR CAMERON:

The aircraft, sir, is closer to eight-and-a-half million because we're trading in an A-Star towards it. So that's factored into the capital, that we have a trade-in towards the purchase of it, so it's --

LEG. CILMI:

Oh, so the aircraft is more expensive and that factors in the trade-in value.

INSPECTOR CAMERON:

Yes, correct, correct. And there --

LEG. CILMI:

So the net cost to us is about seven-and-a-half-million.

INSPECTOR CAMERON:

We don't buy any bells and whistles that we don't need. All the equipment that we -- all the mission equipment that we buy is equipment that we've historically and has proven effective in our mission.

LEG. CILMI:

Okay.

INSPECTOR CAMERON:

And if we did choose another model, sir, that then imposes upon us additional training for our staff and the -- you know, training for our maintenance staff, stocking of parts, and if -- you know, if there were any savings, they would probably get eaten up in that.

LEG. CILMI:

Okay. You know, I guess my point is that, I mean, clearly, we could always do better. You know, we -- clearly, if we had twice the number of police officers on the streets, our County would be safer. Clearly, we could more than likely have better police cars, we could probably have better police vests. We could -- there's a number of things that we could -- that we could have better if we had the resources to do it. I'm sure it would be better if we had six helicopters as opposed to four. But the fact of the matter is we have these fiscal challenges and, again, just to reiterate, I just don't think it's prudent. I would rather use those resources, although they're not necessarily capital resources, I would rather use those resources in terms of the debt service to spend money for extra police officers when we already have four helicopters in a division that have served our County well over the past forty or so years. Thanks.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

The trade-in, the trade-ins will be the same for the upcoming years, or are we getting a special, you know -- is it -- are we getting more money if we're able to go through with this purchase now?

INSPECTOR CAMERON:

Used aircraft generally hold their value well. But like anything, it's supply and demand. If there's a lot of used aircraft for sale at the time we try to trade something in, the value can go down to some extent. The value was going down coming into the 12-year inspection, as you would expect. No one's going to want to buy an aircraft that needs immediately -- needs an inspection. Coming out of the 12-year inspection, the value will go up.

One factor that should be considered, though, is generally our new aircraft is generally a three to five percent increase in the price annually for the new aircraft, which doesn't sound like a lot of money, but when you associate that with the cost of a new aircraft, it's substantial.

LEG. ANKER:

Okay. I'm assuming you wouldn't be here if it really wasn't vitally important to get this -- the new aircraft. It sounds like the two older single-engine air crafts are fairly -- they're holder. As you had mentioned, 80% of the time they're in service. Is that what you had said before?

INSPECTOR CAMERON:

Our oldest aircraft is the one now that's down for the 12-year inspection. Then the aircraft -- we have an A-Star that we purchased in 2005, the EC-145 that we purchased in 2007, and the other A-Star was purchased in 2009 when we sold the other MD-902. The A-Stars historically are in service, you know, in the 80 to 90% range, and that's basically pretty much where the EC-145 has fallen as well.

LEG. ANKER:

Another point, I just -- again, I'm trying to weigh out, but Suffolk County, Long Island, has increased in population. Have you seen an increase in DUI or DWI, and incidents that involve helicopter or MedEvac service?

INSPECTOR CAMERON:

Obviously, it stands to reason that a lot of our MedEvac are associated with automobile accidents. What the causal factor of those automobile accidents generally is not known to us. We just fly in and rescue the people and, you know, we don't necessarily always get the specifics of what happened at the scene.

LEG. ANKER:

Okay. So you basically provide the main service for Stony Brook Hospital for the emergency services?

INSPECTOR CAMERON:

We have the Stony Brook paramedic with us, but we don't always fly to Stony Brook. Some of the west end missions we'll fly to Nassau County Medical Center or other trauma centers, Tier I trauma centers. Stony Brook is the only Level I trauma center in Suffolk County. What we saw before we stood up the East End bases, that patients would be transported to some of the East End hospitals and then eventually would go out and do an inter-facility. We would pick them up after they've been stabilized at those hospitals. So they didn't have access to the higher level care that's provided by the Level I trauma center within the first critical hour of injury.

LEG. ANKER:

This question is for Robert, our financial advisor. Is there any way we could get funding from the State, since this is a medical related service? I know. Did someone laugh?

MR. LIPP:

Not to my knowledge, no.

LEG. ANKER:

Okay. All right. Thank you.

P.O. LINDSAY:

Okay. I think that's it. I had a bunch of questions; most of them were answered, inspector. I just had one question of Robert. Do you know, was this part of the County Executive's Capital Program, or did we add this to the two thousand and --

MR. LIPP:

I'd have to look that up and get back to you.

P.O. LINDSAY:

Okay. You don't know. Okay. We can't wait because we're five minutes late for lunch, so forget it, Robert.

*(*Laughter*)*

Okay. We have a motion to table and a motion to approve.

MR. LAUBE:

I don't have a second on the tabling motion.

P.O. LINDSAY:

You don't have a second.

LEG. CILMI:

That was me.

P.O. LINDSAY:

Legislator Cilmi.

MR. LAUBE:

Thank you.

P.O. LINDSAY:
Okay.

MR. LAUBE:
This is to table.

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

LEG. KENNEDY:
Yes to table.

LEG. CILMI:
Yes.

LEG. COOPER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
No.

LEG. EDDINGTON:
No.

LEG. ANKER:
No.

LEG. MURATORE:
Yes.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

Five.

P.O. LINDSAY:

Motion to approve.

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

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes, and cosponsor.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

Yes. Cosponsor, please.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Before we break for lunch, I'd like to do the bond on this, just so we get it out of the way. I'll make a motion to approve on the bond.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

He said yes.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

Yes.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

Okay. Before we break for lunch, Inspector, if you could just stand up for one second. I know sometimes an aircraft is named after women. If we do purchase this and that's any consideration, maybe we could name it Vivian.

*(*Laughter*)*

I'll make a motion to recess for lunch. Do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

Second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Eighteen.

*(*THE MEETING WAS RECESSED AT 12:35 P.M. AND RESUMED AT 2:30 P.M. *)*

P.O. LINDSAY:

Could I have all Legislators to the horseshoe, please? Mr. Clerk, we got 10. Do the roll call.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

(Not Present)

LEG. BROWNING:

(Not Present)

LEG. MURATORE:

Here.

LEG. ANKER:

Here.

LEG. EDDINGTON:

(Not Present)

LEG. MONTANO:

(Not Present)

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not Present)

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:
(Not Present)

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here. You got Browning, just came in.

LEG. BROWNING:
Tim.

MR. LAUBE:
Twelve. (Not Present: Legs. Schneiderman, Eddington, Montano, Kennedy, D'Amaro and Viloría-Fisher)

P.O. LINDSAY:
Okay. We have a few public hearings. Do we have any cards, Mr. Clerk, do you know, on the hearings?

MR. LAUBE:
I will check.

P.O. LINDSAY:
The first hearing is *I.R. 1605 - A Local Law to extend prompt payment policy to attorneys providing services pursuant to Article eighteen-B of New York County Law (Montano)*.

MR. LAUBE:
No cards.

P.O. LINDSAY:
And we have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, the sponsor isn't with us.

LEG. BROWNING:
Motion to recess.

P.O. LINDSAY:
I'm going to --

LEG. ROMAINE:
Close.

P.O. LINDSAY:
Yeah, close it, close it.

LEG. ROMAINE:
Recess, the same thing.

P.O. LINDSAY:
I'll make a motion to close. Second by Legislator Romaine, all right?

LEG. BROWNING:

Sure.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? Next up is --

MR. LAUBE:

Thirteen. (Vote Amended to 14 - Not Present: Legs. Montano, Kennedy, D'Amaro and Vilorio-Fisher)

P.O. LINDSAY:

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.). I don't have any cards on this subject. Is there anyone in the audience that feels compelled to come to talk to us about this subject? I don't see -- oh.

LEG. ROMAINE:

Recess.

P.O. LINDSAY:

Motion to recess.

LEG. ROMAINE:

Love you, Steve.

P.O. LINDSAY:

Does anybody like to second that?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. KENNEDY:

Cosponsor.

P.O. LINDSAY:

All in favor? Opposed? Abstentions? It stands recessed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano, D'Amaro and Vilorio-Fisher)

P.O. LINDSAY:

2091 - A charter law requiring the vote on the County budget prior to Election Day (Co. Exec.). I don't appear to have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll --

LEG. ROMAINE:

Motion to recess.

P.O. LINDSAY:

Motion to recess.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. I'm going to -- if you go to the red folder, I'm going to take the CN's out of order because we have our friends from Labor and Social Services here that I'm sure have better things to do than hang around and watch us all day. So I'll make a motion to take **2156**, which is the first CN, ***accepting and appropriating additional WIA Funds from the New York State Department of Labor for the Workforce Investment Act (WIA) Program (County Executive)***. I'll make a motion to take it out of order.

LEG. BROWNING:

Second.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. Is that okay, Glenn, to take it out of order?

AUDIENCE MEMBER:

Sure. Thank you.

P.O. LINDSAY:

Okay. So we'll get you out of here. There you go. We have a motion and a second. All in favor? Opposed? Abstentions? It's before us.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano, D'Amaro and Viloría-Fisher)

P.O. LINDSAY:

I'll make a motion to approve 2156.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano, D'Amaro and Viloría-Fisher)

P.O. LINDSAY:

Okay. The other one that -- well, what if I just go through -- there's only three CN's. Go right through them, right?

(*Affirmative Response*)

Okay. The second one is *2157 - Authorizing a lag payroll for certain elected County Officials (Co. Exec.)*. And I'll make a motion to take it out of order.

LEG. CILMI:

Second.

LEG. KENNEDY:

Second.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano, D'Amaro and Vilorio-Fisher)

P.O. LINDSAY:

Fifteen. I am going to make a motion to table this. Well --

LEG. GREGORY:

I make a motion to commit to table -- to committee.

P.O. LINDSAY:

You know, before I make a motion, let me just ask Counsel something. Is this legal?

MR. NOLAN:

I think it is legal because it is going to apply to a future term of the Legislature. So in that case, we could impose a mandatory lag payroll on the new group of Legislators coming in. But, of course, we already passed the legislation -- a resolution a couple of weeks ago establishing a voluntary lag payroll for the electeds.

LEG. COOPER:

Mr. Chair.

P.O. LINDSAY:

Well, the only reason I asked that is because in our budget talks, we were advised that because we were voting on the budget after the election, the officials were elected with a set salary and you couldn't change that unless they voluntarily agreed to it.

MR. NOLAN:

I think that's true like in the middle of a term, but this is actually going to take effect next year. So we can effect the pay of an official, you just can't do that in the middle of an official's term.

P.O. LINDSAY:

Okay. But we -- part of our budget discussions was to have a lag payroll on elected officials and all exempt employees this year because we need it this year. I don't know whether we're going to need a lag payroll next year. Why would I -- why would I enforce a lag payroll in subsequent years when we don't know whether we'll need it or not? I mean, that's the question that I ask.

LEG. BARRAGA:

Mr. Presiding Officer, can I?

P.O. LINDSAY:

Yes, Legislator Barraga.

LEG. BARRAGA:

I would agree with you. I think that, you know, I have no qualms about doing a lag payroll, but, frankly, the way this legislation reads, we're the only ones doing the lag payroll. It isn't as if exempt employees are doing it or unions have agreed to it. Most certainly, if that's the case, as we move into 2012 and there's some sort of an agreement with the unions, I'll be happy to lag my payroll. But, you know, why should eighteen individuals do it and no one else is doing it?

P.O. LINDSAY:

Just, Legislator Barraga, in the 2012 budget, part of the budget was that we introduced or enforced a lag payroll on all the exempt employees, as well as the option on the elected officials. And I had a discussion with the Comptroller just the other day. He's in the process of mailing out forms to every elected that they have to opt into it. And I can't -- you know, the last time we did this, I think the support was universal. I think every elected official in the County opted into it, and I would expect, because of the fiscal condition, that we'll probably do it again.

LEG. BARRAGA:

I don't mind doing it. Are you telling me that the exempt employees, it's mandatory for them to do it in 2012?

P.O. LINDSAY:

Yes, it is.

LEG. BARRAGA:

Must do it.

P.O. LINDSAY:

Yes, it is.

LEG. BARRAGA:

All right. But there's no obligation on any union member at this point?

P.O. LINDSAY:

No. We don't have the ability to do that.

LEG. BARRAGA:

Okay. And right now, as we stand, unless we pass this, this is a voluntary --

P.O. LINDSAY:

On the electeds only.

LEG. BARRAGA:

Well, I still think I'd like to leave it voluntary until such time as I know the exempt employees are actually going to participate, whatever that time frame is. Is this thing spread over 12 weeks, 26 weeks?

P.O. LINDSAY:

No, no. It's spread out across the whole year.

LEG. BARRAGA:

Okay. So --

P.O. LINDSAY:

It's supposed to go into effect in January.

LEG. BARRAGA:

Okay.

P.O. LINDSAY:

And we don't have the ability to mandate that the unionized employees accept a lag payroll. We do have the ability for the exempt employees, and we put that into the budget and it means 1.9 million dollars.

LEG. BARRAGA:

In 2009, was it mandatory for elected officials to participate?

P.O. LINDSAY:

No.

LEG. BARRAGA:

Okay.

P.O. LINDSAY:

It was voluntary.

LEG. BARRAGA:

But everybody did.

P.O. LINDSAY:

But everybody did.

LEG. BARRAGA:

And I'm saying the same thing will happen again. If --

P.O. LINDSAY:

Yes, I agree.

LEG. BARRAGA:

I don't think we have to pass this. I think --

P.O. LINDSAY:

Well, not only that. I think it's -- if you pass it, you're passing it for 2013 and beyond. '12 you can't, right? Am I right, Counsel?

MR. NOLAN:

The lag payroll, that resolution we passed for the electeds, is for 2012. All of the lag payroll resolutions we enacted a couple of weeks ago are prospective for 2012 only.

LEG. BARRAGA:

But that's voluntary for elected officials.

MR. NOLAN:

It's voluntary for electeds.

LEG. BARRAGA:

All right. So let's leave it the way it is.

P.O. LINDSAY:

Yeah, because you can't -- you can't -- there's some quirk in the law. You can't mandate that a change in an electeds' salary by virtue of their elected position, they can voluntarily.

LEG. BARRAGA:

And I think that's exactly what will happen as soon as, you know, the exempt employees --

P.O. LINDSAY:

I agree.

LEG. BARRAGA:

-- are going to participate. I sense that every single person here would lag their payroll.

P.O. LINDSAY:

I agree with you a hundred percent.

LEG. BARRAGA:

So, you know, I move to table this. Or what do you want to do with this?

P.O. LINDSAY:

I think -- well, we could just table it because it would die. So I have a motion to table. You want to second it, Legislator Barraga?

LEG. BARRAGA:

Yes.

P.O. LINDSAY:

Yeah, second by Legislator Barraga. Legislator Kennedy.

LEG. KENNEDY:

Yeah, on the motion. The other item I'll add, Mr. Chair, is that I disagree with our ability to go ahead and impact the County Clerk. Having been out there for nine-plus years, that is one elected official that actually, as you know, is a bit of a hybrid in that they are a County elected official and, at the same time, they are a State Constitutional Officer. So a good argument could be made that the same kind of exemption that's in place for the District Attorney. That notwithstanding, as Legislator Barraga and yourself just pointed out, we all lagged. We all lagged and, really, we would be talking about only three electeds that we would be dictating to. And, quite frankly I find that somewhat onerous and offensive. We should be having a conversation giving them the opportunity and I'm sure that they'll go ahead and lag.

P.O. LINDSAY:

First of all, and correct me, somebody, if I'm wrong, but the budget that we put together authorized every elected official, Clerk, District Attorney, didn't make any difference, that they could participate in the lag payroll, but it is optional.

LEG. KENNEDY:

Yes, yes.

P.O. LINDSAY:

So there is no exemptions to -- you know, if they want to buy in, they can buy it.

LEG. KENNEDY:

But that's the permissive aspect.

P.O. LINDSAY:

The whole thing is permissive.

LEG. KENNEDY:

Of course.

P.O. LINDSAY:

The whole thing is permissive.

LEG. KENNEDY:

Right, as opposed to this.

P.O. LINDSAY:

Right. Legislator Nowick.

LEG. NOWICK:

I just wanted to put on the record for Legislator Barraga, when you talked about the exempts, that we mandated the exempts and the electeds were voluntary, I just want to make it clear. One of the reasons that was done was that in the proposed budget, so many exempts at the Legislature and beyond were losing positions. So we needed to look for a way to raise 1.9 million, and the only other way I could think of raising the money was that if the Presiding Officer had offered us each 50 cents to go out and get campaign signs and maybe bring them back.

(*LAUGHTER*)

LEG. BARRAGA:

That was Plan B.

P.O. LINDSAY:

Yes.

LEG. BROWNING:

Can we repeat that?

P.O. LINDSAY:

I'd probably have to up it to a buck.

LEG. KENNEDY:

You've got ones from Connecticut, huh?

P.O. LINDSAY:

Anybody else want to speak on the subject?

LEG. BROWNING:

Real quick. Why are we even discussing this?

P.O. LINDSAY:

I just asked, anybody else want to talk about it?

LEG. BROWNING:

Why is this being introduced by a County Executive who is walking out the door in a couple of weeks. This should not be a discussion with this current County Executive. Let the new one discuss this with us.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

And the last CN is *2158 (Accepting and appropriating 100% grant funding in the amount of \$92,953 from the New York State Office of Temporary and Disability Assistance to the Suffolk County Department of Social Services for the Transitional Jobs Program and allow the Suffolk County Department of Labor to continue operating this program (Co. Exec.)*

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Was that to take it out of order or -- you didn't take it out of order.

P.O. LINDSAY:

Oh, I'm sorry. It was to take it out of order.

MR. LAUBE:

Thank you.

P.O. LINDSAY:

You're right, Mr. Clerk. Thank you. Did you read the count?

MR. LAUBE:

Yes, 16. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. Same motion, same second on approval. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. It stands approved. You folks have a nice day.

AUDIENCE MEMBER:

Thank you. Happy holidays.

P.O. LINDSAY:

We're up to the Consent Calendar. Do I have a motion on the Consent Calendar?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher).

TABLED RESOLUTIONS

P.O. LINDSAY:

Okay. Page 5, Resolutions Tabled to December 20th, 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. Do I have I have seconds to either one?

LEG. D'AMARO:

I'll second the motion to approve.

P.O. LINDSAY:

Second to approve. Do I have a second to the tabling?

LEG. NOWICK:

Second.

P.O. LINDSAY:

Second to the tabling by Legislator Nowick. Okay. The tabling goes first.

LEG. ROMAINE:

Roll call.

P.O. LINDSAY:

Roll call.

MR. LAUBE:

Legislator Cooper.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

No, no. We're voting on the tabling.

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

LEG. COOPER:

Yes to table.

LEG. NOWICK:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

No to table.

LEG. BARRAGA:

No to table.

LEG. CILMI:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No to table.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Ten. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. *1491 - Authorizing a custodial license agreement with Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County Park in Shirley (Co. Exec.).*

LEG. BROWNING:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table by Legislator Browning.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

1556 - A Local Law in relation to disposition of auction properties (Co. Exec.).

LEG. BROWNING:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. *I.R. 1624 - Defining child concealment in Suffolk County (Romaine).*

LEG. ROMAINE:

Motion to approve.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to approve by Legislator Romaine; motion to table by Legislator Cooper.

LEG. CILMI:

Second on the approval.

P.O. LINDSAY:

Second on the approval by Legislator Cilmi. Do I have a second on the tabling?

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory. Anybody want to talk about it? No? Okay. Roll call on the tabling first.

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

LEG. COOPER:

Yes.

LEG. GREGORY:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes to table.

MR. LAUBE:

Nine. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Motion to approve.

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

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

Yes.

LEG. GREGORY:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

No.

MR. LAUBE:

Nine. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

It fails. *1715 - Confirming appointment of County Director of Probation (Co. Exec.).*

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

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

LEG. ROMAINE:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Romaine.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Gregory.

LEG. ROMAINE:

Discussion.

P.O. LINDSAY:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Okay. We have a representative of the Parks Committee. I certainly could discuss this in detail and I will when he sits down, but I prefer him to come forward and explain what this is about and then I can chime in at the very end.

P.O. LINDSAY:

Terry, you want to sit at the table?

MR. MACCARONE:

Whatever's easier, it doesn't matter.

P.O. LINDSAY:

All right.

MR. MACCARONE:

Good afternoon. Thank you. Indian Island County Park out in Riverhead we have a bluff that is constantly eroding. We have a permit with the DEC to put sand there, but that sand is essentially sacrificial, and we lose the sand consistently. So what we want to do is to construct a more permanent solution, hardening that bluff, so we are no longer just dumping money and dumping sand onto this bluff that just washes away. There wasn't enough money in the adopted Capital Program on hand to do this, and Legislator Romaine was kind enough to submit the resolution to allow us to proceed. DPW is at this point ready to move forward and that's where we are at this moment.

LEG. ROMAINE:

Mr. Presiding Officer, a few questions.

P.O. LINDSAY:

Go ahead.

LEG. COOPER:

Mr. Chair, based on that, I'll withdraw my tabling motion.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Did you have a question, Legislator Romaine?

LEG. ROMAINE:

No.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Terry, can you describe the type of shore hardening you'd be doing? Because there's a big debate in terms of trying to keep the shore lines natural. And there's so many different approaches, and the thrust has been to move away from shore hardening. So if you could answer that.

MR. MACCARONE:

Understood. Actually, the actual method of what's going to be done there hasn't been determined yet, that's part of the RFP process. Part of the reason why it is a little more expensive is because we're going to get a wide range of possibilities from the company that's going to engineer the design.

LEG. SCHNEIDERMAN:

Okay. Thank you.

LEG. ROMAINE:

Just a quick question. This originally -- this project was originally funded in the capital project. This is simply for planning and design. Originally, 150 was in there. Because you're doing such an extensive search to ensure that whatever is done isn't going to hurt the shoreline, you needed an additional 40,000. At the end of the year, not everyone, and I think the Presiding Officer's aware of this, not everyone has been cooperative in moving things forward. I think he's spent a lot of typists' time at our last meeting for some of that issue. This is one of those issues. This is why it's before us today. This would simply allow planning and design to go forward, and then for any appropriations for the final project would come back to this body.

This also affects Indian graves. Indian burial site is being eroded away in the area. Also the road at the very eastern end of the park is threatened and is being eroded. So unless we do some planning and design work, we don't have to worry about choices. We're not going to have a bluff there very shortly. And I'll just leave it at that and you can just comment on that, if you want to.

MR. MACCARONE:

Everything that -- Legislator Romaine, it's true, there are Native American burials there. They were at one point previously exposed due to erosion, and the local tribes had to come down to reinter them, and we were actually concerned about vandalism and grave robbers. We actually had to move the artifacts to an unknown location in order to prevent that, but there's always the possibility that, if further erosion, that new remains could be uncovered.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Terry, hi. I just wanted to confirm with you. I had raised some reservations about this I think in the last go-round, also questioning -- you know, this is Capital Project 7009, and then we're appropriating with an offset from another capital project. Have you been able to go back and confirm that all of the appropriations or budgeted funding in Capital Project 7009 are spoken for, so to speak? And we need the offset. We need to go outside the capital project.

MR. MACCARONE:

My understanding is that monies that might be available in 7009 are already spoken for, they can't be used at this particular location.

LEG. D'AMARO:

Right. Because I know we had a little lengthy discussion about, even though they might be targeted or earmarked for certain projects that they weren't moving forward. But you've had a couple of weeks to look at that and you're confident that those projects are moving and that the funding is not going to be available, the extra 40,000?

MR. MACCARONE:

Yes, that's my understanding, that monies that have already been appropriated were specified for a specific purpose and can't be used there.

LEG. D'AMARO:

Right. Well, I appreciate you taking the time to answer my question on that. And knowing now that at least we do need to use an offset and not go within the capital project itself, I feel much more comfortable supporting the bill, so I appreciate that.

MR. MACCARONE:

Thank you, sir.

P.O. LINDSAY:

I'm still kind of interested in the sacrificial sand. That sounds pretty sexy, doesn't it, sacrificial sand?

*(*Laughter*)*

LEG. ROMAINE:

Terrible.

P.O. LINDSAY:

Yes. Okay. We have a motion to approve, and the tabling motion was withdrawn. All in -- oh, I'm sorry. I'm sorry. Legislator Anker had a question.

LEG. ANKER:

Just a question. In here it says that it's \$150,000 for the design phase, and you need another 40,000 added to that. Why does it cost -- again, why is it costing so much for just a design phase of an erosion project?

MR. MACCARONE:

I believe it's -- 40,000 is included in the 150, if I'm not mistaken. It's not 190, it's 150. And again, because they're not 100% sure what design they're going to come through, we're going to end up getting a variety of proposals that DPW will work with the Environmental Division of Parks, and I assume DEC, to come up with a response to -- to come up with a defined plan for. So there's a range that they're going to come through, so it's a little bit more expensive.

LEG. ANKER:

Now, when you do this and you're spending \$150,000 per design for -- to prevent erosion, can we use this with other projects, like my district in Rocky Point or Sound Beach, where we have a major issue with erosion?

MR. MACCARONE:

Budget might be able to comment more on this, but my understanding is it would depend on how the resolution is finally written. If it's specific to the point at Indian Island, then my understanding is that, no, we couldn't use it elsewhere. But if it's a little bit more general, then, yes, we could use it at other campground locations.

LEG. ANKER:

You said you're getting a number of different suggestions and designs at that \$150,000. Is there any way we can, you know, recycle those ideas with the money that we're investing in this particular project?

MR. MACCARONE:

I'm not an expert on the hydrodynamics there, but I would think that if it's apropos to another location, that we could look into it, absolutely.

LEG. ANKER:

Okay. Thank you.

MR. MACCARONE:

Thank you.

P.O. LINDSAY:

Okay. Anybody else? Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

On the accompanying bond resolution, **1785A**, same motion, same second. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. *1894 - Approving the increase of one vehicle in the fleet of Suffolk County Sheriff's Office through Federal Asset Forfeiture Program.*

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper. Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

Second by Legislator Browning.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, go ahead, Legislator Cilmi.

LEG. CILMI:

I just don't -- why are we -- this is from asset forfeiture money. Why are we tabling it? Maybe somebody could explain.

P.O. LINDSAY:

If I could just speak up, and certainly, the tabling, or maybe Legislator Eddington, doesn't make any difference, but I think the concern is that we had a problem in Mastic Village where the Sheriffs were increasing their patrols. There was a whole issue about the deal at the PBA, that we might have to forfeit 12 million dollars because of that. And I guess we're reluctant to increase their fleet of cars to encourage them extending their jurisdiction, I guess. How does that sound? Legislator Eddington.

LEG. EDDINGTON:

Yeah. I think that's a -- I mean, I know I'm not going to be here, but, I mean, I hear the word "Federal Asset Forfeiture Fund" and it almost sounds like a slush fund to me. And I'd like to ask you guys to look into that because maybe that could be used for other -- other things, too, so -- and I just thought that we were kind of in agreement to just wait for the new County Executive and then he could put all these things into his first meeting and get them all done. So that's why the committee I think tabled it.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

LEG. ROMAINE:

Abstain.

P.O. LINDSAY:

1934 --

MR. LAUBE:

Just a second. Thirteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. *1934 - Authorizing renewal of a lease premises located at 53345 Main Road, Building 7, Unit 1, Southold, New York, for the use by Suffolk County District Attorney's Office (Co. Exec.).*

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Question.

P.O. LINDSAY:

Question.

LEG. BARRAGA:

Is the District Attorney already in the office, are they already in the building?

LEG. ROMAINE:

I just seconded it because it was in my district. I don't have the details.

P.O. LINDSAY:

Yes, it is.

LEG. BARRAGA:

They are in the building?

P.O. LINDSAY:

Yes. It's a renewal.

LEG. BARRAGA:

Thank you. Did you call the vote?

MR. LAUBE:

Not yet.

P.O. LINDSAY:

Call it.

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

All right. *1988 - Authorizing the lease of premises located at 20 Pinehurst Drive, Bellport, New York for use by Suffolk County Department of Fire, Rescue and Emergency Services (Co. Exec.).*

LEG. BROWNING:

I'll make the motion to approve. Just I want to double-check. Why did we table it last time? Is that just for the public hearing?

P.O. LINDSAY:

Yeah.

LEG. BROWNING:

Okay. So motion to approve.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2037 - Directing the Department of Public Works to hold public hearings on new bus fares (Presiding Officer).

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher).

INTRODUCTORY RESOLUTIONS

BUDGET & FINANCE/INFORMATION TECHNOLOGY

P.O. LINDSAY:

Okay. Page 6, Budget and Finance. *2118 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2011 Adopted Discretionary Budget (Co. Exec.).* I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2119 - Authorizing the County Comptroller and County Treasurer to transfer funds to cover unanticipated expenses in the 2011 Adopted Mandated Budget (Co. Exec.). How about same motion, same second, same vote, all right?

(*Affirmative Response*)

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. ***2120 - Authorizing the County Comptroller and County Treasurer to transfer funds to cover unanticipated expenses in the 2011 Adopted Mandated Budget from the 2011 Adopted Discretionary Budget (Co. Exec.).*** Same motion, same second, same vote.

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2136 - Appropriating funds in connection with the acquisition and implementation of a District Attorney Case Management System (CP 1136). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

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

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yep.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Montano).

ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

P.O. LINDSAY:

Okay. Economic Development: ***2064 - Authorizing an Intermunicipal Agreement with the Town of Southampton for the purpose of administration and enforcement of New York State Fire Prevention and building Codes within the Airport Planned Development District (Co. Exec.)***.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2128 - Appropriating funds in connection with renovation and construction of facilities at Gabreski Airport (CP 5702) (Pres. Officer). Motion by Legislator Schneiderman.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

On the accompanying bond resolution, ***2128A***, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2129 - Amending the 2011 Adopted Capital Budget and Program and appropriating funds in connection with aviation utility infrastructure at Gabreski Airport (CP 5734). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

On the accompanying bond resolution, **2129A**, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

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

I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2034 - A Local Law to increase application fees to the Suffolk County Planning Commission

(Pres. Officer). I'll make a motion.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

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

LEG. MURATORE:

Opposed.

LEG. CILMI:

Opposed.

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Thirteen.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Thirteen --

P.O. LINDSAY:

2068 --

MR. LAUBE:

Oh, Twelve then. (Vote Amended to 11 yes, 5 no, 2 not present/Opposed: Romaine, Muratore, Cilmi, Barraga, D'Amaro - Not Present: Legs. Montano and Vilorio-Fisher)

P.O. LINDSAY:

(2068) Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235) (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman, second by Legislator Romaine. Any discussion? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Vilorio-Fisher)

LEG. ROMAINE:

Would the -- would the Clerk please list me as a cosponsor?

LEG. SCHNEIDERMAN:

Please, myself.

P.O. LINDSAY:

On the a company bond resolution, **2068A**, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

2069 - 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 stormwater remediation improvements to Brown's Creek at County Road 65, Middle Road (CP 8240.326) (Co. Exec.).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper. Legislator Romaine, is that your Middle Road?

LEG. ROMAINE:

No. I believe it's yours, sir.

P.O. LINDSAY:

Oh, okay.

LEG. ROMAINE:

Brown's Creek.

P.O. LINDSAY:

Okay. I'll second it. All in favor? Opposed? Abstentions?

LEG. EDDINGTON:

Question.

LEG. ANKER:

Question.

P.O. LINDSAY:

Who had a question?

LEG. ANKER:

Well, I have a question.

P.O. LINDSAY:

Go ahead, Legislator Anker.

LEG. ANKER:

Is there someone here to talk about stormwater runoff? Is there anybody? No. No, all right. Never mind.

P.O. LINDSAY:

2072, authorizing the acquisition --

MR. LAUBE:

Sixteen on the last bill. (Not Present: Legs. Montano and Viloría-Fisher)

P.O. LINDSAY:

Okay. ***2072 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Stebbins and Throgs Neck Trading Group, Ltd property - Noyac Greenbelt, Town of Southampton – (SCTM Nos. 0900-030.00-01.00-008.000 and 0900-030.00-01.00-037.000) (County Executive).***

LEG. SCHNEIDERMAN:

Noyack.

P.O. LINDSAY:

Noyack. Noyack.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. What is the acquisition cost here?

MR. NOLAN:

Two-point-eight million dollars.

P.O. LINDSAY:

For how much?

MR. NOLAN:

Nine acres.

LEG. SCHNEIDERMAN:

It's a master list targeted area. I don't know if Real Estate is here, but -- Pam, did you want to step up?

MS. GREENE:

Good afternoon, everyone. This is a 9.1 acre piece of property located in the Town of East Hampton. It was placed on the master list back in 2005 and we are now at this --

LEG. SCHNEIDERMAN:

It's Southampton. I'm sorry. Town of Southampton, I believe.

MS. GREENE:

Thank you. We are now -- thank you. We are now at this stage. We have signed contracts returned by the seller and we are ready to move forward towards a closing.

P.O. LINDSAY:

This is -- Ms. Greene, this is figured into our budget that I know next year we're going to have much diminished resources.

MS. GREENE:

Yes. The funding has already been set aside under the Quarter Percent Accelerated Program. And so yes, we already have allocated for that, and we are ready to move forward on to next year's budget.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Montano and Vilorio-Fisher)

LEG. SCHNEIDERMAN:

Tim cosponsor, please.

P.O. LINDSAY:

2073 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - for the Sylvester Manor Educational (Farm), Inc. Property - Sylvester Manor Phase II - Town of Shelter Island (SCTM No. 0700-008.00-01.00-005.002 p/o) (County Executive).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine; seconded by Legislator Schneiderman.
I think, Ms. Greene, you better stay at the mic.

MS. GREENE:

Thank you again. This is a 57.1 acre acquisition located on the -- in the Town of Shelter Island, and you heard testimony to it before from Stephen Searl. This is Phase II of an acquisition for development rights to allow us to continue to have this property farmed and retained undeveloped.

P.O. LINDSAY:

Okay. I was --

MS. GREENE:

We're also on a 70/30 partnership with the Town of South -- Shelter Island.

P.O. LINDSAY:

And cost? Cost.

MS. GREENE:

The cost is \$4,862,000.

P.O. LINDSAY:

And --

MS. GREENE:

And the County share is 3,277,000 for 57 acres.

LEG. HORSLEY:

How many acres?

MS. GREENE:

Fifty-seven-point-one, and it's Phase II. It's a 300-year-old manor house.

P.O. LINDSAY:

Okay.

LEG. D'AMARO:

Bill. Bill.

P.O. LINDSAY:

We have a motion to approve and a second. I'm sorry, Legislator D'Amaro.

LEG. D'AMARO:

This is an acquisition of farmland development rights. Is it presently being farmed?

MS. GREENE:

It is. Yes, it's being farmed. There are many partnerships taking place right now. There's many public programs taking place. And again, this is Phase II of a total 241-acre acquisition being --

LEG. D'AMARO:

Was this a master list property also?

MS. GREENE:

Yes, it was.

LEG. D'AMARO:

It was, okay.

MS. GREENE:

Being done in phases.

LEG. D'AMARO:

All right. Thank you.

MS. GREENE:

And we also have had much support from the Legislator from the district, Legislator Romaine.

LEG. D'AMARO:

Wait a minute. I take back everything.

*(*Laughter*)*

P.O. LINDSAY:

I'm very concerned about the amount of money that we have going forward, and we just continue to buy these huge, huge parcels.

MS. GREENE:

What I would say to that, Mr. Lindsay, is that, again, when the voters approved the 2007 referendum to accelerate the opportunity for the County to borrow, they did so exactly for purposes such as this. So that properties such as a large track of land, 241 acres on Shelter Island, with very high development pressure, there would be funding available to be able to purchase those and preserve the development rights and keep and retain the culture of farming and -- on Shelter Island in Suffolk County.

P.O. LINDSAY:

The only thing that I worry about is if that resolution was before the voters today, would they approve it? Because, certainly, the economic climate has changed dramatically.

MS. GREENE:

I would agree with you, and just say that it was, and this Legislature has successfully completed the mandate of the public then. So we will now move to the pay-as-you-go. And this funding already exists. Again, it's already been appropriated and bonded by this Legislature. We have signed contracts; we're ready to close.

LEG. CILMI:

Bill.

P.O. LINDSAY:

Yeah, Legislator Cilmi.

LEG. CILMI:

I have a question for you, Pam. Do you recall what that referendum actually said, what the question was exactly?

MS. GREENE:

It's a very long question, but it started off with, shall the quarter percent funding be extended until the year 2030, with the acceleration of borrowing to take place between 2007, expiring on November 1st, 2011. So that has now sunset. These are all projects that once that referendum was approved, the acquisition unit, and the Planning Department, and many of the Legislators went forward to look for properties that would fit the bill for such an acquisition. This was one of them, 241 acres on Shelter Island; might never see it again.

LEG. CILMI:

(*Laughter*) That was part of it, I'm sure. But the part of it that I really wanted to hear you left out. I'm impressed that you remembered that part of it, but the part that said --

MS. GREENE:

That's the part I'm the Director of.

LEG. CILMI:

-- for what purpose? What was the purpose that it defined in the -- and I see that Counsel has very quickly pulled it up on the computer.

MS. GREENE:

Of the quarter percent, there would be 31.1% allocated for the acquisition of open space. This is a farmland development right, so you are purchasing the development rights. The fee simple is being retained by the owner. And you are doing exactly what the voters asked you to do, which was to make sure that there are vistas and that a farming and agricultural industry remains a strong presence in Suffolk County.

LEG. CILMI:

Thank you.

MS. GREENE:

You're welcome.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

I would say a number of things. First of all, this is one of the northern plantations. I think it's the only one still in existence that has tremendous historical significance, and has been the subject for many years of archeological digs. This is an active farm that has been active farming for over 300 years. This goes back to the very history of Shelter Island.

And let me address the referendum. I've learned as an elected official, never try to substitute my judgment for that of the voters. The voters overwhelmingly adopted this. I don't disagree with our Presiding Officer. And should our Presiding Officer wish to test the judgment of our voters, I am prepared to support another referendum, allow the voters to decide this issue once again, if they wished it updated. But when this was first instituted, and I was there for that, with County Executive Michael LoGrande in 1987, was the first time the voters said yes. They would say yes

seven more times, for a total of eight times by referendum. I am prepared at any time, should any member of this Legislature want to put this to referendum again, understanding the changing needs and the changing times, to put this to referendum. But as long as it's not put to referendum, the last referendum spoke volumes of what we should do with this money, and that's what we're doing here today. I understand the concern, but then I would say to those who are concerned, let's go back to the voters, because they're the ones that gave us our charge in this regard. Thank you.

P.O. LINDSAY:

My response, Legislator Romaine, that I might very well take you up on that.

LEG. ROMAINE:

I'll be with you.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

The difference is that we probably spent all the monies and this is -- so it wouldn't really make much difference. But this is our manifest destiny, isn't it, Ed?

I have a quick question, Pam, just on the house itself. What is the status on the house itself, the historic home, and who's in it?

MS. GREENE:

The caretaker for the estate is in it. And it also is public -- it is open to the public on many occasions. It's open during the summer for events, it's open all year long. There's events that anyone is invited to attend. Unfortunately, Legislator Fisher has left, but she's attended many events there. It is a 300-year-old manor house. It boasts -- the oldest boxwoods in North America exist on this property, because they were imported to Shelter Island directly from England. So it's a magnificent piece of property that offers a great historic gem for the residents of Suffolk County.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. HORSLEY:

Love it.

LEG. D'AMARO:

Yeah. Pam, just to clarify. So you're saying that the funding for this is not coming out of the -- I think we're into like the 40 million pay-go now.

MS. GREENE:

Correct.

LEG. D'AMARO:

This is -- when I think you were before the Environment Committee, you told us about the amount that had been accelerated, and it was all spoken for and this is falling within that program.

MS. GREENE:

The 209 million, correct.

LEG. D'AMARO:

And you're ready to close?

MS. GREENE:

Yes, we are.

LEG. D'AMARO:

Yeah. Okay.

MS. GREENE:

I had shared with the other committee that we were waiting for a title search direct from, you know, the Crown of England going back 300 years, and we've successfully been able to obtain that without my going to London, regrettably, but yes.

P.O. LINDSAY:

Ms. Greene, would we own the manor house?

MS. GREENE:

No.

P.O. LINDSAY:

Good.

MS. GREENE:

But it is open to residents.

P.O. LINDSAY:

Okay. I don't want any more mansions.

MS. GREENE:

Ms. Longo.

LEG. COOPER:

Mr. Chair.

MS. LONGO:

I just wanted to make sure everybody understands, we're buying the development rights on a total of 80 acres on this property in two phases. The house is not included in that, just the farmland. Like Stephen Searl said this morning, the family has already donated a conservation easement to Peconic Land Trust for 20 acres of the waterfront property on that property. It's being farmed. There's -- they're trying to bring it back to what the manor originally was 300 years ago, and they're doing an absolutely incredible job with it.

MS. GREENE:

But they do open the home to the public.

MS. LONGO:

Occasionally, yeah.

MS. GREENE:

Yes.

P.O. LINDSAY:

Legislator Cooper, did you want to say something?

LEG. COOPER:

This may be moot based on what I just heard, but since Vivian is having a helicopter named after

her, I thought maybe I could be named "Lord of the Manor". But since we don't own it, I guess that would be problematic.

MS. GREENE:

I've seen stranger things happen here.

*(*Laughter*)*

LEG. COOPER:

George, do you confer?

MR. NOLAN:

No.

LEG. COOPER:

Never mind.

P.O. LINDSAY:

Does that satisfy your question? Anybody else? What do we have now? We have a motion to approve?

MR. LAUBE:

That's correct.

P.O. LINDSAY:

And we have a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. SCHNEIDERMAN:

Tim, cosponsor.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Montano)

LEG. ROMAINE:

Cosponsor, please.

MS. GREENE:

Thank you.

P.O. LINDSAY:

2074 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) -open space component - for the Long Island Beagle Club No. II, Inc. Property - Town of Riverhead - (SCTM No. 0600-078.00-01.00-002.000) (County Executive).

LEG. ROMAINE:

Yes, motion.

P.O. LINDSAY:

I guess this is the rest of your district that we're buying, right?

*(*Laughter*)*

LEG. ROMAINE:

I got a huge district.

P.O. LINDSAY:

I know, I think we bought most of it. We have a motion and a second.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

So this is -- looks like nine million dollars or so?

P.O. LINDSAY:

Oh, my God.

MS. GREENE:

Eight-point-eight million dollars for 150 acres.

LEG. CILMI:

Eight-point-eight million dollars. Can somebody explain to me the significance of this specific piece of property?

MS. GREENE:

It is located contiguous to a number of other County holdings, so it would create a vista from Oswald?

LEG. ROMAINE:

From Edwards -- off Edwards Avenue. It's on the west side of Edwards Avenue. It's 150 acres with a number of significant fauna and animal life on that property. And it was designated as a high purchase acquisition, not only by the Town of Riverhead, but by a number of environmental organizations.

MS. GREENE:

It really serves as an example going north on the road. If you look to the right, there are several subdivisions. If you look to the left, there's nothing but farmland and open vistas, creating what has become an economic engine for the east end of Suffolk County.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, I remember this property. This came up, just the title of it, because someone approached me on it a number of years ago. And I remember going to Legislator Romaine, and LEG. ROMAINE told me that he had put it up through the -- to be purchased several times. It had been turned down several times because it was not considered of importance environmentally and other -- and for other reasons. And that there doesn't seem to be a town buy-in to this. Is this really -- this is a lot of money here, again.

MS. GREENE:

Again, I believe it was rejected formerly by the sellers, so the sellers had been made a prior offer and they rejected that prior offer. The per-acre cost for this --

LEG. HORSLEY:

That wasn't what I remember, but if you're going to -- you can correct me on that. I mean, that's --

MS. GREENE:

The per acre cost is \$59,000 an acre, which is certainly right in keeping with most of the land values in the Town of Riverhead. So comparatively to other parts of Long Island, this is a very good acquisition for the taxpayers of Suffolk County, 150 acres.

LEG. HORSLEY:

How many times has it been turned down?

MS. GREENE:

Once.

LEG. HORSLEY:

Once?

MS. GREENE:

Previously.

LEG. HORSLEY:

Are you sure?

MS. GREENE:

By the farmer/owners. I would never question Janet Longo.

LEG. HORSLEY:

Okay.

P.O. LINDSAY:

Yeah, Legislator Nowick, and then Cilmi.

LEG. NOWICK:

Yeah, just one question. I know, because we're all aware about the voters supporting the drinking water protection and the acquisition of land, but there's a limit, right?

MS. GREENE:

Correct.

LEG. NOWICK:

What was the limit on the referendum?

MS. GREENE:

Actually, the referendum authorized the borrowing of up to 321 million dollars. That was reduced to 209 after a reconfiguration of anticipated sales tax revenue. So the 209 figure has been an agreement between Budget Review and also the County Executive's Office. And with the 209 million, that amount has been now fully committed or out the door. This Legislature has now approved us to go forward to access 27 million of the 45 million that has been accumulating in the pay-go amounts during that time period. So right now, we are just tapping for next year the amounts that were put in the bank, if you will, from 2008 and 2009.

LEG. NOWICK:

Just to make it easy, because this is such a busy time of year and I think my brain is fried, how much is left?

MS. GREENE:

The rest of the 45 million from the 27. And also, then, per year, which we anticipate to be anywhere from four to six to eight million dollars, depending on what sales tax will actually be.

LEG. NOWICK:

That rest of that 45 million, minus the 27 million, is that -- are these numbers included in the 27?

MS. GREENE:

No. These were all included in acquisitions that --

LEG. NOWICK:

Already.

MS. GREENE:

-- had been part of the 209.

LEG. NOWICK:

Okay. Thank you.

MS. GREENE:

You're welcome.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yeah, just a quick remark. It is a travesty that if we approve this resolution, we'll have spent more than 15 million dollars in the last ten minutes, and that we continue to be ignorant and allow brownfields to exist in this county. It is just absolutely absurd and ignorant and stupid.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I certainly understand what the voters have approved, and the monies being available to purchase these different farmlands for developmental rights. But the problem that I run into here is that every time we meet as a Legislature, we're spending another 20, 30, 40 million dollars on land acquisition of one type or another, yet the people in my district, about 30% of them are under water. Their homes are no longer worth, you know, in terms of value compared to their mortgages. They are really hurting financially. They do not understand why we're doing this, why we continue to spend at every session, like I said, 20, 30, 40 million dollars. And they're lucky they can stay in their homes. I mean, just this week alone, I guess the tax bills are hitting, and that transfer of funding from the County to the local towns, they must have gotten a dozen phone calls. Someone said it was \$27. Well, most of the phone calls I've received, it's not \$27.

People are really hurting financially. They don't understand why this Legislature is meeting -- forget what happened four or five years ago on the vote. In these tough economic times, why we're spending tens of millions of dollars on land acquisition and they can't stay in their homes. They kind of wonder, what the heck are we thinking here. If anything, this should be stopped, at least for the present time until things approve -- improve economically. Sure, the scenario is, well, this is the

right time to buy, because land is cheap. But most of the constituents that I have, like I said, they are really hurting financially. They don't understand what we're doing here. They think we're out to lunch. And, yet, people get up here and they fully justify this as if this is the right thing to do, as if the rest of the world and the economy doesn't exist. It does.

I mean, 50% of the people in this country I understand are either low income or poor. And in the hamlet that I represent, the two or three hamlets I have, most of the people are middle income. They are really struggling. It's extremely expensive to live out -- they don't want to pick up the phone and see another 20, 30, 40 million spent on land acquisition. They had it. They don't understand it and they never will. They feel there's something wrong here.

I'm not saying never to do it again based on what was passed by the voters, but at least stop it for now until things improve economically. This is just the wrong way to go. It sends the wrong message. They just do not and will not understand what we're doing every time we do this.

So I'll be voting no, and I have voted no on all of this, and I'll continue to vote no.

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

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
I hear my esteemed colleague, I understand his point. But whether we buy this land or not today is not going to keep someone in their house or force them out of their house. But we do have a deadline of the 27th of December to lay resolutions on the table for the January 3rd meeting. My strong advice to my colleagues who think that this policy should be changed is go back to the voters who gave us our original instructions and did so multiple times.

I will support your resolution, let me make this clear, to put this before the voters. I may not agree with it, but I do think if you think it's time to reevaluate, I honor and esteem your opinion and I'm willing to let the voters have that option. And you have till next week to file a resolution and I would hope that one would be filed, and then I will vote to put it in front of the voters again. I think that's all I can say.

But right now, we have a resolution before us. We have a pot of money that's existed for a special purpose that's been designated not once but eight times by the voters, and that purpose is to acquire open spaces. Because there are people that will tell you that they don't want to see the march of development that has started in the west and marched east, continue right to the two points of the Island. They do want to see some open space and some farmland, particularly farmland preserved because that's an industry that's beginning to die in Suffolk County without enough acreage. So I hear you, but go back to the voters and seek new instructions. Thank you.

P.O. LINDSAY:
Legislator Anker.

LEG. ANKER:
I just wanted to comment also that I respect Legislator Barraga's conservative nature, I really do. And I know the area and I worked in West Islip and it's a beautiful -- there are beautiful communities over there. But in looking at the broader perspective of land preservation, we voted, the voters voted to put money aside to buy open space, to protect the ground water specifically. But there's also other benefits in gaining open space and one of them is to add revenue to Suffolk County, which basically covers everyone living in our County and that is because of the tourism.

When we preserve open space we create -- we maintain the character of our communities and we have farmland, we have vineyards, we have open space parkland. People go there, they come from all over the world, not just Connecticut and New York City, but they come from everywhere and they visit our area, our County and they spend money. And the people and the County benefit from that, people living in Suffolk County, including the people in West Islip and other areas where there really is no open space to acquire at this point.

So I just wanted to put that on record that the benefits of obtaining open space goes far beyond one district, it covers the entire County. And again, I admire the folks that have been active in doing this and, you know, again, I support the acquisition. But I do want to say with my conservative nature, if we can do everything we can to partner with the town. I know there's no partnership on this particular resolution and I'll question again, is there any way we can go back to the Town of Riverhead and ask for some sort of partnership?

MS. GREENE:

And again, every effort is always made to ask for municipal partnerships on all acquisitions. In this particular instance, those discussions led to an either/or; either they could partner with us on North Fork Preserve, which, again allowed that whole southern half to be used as active, to gain revenue through parkland and use of that nature, or this acquisition which it will now be only used for open space purposes. And it was determined that it was more beneficial for the County to activate the active use in the North Fork Preserve. So they're our partners on that.

LEG. ROMAINE:

If the Presiding Officer would allow?

P.O. LINDSAY:

I have a list. I have a list.

LEG. ROMAINE:

Okay. I just want to answer that particular question and then I'm finished. Riverhead spent all of its money, bonded all of its money out, has nothing left, has done everything it possibly could do to acquire farmland and open space; they've bonded everything. They are out of money, otherwise they would be partnering with us. They've gone the extra mile.

P.O. LINDSAY:

And so are we.

LEG. ROMAINE:

I know.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yeah. I think I'm going to have to support Legislator "No" on this, because it --

*(*Laughter*)*

I'm concerned. I'm concerned that the people that live in Suffolk County aren't going to be able to enjoy -- yeah, it may be great for tourists, but they'll be out-of-state tourists, that many of us won't be able to enjoy it.

I know I've said the same thing about the Vanderbilt at times. When you're on austerity, you can't -- your school district can't send anybody there. And I'm really seeing Legislator Barraga's point that we have to start -- because it's easy for me to say that today, isn't it? *(Laughter)*

LEG. BARRAGA:

Based on what you said, I want you to stay another 12 years.

*(*Laughter*)*

LEG. EDDINGTON:

But, I mean, I am concerned because I hear that from my neighbors.

You know, "What are you doing? You spent \$15 million on this; where is it? What is it about?" So I'm very concerned. And I think maybe what Legislator Romaine said, to bring it back to the voters, might be a very good, wise thing to do as soon as possible.

P.O. LINDSAY:

Legislator Browning. Did you want to talk?

LEG. BROWNING:

Oh, sorry; no. Actually, I was going to ask about a partner, but I guess I got the answer on the partner.

P.O. LINDSAY:

Riverhead isn't partnering.

LEG. HORSLEY:

Nobody is.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Just a quick comment in response to Legislator Eddington's out-of-state tourists. Those out-of-state tourists also spend a lot of money and generate a lot of sales tax money for the County and stimulating the economy.

LEG. EDDINGTON:

They don't vote for you, though.

LEG. SCHNEIDERMAN:

That's all right. The fact is we need to create jobs and the east end economy, the tourism economy is really helping the County pay its bills at this point. It's one of the few sectors that are going and it's growing because we have preserved that area. So I think we've done a good job and I think it's not time to walk away from it and there is a pot of money to do it.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

I just want to make the point, I think, you know, you're hearing two sides of an argument where it's one of those rare occasions where both sides are right. It's just that simple. We're in tough times. It's a lot of money, but certainly the investment for preserving groundwater and our environment, we all know those arguments and the voters have spoken. So I would say, similar to what some of my colleagues have said, let's -- you know, if someone wants to put in a bill and revisit that. But

sitting here right now today, we can't appropriate this fund for any other purpose, so I would say move forward with it at this point. This is not the bill to reconsider the whole policy.

P.O. LINDSAY:

No, but I would just like to make an observation; because the pot of money is there doesn't mean that we have to spend it. And, you know, I'm seriously considering taking up Legislator Romaine on his offer and put before this body a referendum before the voters because of the very tough fiscal condition of suspending the Land Acquisition Program and using it to keep our County afloat.

LEG. D'AMARO:

Well, it would be interesting to do that because, you know, there's the short-term and the long-term.

P.O. LINDSAY:

Yeah.

LEG. D'AMARO:

And, you know, long-term, I don't think anyone could argue that this hasn't benefitted all of us in Suffolk County. I mean, there are tremendous benefits to not turning the eastern part of the County into the condensed situation we have in a lot of western Suffolk County, I believe.

And I don't have the same experience with my constituents when they talk about open space acquisition. You know, my experience has been, when I explain to the people I represent that we are preserving your groundwater, we are trying to preserve whatever is left of environmentally sensitive areas for future generations and things like that, I don't really get any resistance to that, I really don't.

P.O. LINDSAY:

See, I do. I do.

LEG. D'AMARO:

But I'm not saying it's not out there; you know, we're not talking to every person. But my point is that I think we're both right, I think both sides are right here. I think that the voters did speak on several occasions about how the long-term goal of the land preservation is important, but maybe those times and maybe their opinion has changed, so. But I just don't think this is the vehicle right now to make that policy decision on.

P.O. LINDSAY:

Well, I think that's probably where we differ, because we've got to start somewhere. You know, I don't think that we've disappointed the voters on the subsequent referendums. If I'm not mistaken -- what is the number, like 59,000 acres we've preserved over the years; does that sound right?

MS. GREENE:

I have the running total from the Levy Administration which is almost 7,000 acres, a thousand pieces of par property.

P.O. LINDSAY:

How much?

MS. GREENE:

Seven thousand.

P.O. LINDSAY:

In the Levy Administration; I'm talking since the program began.

MS. GREENE:

That precedes me.

P.O. LINDSAY:

I heard the number 59,000 at one point; I don't know whether that's correct or not.

MS. GREENE:

It's the most successful program in the country.

P.O. LINDSAY:

Legislator Stern.

LEG. D'AMARO:

Can I just ask --

P.O. LINDSAY:

Oh, are you finished? Yeah, go ahead.

LEG. D'AMARO:

Well, I just want to ask, just to get a little more insight. Let's say we didn't pass this today, all right, so we don't bond from the Quarter Cent that's been set aside to purchase the property. What do we do with that funding that's been authorized? You know, where will we go from there?

P.O. LINDSAY:

Well, I'm sure that we'll have other land acquisition resolutions coming before us. You know, one of the things that bothers me about this is, you know, we don't have a partner. Riverhead doesn't -- didn't partner with us. On the last acquisition, they only picked up 5% and wanted to dictate what we could do with the property, which still sticks in my craw. So I'm not a big fan here because we don't have a partner; if we had partner I might have been more amenable.

LEG. D'AMARO:

All right, so that's specific to this particular acquisition.

P.O. LINDSAY:

Yeah.

LEG. D'AMARO:

Okay. I would be more open to that if there's an objection to this acquisition and there's, you know, a basis for the objection, partnership, you know, that kind of thing. So you're really not questioning -- you want to question the policy going forward, but you're not necessarily questioning it here.

P.O. LINDSAY:

Well, I think that the policy is something that should be put before the voters again to see if --

LEG. D'AMARO:

Yeah, I would agree with that.

P.O. LINDSAY:

-- they've changed their mind.

LEG. D'AMARO:

I would agree with that, too. Okay. All right, thank you. I appreciate it.

P.O. LINDSAY:

Legislator Stern?

LEG. STERN:

Yeah, thank you. Mr. Presiding Officer, I think you're exactly right. Although the voters did speak and we do carry out their wishes regarding this policy, they also asked us to take a look at each individual acquisition and base our determination on its own merits, its own individual facts and circumstances. And I think you're right, just because we have it doesn't mean that we need to necessarily spend it if we don't think that it's a wise expenditure.

I am also very concerned there there's no town partnership here. I also look at the ratings and see several other properties that score better that might have more important, more valuable to Suffolk County as a whole in terms of its -- in terms of its preciousness and we have to make some of the tough calls. Are there going to be properties that come along that are going to score higher and that we need to take a look based on individual facts and circumstance? Perhaps they get a higher priority.

So although I would also support going forward and asking the voters how they feel about the policy, we have to take a look at this individual acquisition and I share those same concerns.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Yeah, that's -- Legislator Stern and others, that's the same question I have had on this particular one. You know, when I first mentioned it before, I mean, you know, I've heard both Legislator Romaine and someone this morning talk about the special fauna and the endangered species. What are they and why is this particular property special? This was -- you know, this was a dog training -- this was for Medford dog training, that's what it's being used for over the years. I mean, is this something that -- how special is this property? It's not recorded well. You know, I don't think you've convinced me that way. And I think that goes to the same questions all of us have had; you know, is this the right property to spend that much money on when there could be others?

MS. GREENE:

And Legislator Horsley, I would submit in response, as this body knows, that the Planning Department rates all potential acquisitions. This is a planning steps resolution introduced by your colleague; based on that, a rating was done. There were adjacent -- there were points given for the fact that it is contiguous to other County holdings, so that certainly boosted its rating. Based on that, the Real Property Division commenced appraisals, went forward getting those appraisals approved, had that offer accepted by the seller and then prepared contracts, brought this to committee and now is bringing this final resolution to you. So at this point, I am here as the executor, if you will, of the Legislative wishes that were put forward in the beginning stages of a planning steps resolution to now bring this to culmination. So I cannot speak to the rating sheet or what the sponsor had --

LEG. HORSLEY:

The fauna and the endangered species issue.

MS. GREENE:

The sponsor's wishes.

LEG. HORSLEY:

It was almost word-to-word by several members of the audience as well as Legislator Romaine. I don't know, what fauna, what endangered species, what are we talking about? Maybe Legislator Romaine can answer that.

LEG. SCHNEIDERMAN:

Endangered beetles.

LEG. HORSLEY:

Oh, it's the County Executive's; oh, I didn't realize. He's interested in the endangered species?

LEG. ROMAINE:

I guess so. And we rely on the Department of Environment as one of their last acts to catalog all of the *(laughter)* --

LEG. HORSLEY:

Well, you're the one that brought it up, buddy *(laughter)*.

LEG. ROMAINE:

Because this is what I've read about this and been told. I don't have the information in front of me, but certainly I would rely on the experts to provide that information.

LEG. SCHNEIDERMAN:

If I remember this piece correctly, because this came up years ago, my recollection is that there -- actually, there's a couple of structures on the property which I suppose are getting torn down. But this is not old growth forest here, this was, I think, formerly farmed and then it was allowed to overgrow. So I don't know that it's from a habitat standpoint, it's going to score particularly high, though. Even in --

LEG. HORSLEY:

Well, I'm hearing that it's 24 out of 100 scale.

LEG. SCHNEIDERMAN:

And it probably included points for a partnership that occurred, that was believed to be there and may not be there. It still is a large chunk of property. And I'm not sure what the county's use plan is for it, but it's a lot of open space.

P.O. LINDSAY:

Okay. Everybody done? Okay. Mr. Clerk, I forgot; what do we have before us?

MR. LAUBE:

I have a motion to approve by Legislator Romaine; no second yet.

LEG. COOPER:

I'll make a motion to table, if there wasn't one already.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second to the tabling by Legislator Barraga. Legislator Romaine, you still need a second to the approval.

LEG. SCHNEIDERMAN:
Oh, I'll second the approval.

P.O. LINDSAY:
Second by Legislator Schneiderman. Okay, tabling goes first.
Roll call.

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

LEG. COOPER:
Yes.

LEG. BARRAGA:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
My first such motion on open space; motion to table.

LEG. NOWICK:
Yes to table.

LEG. HORSLEY:
Yes.

LEG. KENNEDY:
No.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. ANKER:
No.

LEG. MURATORE:
Yes.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes. It stands tabled.

MR. LAUBE:

Twelve.

2081-11 - Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, to the 2011 Capital Budget and Program, and appropriating funds in connection with the Long Island Native Plant Initiative (CP 8713) (County Executive).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. KENNEDY:

On the motion, Mr. Chair. Can we get just a quick explanation on this one again?

P.O. LINDSAY:

You don't know what the Native Plant Initiative is?

LEG. KENNEDY:

It's late in the year, it's late in the day, Mr. Chair, and it probably doesn't have a damn thing to do with bricks and mortar.

P.O. LINDSAY:

Okay. I'll be interested in the answer as well.

LEG. KENNEDY:

Thank you.

LEG. D'AMARO:

There's no one here to answer.

P.O. LINDSAY:

Is anybody here from Parks? Terry, do you know?

MR. MACCARRONE:

This is outside my area.

P.O. LINDSAY:

No, not a clue. How about you, Eric?

MR. KOPP:

I don't know anything about these green plants.

LEG. KENNEDY:

Being no one in front of us, then, I'm going to make a motion to table.

P.O. LINDSAY:

I got some moss in the backyard, maybe that's what it means.

LEG. ANKER:

I actually -- I'm familiar with the native -- not this particular program, but I do know when you use native plants, they actually reduce the use of chemicals, pesticides, because they're -- what is the word? Indigenous to our climate and to our soils. So, you know, I'm very supportive of native plant protocol but, you know, again, I wish I knew a little bit more about this particular program.

P.O. LINDSAY:

Legislator Romaine, do you know something about this?

LEG. ROMAINE:

I know something, because I do serve as a member of Suffolk County Soil & Water Conservation District. Essentially, what the Native Plant Initiative is, it's two things. First of all, it goes out to destroy invasive species that threaten our water ways and other native plants; and the second thing it does, is gathers seeds from native plants so they can be used elsewhere. And it's something of a horticultural nature that is of great benefit to a number of citizens in Suffolk County that work through the Soil & Water District and Cornell Cooperative Extension to replace non-native plants with native plants in their landscaping of their homes. And this benefits all residents at all income levels.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. One of the WHEREAS clauses, it says, "The Land Stewardship Initiative is widely accepted as the most cost effective management approach to protect public lands and associated flora and fauna."

There you go. So I guess it's the most effective management approach.

LEG. ANKER:

And can I say something?

P.O. LINDSAY:

Legislator Anker, did you want to say something?

LEG. ANKER:

Yeah, you spoke about invasive species, I know that's a huge problem as well in the State of New York and particular plants, phragmites which has taken over a number of ponds, as well as purple loosestrife which has -- basically once these species get in a pond or water area, they take over the water body, and then they basically choke out every plant, every -- you know, and it becomes

impossible for any wildlife to live in that particular water body. So if this particular initiative is cost effective and, you know, needed in our area, I would support this initiative.

LEG. KENNEDY:

On the tabling motion, Mr. Chair, I'd simply offer, this is only 60,000, but in this budget process we were forced to underwrite the salaries of I think another eight to ten additional employees. And a program that was created by one of our former colleagues, Legislator Alden, which started out with an annual appropriation of between four to \$5 million to address ground water issues, has eroded over time to a mere shadow of the program. So, you know, maybe we can gather seeds and move them in a different way, but I'd make a motion to table.

P.O. LINDSAY:

Legislator Romaine?

LEG. ROMAINE:

Yes. This is 477 money, so if we don't expend it, this is money that can't be used for any other purpose. This is, I think, a worthwhile purpose. This may not be brick and mortar, but this has a purpose of promoting native plants and protecting our parks and County-owned lands from the invasive species. This is a much bigger problem than people realize and this is something that the 477 Committee has approved as an appropriated expenditure of this and it's coming to us because it's the end of the year and either we act now or we don't. I don't know if this money rolls over, and I'll ask Budget Review if this 477 money rolls over, or if we don't expend it because it's germane to 2011, if it's lost.

MR. LIPP:

There's a fund balance still in 477 for water quality. So potentially, if this initiative is deemed appropriate in the future if it's not adopted today, it could be brought up next year.

LEG. ROMAINE:

So the money could roll over.

MR. LIPP:

Correct. It's a free fund balance, free only for water quality-type projects.

LEG. ROMAINE:

Okay.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

This has gone through the Water Quality Committee and they're set up to advise us on these types of uses. It's only \$60,000. I guess that's a fair amount of money, but if it's in-line with the intent of the program. We've complained in the past that so much of this money has gone towards salaries, some questionable use for salaries, but according to this bill, this is for -- to create sources of Long Island native genotype plant materials. And, you know, the native plant issue is important, we're losing important habitats, areas, we're losing food sources for migrating birds. So if they're trying to develop places to grow plants, after they've cleared the invasive species they can plant native species, I think that sounds like it would be a good use of 477 funds. So I'm going to support this.

P.O. LINDSAY:

Okay. Okay, let's vote.

LEG. KENNEDY:

Vote the bill.

P.O. LINDSAY:

What motions do we have before us?

MR. LAUBE:

I have a motion on 2081 to table by Legislator Kennedy but no second, and then I have a motion to approve with Cooper and Romaine.

P.O. LINDSAY:

Okay. I'll second the tabling. Tabling goes first. Roll call.

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

LEG. KENNEDY:

Yes to table.

P.O. LINDSAY:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

I wish I knew what native no type meant. I don't know. I'm going to pass for now.

LEG. STERN:

No.

LEG. GREGORY:

Yes to table.

LEG. NOWICK:

This is really getting us.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes to table.

LEG. MONTANO:

Wayne, did you table?

MR. MARTINEZ:

He said no to table.

LEG. HORSLEY:

But I can be persuaded.

LEG. MONTANO:

I just can't hear.

*(*Roll Call Continued by Mr. Laube - Clerk*)*

LEG. BARRAGA:

Yes to table.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

Yes.

LEG. BROWNING:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. ROMAINE:

No to table.

D.P.O. VILORIA-FISHER:

(Not present).

LEG. D'AMARO:

Yes.

MR. LAUBE:

Nine.

P.O. LINDSAY:

Okay, tabling fails. Approve.

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

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

No.

MR. LAUBE:

Eleven.

P.O. LINDSAY:

Okay, it passed.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

*(*Laughter*)*

P.O. LINDSAY:

I think -- you know, I think that --

LEG. BROWNING:

Tim?

P.O. LINDSAY:

The west end Legislators know what invasive species are, we have all that in our area. Go ahead. Legislator Cilmi, I recognize you.

LEG. CILMI:

Yes, Mr. Presiding Officer, thank you. If I could make a motion, please, to reconsider IR 2073 for the purpose of changing my vote, I would appreciate that.

P.O. LINDSAY:

Sure. We have a motion to reconsider 2073.

LEG. CILMI:

Yes, I was on the --

LEG. SCHNEIDERMAN:

You did vote yes.

LEG. CILMI:

I voted yes.

LEG. MONTANO:

Yes to what?

P.O. LINDSAY:

Do you need someone on the prevailing side to second it?

MR. NOLAN:

Not on the second.

P.O. LINDSAY:

All right. I'll second it for the purpose of discussion. Go ahead. Do you want to say anything?

LEG. CILMI:

Now, this is to reconsider, right?

P.O. LINDSAY:

Reconsider.

LEG. CILMI:

Right. So I just simply want to reconsider for the purpose of changing my vote to a no, and upon -- and I'll explain to you why, but I figured that we would do that during the revote.

P.O. LINDSAY:

Okay, let's take the reconsideration vote. We have a motion and a second to reconsider. All in favor? Opposed?

LEG. SCHNEIDERMAN:

Opposed.

LEG. BROWNING:

Opposed.

LEG. ANKER:

Opposed.

P.O. LINDSAY:

All right, we got one, two -- put your hands up, anybody opposed. One, two, three, four. Okay, it looks like it carries. So it's back before us, ***2073-11 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - for the Sylvester Manor Educational Farm, Inc. Property - Sylvester Manor Phase II - Town of Shelter Island (SCTM No. 0700-008.00-01.00-005.002 p/o)(County Executive).***

MR. LAUBE:

Fourteen (CORRECT VOTE: Thirteen - Opposed: Legislators Romaine, Schneiderman, Browning, Anker - Not Present: D.P.O. Vilorio-Fisher).

LEG. MONTANO:

What was the original motion on this?

P.O. LINDSAY:

It was approved.

LEG. NOWICK:

What was it approved by?

LEG. CILMI:

I believe it was 15; was it, Tim?

LEG. HORSLEY:

This is the Manor House.

LEG. MONTANO:

The Manor House.

MR. NOLAN:

He just wants to change his vote.

P.O. LINDSAY:

All right. So --

LEG. CILMI:

Okay. So I really just want to change my vote, you know, and --

LEG. MONTANO:

All right, we're going to vote again.

LEG. CILMI:

-- just to briefly explain.

LEG. NOWICK:

No, no.

LEG. MONTANO:

No, no, no.

LEG. CILMI:

No, not necessary? Go, fine.

LEG. MONTANO:

I have a question. I missed the vote on this. Could someone give me a brief explanation?

P.O. LINDSAY:

It's go buy --

LEG. NOWICK:

Oh.

LEG. NOWICK:

Don't go "oh", Lynne. It's going to be brief.

LEG. NOWICK:

*(*Laughter*)*

LEG. CILMI:

Farmland.

LEG. MONTANO:

I saw you.

LEG. CILMI:

It's farmland.

P.O. LINDSAY:

It's buying a 300-year old estate on Center Island, it's a second purchase, it's going to cost us --

LEG. CILMI:

Three point seven.

P.O. LINDSAY:

Yeah, but our share is three million plus with the Town of Southold, it's 70-30. It's Farmland Development Rights.

LEG. D'AMARO:

And it's on the Master List.

LEG. MONTANO:

And what are the motions now?

P.O. LINDSAY:

The motion was to reconsider, and we don't have a motion yet.

LEG. CILMI:

Somebody has to make a motion to approve.

LEG. ROMAINE:

I'll make a motion to approve.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Motion to approve by Legislator Romaine. Second by Legislator Schneiderman.

LEG. MONTANO:

There was no motion to table?

P.O. LINDSAY:

Okay. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

No.

MR. LAUBE:

Twelve.

LEG. ROMAINE:

Again, please list me as a cosponsor.

P.O. LINDSAY:

All right, *2093-11 - Directing the Planning Department to study the creation of Suffolk County land bank (Gregory).*

LEG. GREGORY:

Motion, Mr. Chair

P.O. LINDSAY:

Motion by Legislator Gregory.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. Legislator Gregory, could you tell us what a land bank is?

LEG. GREGORY:

Okay. Just this July, the New York State Legislature passed authorizing legislation to establish -- to allow municipalities throughout the State to implement land banks, and a land bank is a mechanism, basically, on how to deal with County-owned properties. There are different programs throughout the country where -- right now we primarily auction our properties, we can transfer these properties to the land bank which is a -- it's a separate entity, kind of like the Judicial Facilities Corporation. They will manage these properties, they can put them up for workforce housing, they can put them up for -- make pocket parks, all types of things like that. Their mission is different in the context of just auction off properties for monies. They would be primarily focused in getting people into workforce housing or housing developments.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Yeah, to the sponsor. How would this land bank be controlled; is it a separate corporation or is it governmental agency? And how would the members of the -- if it's a separate corporation, how

would the members of this corporation be selected and formed, etcetera? Could you fill me in on that?

LEG. GREGORY:

Well, that's delineated in the legislation and that's what we're asking the Planning Department to do, to figure all of that out. There are agreements that can be made with this, quote/unquote, separate corporation and say our Department of Real Estate, they can, you know, provide clerical functions or something like that. And we would set up -- you know, whatever recommendations they have, we would be responsible for setting up the mechanism, the Legislature that is.

LEG. MONTANO:

I just pulled up the bill. You're proposing that a study be made so that a not-for-profit corporation could be set up; is that what you're telling me?

LEG. GREGORY:

Yeah, that's what the legislation, State legislation calls for, it has to be a separate, not-for-profit corporation. In the legislation, I believe it's an Assembly Bill, 373-A. You know how the State legislation is, it's a long bill, it requires a separate not-for-profit corporation, that corporation can have -- or entity, that entity can have, you know, an agreement with the municipality to perform certain functions.

LEG. MONTANO:

Okay. I see a resolution. I don't see attached to it the Assembly or Senate or the State legislation that you're referring to. Is that part of -- shouldn't that be part of the backup here?

LEG. GREGORY:

It hasn't been provided, but it's -- you know. I'm looking at George.

LEG. MONTANO:

No, I don't know. Why don't you tell me.

LEG. GREGORY:

It's available.

LEG. MONTANO:

Okay.

LEG. GREGORY:

But the --

LEG. MONTANO:

All right, but it's not available here is what you're saying.

LEG. GREGORY:

Right.

LEG. MONTANO:

Okay. Thank you.

LEG. GREGORY:

And this is just a study just to see how the County can implement this bill, the legislation.

LEG. MONTANO:

Okay. Thank you very much.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:

Yeah, if I may. We did quite a bit of research on this in the office, having seen Legislator Gregory's bill, and there are some concerns that I have with the State legislation. It was, if I'm not mistaken, sponsored in a bipartisan way in the Assembly, but two of the things in particular that concern me are the ability for this corporation, this not-for-profit corporation to bond money which would be guaranteed by the government. Furthermore, it gives the ability to -- what's the -- when you forgive back taxes.

P.O. LINDSAY:
Tax abatement.

LEG. CILMI:

Tax abatement. So I do have concerns with the State legislation, but I think what Legislator Gregory is looking to do here is just to have somebody, you know, sort of look at it from our Planning staff and tell us about it. Maybe there are parts of it that we can utilize, parts that aren't. So I'm going to support Legislator Gregory's resolution while the jury is still out in my mind in terms of the overall plan.

LEG. MONTANO:

This would have to come back to us.

LEG. CILMI:

Yeah.

P.O. LINDSAY:

Okay. We have a motion, Madam Clerk, and a second?

MS. ORTIZ:

Yes, sir.

P.O. LINDSAY:

It sounds like a wonderful thing. All in favor? Opposed? Abstentions?

MS. ORTIZ:

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

P.O. LINDSAY:

2003-11 - Adopting Local Law No. -2011, A Local Law to facilitate emergency housing of sex offenders in non-residential areas (Schneiderman).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Second by Legislator Romaine.

LEG. D'AMARO:

Explanation. Just a brief explanation on the bill, please?

P.O. LINDSAY:

You want to explain it, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Sure. Actually, the bill does two things. When we created the new program for housing homeless sex offenders, who we said specifically that they must not go into residential areas, so they would have to go into commercial industrial areas. There's also a provision of County Law, Local Law 23-2000, that says -- directs the Department of Social Services to site emergency shelters in accordance with zoning. So obviously you cannot put a residential facility in a non-residential area and have it comply with zoning. So to that narrow degree, it exempts these mini-shelters from that so that it can move forward.

There's also an indemnification provision for the contractor, that as long as they're working to carry out the dictates, the mandates of this Legislative body and creating this new mini-shelter program, that they would be indemnified. And that's pretty much boiler plate, that's standard practice, but it wasn't included, so we're adding that language in. And if Counsel wants to add anything more.

MR. NOLAN:

No.

P.O. LINDSAY:

Who else? Legislator Stern had some questions.

LEG. STERN:

Yes, thank you. Actually, I do have a question on that. I'm looking at a Fiscal Impact Statement that seeks to provide that indemnification against all liabilities, penalties, actions, damages, etcetera, etcetera. I understand that that's general language, but I guess the question is to Counsel; what kind of potential liabilities could there be in implementing this resolution?

MR. NOLAN:

I think the intention was sometimes when you site one of these shelters, litigation results from people in the surrounding area, and I think that's the main purpose for Legislator Schneiderman including this provision in the law, so that they would be -- if they got sued for siting it in an area, the County would indemnify them for their legal costs. I think that's the main purpose; if I'm correct, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Yeah. The Department of Social Services came to me on this and they came to the committee, too, though I'm not on that committee. You know, the contractor's in place, that's Community Housing Innovations, and obviously DSS is working with them to carry out this program. They ran into these obstacles in carrying it out and they've asked for this clarification so they can move forward. You know, the decision to move ahead with the mini-shelter program has already been passed by this body in spite of vetoes, we overrode those vetoes, and it's just basically moving forward with that program.

P.O. LINDSAY:

Legislator Montano, you had a question, and Anker?

LEG. MONTANO:

Yeah, to Legislator Schneiderman. The indemnification clause that you're referring to I believe is the eighth RESOLVED clause?

MR. NOLAN:

Uh-huh.

LEG. MONTANO:

George?

MR. NOLAN:

It is, that's accurate.

LEG. MONTANO:

All right. I'm reading it now and it talks about the issue that you referred to in terms of, "Indemnifying the shelter providers selected to provide emergency housing against all liability, penalties, actions, damages, claims, judgements, lawsuits and expenses arising out of the siting," but it also says, "and/or operation of a shelter or shelters in accordance with this." So it seems to me that the definition of indemnification goes beyond the limitation that you put. That's just my opinion based on reading this very clearly. Can you address that? Because if it indemnifies the operation, then I would believe that that would cover -- and if I were arguing a case, it would cover anything to do with the operation of the center. And as a self-insurer, do we want to assume that responsibility?

LEG. SCHNEIDERMAN:

I'll let Counsel answer that, but I believe it's --

LEG. MONTANO:

I suggest you do.

LEG. SCHNEIDERMAN:

Yeah, "Operation in accordance with the original bill," I think that's the reference in that language. So there were certain --

LEG. MONTANO:

Right, but the problem is that that's not the way it's written.

LEG. SCHNEIDERMAN:

Right. Counsel, if you could answer that.

MR. NOLAN:

Yeah, I think we were authorizing the department to do something in terms of indemnification. Certainly, when they do the indemnification agreement, they could limit the language. If it was something arising out of their operation, they did something negligent in their own -- their own negligence, DSS could not cover that or not indemnify them from that. But this is -- the intention is really more with the siting and the placement of the facility, and that's what the intention is, to indemnify those providers from that, not from everything that they do there once they're up and running. So DSS and the Department of Law can shape the language so that the County is protected but give the contractor what they need in order for this to move forward and to carry out the County policy that was established by earlier resolutions.

LEG. MONTANO:

Okay, if I may just respond to that. I do understand that, but I have concerns with the way it is written, and I'm uncomfortable with the broad-based nature of the clause. And if we are going to limit it, I think that it should be limited specifically in the body of the resolution and not leave it to interpretation. So I have some concerns about this. I don't think I -- I don't think that I will support it because of the language of the indemnification clause, I think it is too broad.

P.O. LINDSAY:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah, I just -- I'm listening to this and I have a few questions in my mind.

First of all, on the indemnification issue, we're already in contract with this not-for-profit to provide the service, so why wasn't this contemplated earlier? It wasn't part of the negotiation to indemnify and give a broad indemnification against their performance under the contract. So I'm not sure why we're doing this now.

The other question I had was with respect to the zoning issue. I assume, because it's not the County but it's a not-for-profit corporation that is placing the homeless sex offenders, that they would be subject to the local zoning code; is that the problem here?

LEG. SCHNEIDERMAN:
You know, DSS might say that they're an extension of the State and not subject to local zoning. We have a specific County Law that says that DSS, for emergency shelters, will comply with local zoning. And, you know, for that zoning piece, putting residential in a non-residential area is a problem, so it's fairly narrowly crafted.

In terms of the contract whether they've signed or not, it's possible that they have not signed because of this indemnification. The County Executive could have issued this indemnification, chose not to and sent it back here to the Legislature. It has been really the history with all the attempts and the trailer program, it always seems to come back to us and not be dealt with by the administration.

LEG. D'AMARO:
Well, I think the issue is, with respect to the zoning, whether or not we directed as a County that when we put this program in place, that it focus on non-residential areas for, I think, obvious reasons. But I'm not sure that we contemplated not having the placement subject to zoning code, because the not-for-profit can apply to the town, to its zoning board for relief from the zoning requirements. I mean, we're giving a blanket relief as opposed to the way the program is designed right now where it says we're saying focus on non-residential areas but still subject to that local town control. I mean, you know, again --

LEG. SCHNEIDERMAN:
You'll never get any local zoning board to approve a sex offender facility, I don't believe.

LEG. D'AMARO:
So how is that my problem?

LEG. SCHNEIDERMAN:
No, it's not.

LEG. D'AMARO:
Right.

LEG. SCHNEIDERMAN:
My communities have been patient for the last four years with these trailers. I'm imploring this body to allow a program that we put in place to move forward.

LEG. D'AMARO:

Well, let me understand that logic.

LEG. SCHNEIDERMAN:

However, that --

LEG. D'AMARO:

If not local zoning board would ever approve it --

LEG. SCHNEIDERMAN:

That exemption is narrowly crafted.

LEG. D'AMARO:

-- why am I imposing it?

LEG. SCHNEIDERMAN:

Lou, you called it a blanket exemption and it's not, so it's not -- they're not exempted from all zoning, they're exempted from those provisions that prevent the mini-shelter program from moving forward, the residential component.

There's also -- you know, some Local Law said no more than four unrelated people in a dwelling. We're going to have six; that's more than four. Some communities have no more than two sex offenders in any facility; we're going to have to six. So there are aspects of local zoning that are preventing this mini-shelter program from moving forward. I just -- it's the last meeting of the year, I need your support. I've worked very hard to come up -- you know, with the Presiding Officer to come up with a fair approach to housing the homeless sex offenders. We hope this will be a national model with 24-hour surveillance, it's limited number of people, it's spread out and I need your support.

LEG. D'AMARO:

Could I just get back to whether or not the -- was there a particular case where the zoning became an issue, there was a citation or a violation issued? Because it was my understanding that when the placement is done, the County directed, because we have the authority to tell the not-for-profit that's the contract vendee with us, to not go into residential areas, but I thought that that placement was not even subject to local zoning.

LEG. SCHNEIDERMAN:

You know, I've raised this with DSS, because DSS came to me asking for this bill. I said, "Well, if you're exempt from zoning, why do you need this bill?" Now, Commissioner Blass' response was, "Well, this is basically a Legislative creation, this mini-shelter program, so we wanted to have the Legislature specifically resolve the conflict between these two laws," Local Law 23 of 2000 and then the mini-shelter law; one that specifically says put it into non-residential areas and one that says comply with all aspects of zoning, so.

P.O. LINDSAY:

Okay. Are you done?

LEG. D'AMARO:

Yeah, I --

P.O. LINDSAY:

Legislator -- oh, I'm sorry. Are you done?

LEG. D'AMARO:

Yeah. You know, I'm just thinking it through. I'm not sure that this is necessary to do. I understand the Commissioner has requested it, but I don't think that placement is subject to local zoning and if it were, I'm not sure that we would want to over -- by creating a County program, do we want to then say to the localities that, in effect, you have no say in this placement. You know, this is an issue that hits home for communities and for towns, and I'm not sure we should be replacing our judgment with theirs. However, you know, at this point this would not change our program, it would be outside the residential areas which is a step in the right direction. But again, I'm just not sure that this is really fair to -- the communities that may boarder a non-residential area where their local boards have no say or authority.

P.O. LINDSAY:

Legislator Anker.

LEG. ANKER:

I have a question regarding this legislation, Jay. The question is -- and in my mind, if you have sex offenders, you know, I feel that by consolidating them in one or two locations would be more practical and making sure that someone is there to supervise and also for the expense situation. What is your take on that?

LEG. SCHNEIDERMAN:

This has been a long subject of debate, finding locations where you want to consolidate the sex offenders, I think you're going to have a very difficult time. It was felt that we didn't want to consolidate them to have too many in any one community, it wasn't a fair burden on that community, so we determined as a Legislative body six was the max with 24/7 supervision. And so we embarked upon a program which could be a national model and we're trying to move it forward and DSS is asking for this clarification so they can move forward. So, you know, if you can come up with two places to congregate all these sex offenders that everybody could support, go for it. But right now, this is the direction the Legislative body has moved and, you know, I don't want to undo it.

LEG. ANKER:

But what about the area by the jails? I mean, we have a couple of jails within the County. Ooh, sorry; Kate's giving me that look (*laughter*).

LEG. SCHNEIDERMAN:

See what I mean?

LEG. ANKER:

You know, you have law enforcement, public safety right there. Again, Jay --

LEG. ROMAINE:

I'll answer that question.

LEG. SCHNEIDERMAN:

Go ahead.

LEG. ROMAINE:

You don't have law enforcement. It's in the parking lot. The Sheriff has specifically given orders not to patrol because these people are freed citizens, they're not incarcerated. If they were incarcerated they'd be behind bars, they're in the parking lot. Ninety percent of these people come from western Suffolk, not eastern Suffolk. Every day they pick them up and drop them back in western Suffolk; every night they pick them up and bring them back to live in eastern Suffolk. They're also free, they

have no restrictions except they have to be back by eight o'clock, although many of them are in violation of their curfew, to be back if they want to enjoy the free housing that the County provides to the homeless sex offender. But on average, the homeless sex offender spends \$15,000 a year in taxi rides, because most of them don't live there and they can take taxis back to where they live. There is no restriction. You can't say, "You can't go back to your home town," you can't do that. These people have served their time and they're out. Some of them are on patrol, but most of them are not and they're free to do what they want. They're free to roam in any community that they want.

Our problem is there was a solution that the State Senate put forward for some of the most egregious sex offenders, because as you know, it's Level I, II and III, III being the most serious, and that was to consider for some of the most egregious civil confinement after their term of sentence was up, and that was rejected by the State Assembly. So now these people are back in our communities. Because of all the restrictions that we've put on, the question is -- most of whom have been challenged and their constitutionality is in great doubt, but right now it's -- you know, because these restrictions are in place, they can't live anyplace, so they wind up homeless and they wind up with us.

There are about a little less than a thousand sex offenders in Suffolk County. Only about 50, maybe more in wintertime, but about 50 are homeless; okay? And those 50 are the ones that wind up in the trailer in Westhampton, and the trailer in the parking lot by the jail that is not patrolled by the jail or law enforcement. They have no control over those people. You can't; it's like having control over you. They're free. The only thing that they get is housing because we're required by Social Service law to provide it.

What CHI, what Jay talked about, these people are going to be in non-residential areas, that's why we have to get the exemption from the zoning, because we don't want them in residential areas, we want them in industrial areas, but it's going to be a residential structure, no more than six in a house. But unlike the trailer, which is not supervised 24 hours a day, it isn't, you can walk in the trailer, I can take you over there at ten o'clock in the morning, there's no one around and there's no guards and there's nothing. Unlike that, this will have 24-hour a day supervision, while better control of the sex offenders that are out there.

We didn't ask for this situation, we got confronted with it. We have to deal with it because State law tells us we have to deal with it. I think what Jay came up with was a reasonable solution that is fair to all and isn't going to put an untold burden on our constituents. They all come back anyway to where they live during the daytime, they only sleep there at night. I don't know if people understand that issue.

The problem for Jay and myself is on the weekends I don't know what they do, and that's why maybe they're running up these taxicab bills, but they also are free to wander in our communities, and we're concerned about that. We would rather have that 24-hour supervision, a check-in/check-out type of program. So that's why I think CHI, while most solutions in government are imperfect, and this probably one is, it's certainly a heck of a lot better than the existing solution that we have.

LEG. ANKER:

But -- I'm sorry, can I have --

P.O. LINDSAY:

Go ahead.

LEG. ANKER:

Okay. But you talk about eighteen districts with 24-hour supervision; is that right, Legislator Romaine?

LEG. SCHNEIDERMAN:

No, it's no more than one per town. So a town of, like, Brookhaven, with its 400,000 people --

LEG. ROMAINE:

Five hundred thousand.

LEG. SCHNEIDERMAN:

Five hundred thousand people would get -- potentially, if it got any -- would get six individuals, one facility. You know, a small town, Southampton, which is a fraction of the size --

LEG. HORSLEY:

Shelter Island.

LEG. SCHNEIDERMAN:

-- could get one. No more than one per Legislative District or township. So a Legislative District like mine, I have three towns in my Legislative District, but I could only get a maximum of one of these shelters.

LEG. ANKER:

But how are they going to be supervised if they're spread amongst ten towns?

LEG. SCHNEIDERMAN:

There's not going to be tons of them. There may be four or five of these.

LEG. ROMAINE:

At most.

LEG. SCHNEIDERMAN:

At most. No, the highest population was around 30, so maybe five mini-shelters. I think the population is going down a little bit, so there probably would be maybe three or four.

LEG. ANKER:

Again, I'm still trying to understand. By spreading out the sex offenders to live in different areas, ten towns, you're having to come up with people to supervise each homeless sex offender, where if they -- you know, where they are right now, they're pretty much consolidated between two locations with no supervision, which bothers me. And I think that -- that's where this ball needs to go as soon as possible for the sex offenders to be supervised.

LEG. SCHNEIDERMAN:

Well, the program requires that supervision, there is 24-hour supervision. And the other alternative that the County Executive promoted was a voucher program that had no supervision at all, they were just given a card, basically, and, "Go find yourself a hotel room somewhere."

LEG. ROMAINE:

A hundred bucks.

LEG. SCHNEIDERMAN:

So this is supervision. And you say live, and it's not exactly live. The idea is to get these people into permanent housing, not to make them permanently homeless. This is temporary housing. Hopefully the mini-shelter is empty all the time because we don't have a population of homeless in

Suffolk County; right now we do.

LEG. ANKER:

Do they get -- okay, so they're monitored, that's part of their situations.

P.O. LINDSAY:

Not necessarily.

LEG. ROMAINE:

Not necessarily.

LEG. ANKER:

I'm hearing yes and no.

P.O. LINDSAY:

If they're on probation they're monitored, if they're not on probation they're not monitored. Under the system now, you're actually promoting using the shelter. They come and go as they will, we pay for the transportation, costs us a million dollars a year. You know, we worked really hard on a program that would be fair to all of our communities, that would protect the public, because anything that came up before there was no protection. The plan that the County Executive proposed with the vouchers was a disaster. I had five of them in one motel with nothing to do, nobody watched them, they were strolling the neighborhoods freaking people out. That isn't a solution, that's sticking your head in the sand. This is a solution.

LEG. KENNEDY:

Freaking around.

LEG. ANKER:

Is there a required counseling with the --

P.O. LINDSAY:

The plan that was proposed is -- in the shelter is not only supervision but counseling, job placement, housing placement. It's a comprehensive plan that if they want to live there, they have to agree to these terms. The way it is now, I'm assuming they want to live in the shelter because they can go as they please.

LEG. ROMAINE:

Well, there's some difficulties with the shelter. As you know, there's no running water and they don't have showers, and there's no cooking facilities. So you live in a shelter, you're going down to the McDonald's or the Spicy's or wherever.

P.O. LINDSAY:

Yeah, you're sleeping there at night.

LEG. ROMAINE:

You know, everyone snickers at Spicy's; if it's Tuesday you get wings, two for one, but they go to Spicy's. Where are they showering? I'd like to know that. They go up west to the shower. I don't know where they -- Social Services, they don't disclose that, where they went facilities up west. These people all come back to the communities they used to live in, they're only sleeping there. So we're fooling ourselves, because this is not a program that provides for supervision or counseling or job placement or housing placement. Where what Jay has worked on and I've supported is the CHI which does provide all of those things, and hopefully will reduce our homeless sex offender population.

What you don't realize, Jay says it's 30, I'll take a higher number and say 50 in the winter because in winter more people don't want to stay on the street, because some of them will stay on the street until it gets cold. But understand, there's almost a thousand sex offenders in Suffolk County and we don't have any control over their placement, as long as someone is willing to take them in. The only reason we have any control over these is because they're homeless and they need Social Service assistance. So it's not that we don't have sex offenders in your neighborhood. Go Google it on-line, I guarantee you Mt. Sinai has sex offenders in it, guaranteed. I guarantee you. I know Mastic-Shirley does, I'm sure Riverhead does, you know? You go on-line, all your communities have people living in them, some more so than others simply because of, you know, what the cost of living is.

Like I know Kate's district has probably a heavy burden of that, and probably DuWayne's district because housing is somewhat cheaper here, or Ric's district, absolutely. But to say that there's pockets, but they're scattered all over Suffolk County because sex offenders are not always -- most of the time, but not always -- by income level.

LEG. D'AMARO:

Bill.

P.O. LINDSAY:

Anybody else? Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I think we're getting a little bit past -- it sounds like we're debating the whole program, which I think is already in place, which I didn't support. And the trailers that were imminently closing four years ago are still there, but that's a whole nother (sic) issue. But I wanted to ask Counsel; George, is the placement of registered sex offenders who are homeless subject to the local zoning under the program that's been set up by the County?

MR. NOLAN:

I'm not sure I understand the question, Legislator D'Amaro.

LEG. D'AMARO:

Okay. Well, we contract with a not-for-profit corporation to set up this program and place homeless registered sex offenders in a facility within a town. We direct that it goes into non-residential areas. This bill says you need to then make clear that the zoning doesn't apply. I mean, do -- will the zoning -- will the town zoning code be enforceable under this scenario with this type of placement?

MR. NOLAN:

Just so we're clear. I mean, I can't really -- I'm not going to speak to whether the town zoning would be applicable to this type of placement. The problem is we have our law that says to anybody who's siting a congregate shelter in Suffolk County, you will comply with local zoning. DSS has come to Legislator Schneiderman, they also spoke to me, saying since that provision is on the books, we cannot site these shelters in non-residential areas. So --

LEG. D'AMARO:

But isn't that what the program mandates, though, non-residential areas?

MR. NOLAN:

The resolution.

LEG. D'AMARO:

Yeah.

MR. NOLAN:

But the resolution we passed, I believe last year, said, "To the fullest extent practicable, locate these in non-residential areas or as far away from residential areas as possible." At the same time, we have this old Local Law on the books that says congregate shelters will comply with local zoning. So the Department of Social Services came to us and said, "There's an inconsistency between the resolution and our Local Law, please resolve it," and that's why we have this resolution. That's the main reason it's here.

LEG. SCHNEIDERMAN:

So in other words, without this resolution they're going to be forced to locate in residential areas.

LEG. D'AMARO:

Well, no, I think DSS could take the position that although there's an inconsistency, the new program that was set up that makes it clear that they would go into non-residential areas certainly resolves the inconsistency with the older law. I mean, I don't even -- I don't even see it as a gray area. I mean, if we passed a law that said locate these facilities only in non-residential areas, how could we possibly intend for the zoning to apply? It just -- I don't understand that.

LEG. SCHNEIDERMAN:

Well, again, both the contractor and DSS has asked for this. So you're saying what position they should take, it is not the position they've taken thus far.

You know, I suppose, at least I believe they're under the impression that if they go only on County land they are exempt from zoning. So in the absence of this bill, they could possibly move forward with the program but on County lands. If you want to broaden it to industrial areas that aren't owned by the County, you really have to pass this bill.

LEG. D'AMARO:

Does the bill also exempt the placement or the facility from the building code as well, or is it just with respect to residential and non-residential area?

LEG. SCHNEIDERMAN:

George, you may want to answer. But it's really just the non-residential piece, so they can go into non-residential areas.

P.O. LINDSAY:

Legislator Browning.

LEG. BROWNING:

Yeah. You know, sitting here listening to it, it's -- I think we all know, let's be honest, this is political. This issue is pure politics, nothing else. I supported this when Bill put it out in the beginning, because the fact is is that the County Executive decided he was going to put them in motels, and let's think about a hotel or motel in your district where they could wind up. And I certainly can't support -- immediately I started thinking of the hotels and motels in my district where these sex offenders could wind up with no supervision and be able to march around, walk around in our communities, just like they're doing in Riverhead when they get out of the trailers in Riverhead.

Sarah talks about, "Well, we have two jails." You know, here we go; let's dump it in Yaphank again. I don't think that's fair either. You know, again, this is something that we have to address, like it or not. I do have an unfair number of sex offenders in my district, I believe. I have done everything I can. And it doesn't matter what -- how you vote on this, you're going to be wrong.

I think that what we're doing is the best option. I know maybe in a couple of years from now you'll all hear the radio ads like I heard, that I'm bringing sex offenders to my community, which I think

was shameless to make those kinds of comments because we all care about it. And I think what's scary here is that no matter which way you go, you're going to be wrong. But I think -- I don't want to see these homeless sex offenders milling around in my district. I don't want to see them hanging out in a local motel or hotel in my district with no supervision. This is an option to create supervised 24/7 supervision in a shelter. DSS is bound and responsible to take care of this problem, they can't deny them. Maybe you need to call your State representatives and say, "Why are you sending them? Why are you allowing these State parolees to come into our communities?" Because I can tell you, Jack's district and mine not too long ago had nine parolees sex offenders moved into Gordon Heights; that's not fair. And we are getting a lot of them coming from other places, coming from the Upstate prisons, and they're coming into our districts and there's absolutely nothing the State is doing about that either.

There is no easy answer to this, but I think 24/7 monitored in a non-residential community is the best route to take. And fair is fair, equal distribution. If they don't come from my district, then why should I have to have them housed in my district? And the same goes for Riverhead or anywhere else. So, you know, if we could all stick together and do it in a bipartisan manner and support each other, that would be great, but I'm sure that's not going to happen.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

How did you know I had another question?

P.O. LINDSAY:

Because you asked to be recognized.

LEG. D'AMARO:

Oh, did I?

P.O. LINDSAY:

Yeah, I wrote your name down.

LEG. D'AMARO:

Okay. I'm looking at a copy of the resolution and it says in certification requirements in Section B-7 that it exempts the shelters from building codes, and I think that's a bit broad. I mean, I understand the issue with respect to zoning. If we're directing that it go in non-residential areas, obviously that could conflict with the local zoning code because you can't put residences in non-residential areas. But do you also want to exempt the shelters from building codes? I mean, that goes to public safety, the safety of the persons residing within the shelter. I mean, I don't understand that exemption.

LEG. SCHNEIDERMAN:

It directs DSS to craft the exemption, right?

LEG. D'AMARO:

Well, that's not what this says.

LEG. SCHNEIDERMAN:

Counsel?

MR. NOLAN:

I don't remember the genesis of the language or how it was drafted exactly. Again, Legislator D'Amaro, it wouldn't necessarily exempt them from the building codes. It exempts them from the

effect of our own Local Law which says that they must comply with building and zoning codes. So we're letting these sex offender homeless facilities out from under the effect of our own law. Whether or not they're going to be subject to local zoning or local building I'm not even going to speak to, it's just exempting them from our own law.

LEG. D'AMARO:

But why is it that if you're housing someone as a County in a congregate emergency shelter, that shelter must be in compliance with a building code, but if you happen to be a registered sex offender getting that housing, that facility does not have to comply with the building code; why would we do that? I just think it's overbroad.

I think -- I don't think the bill addresses the concern that -- the specific concern, Jay, that you have from the Department of Social Services. I think this goes well beyond that, well beyond it.

LEG. SCHNEIDERMAN:

Well, it's meant -- you know, the contractor was concerned that in carrying out what we're asking them, what we're paying them to do, that there might be litigation when they pick the site, and that's really what it's meant to exempt them from, in terms of the indemnification.

The zoning piece is really -- was only meant to exempt them from those provisions, really the three that I mentioned. One where you're putting residential in a non-residential area; two, where you're putting six unrelated individuals in a single dwelling; and the third one, where you're putting more than two sex offenders in a dwelling which is a Brookhaven law. That's really what was meant by this bill.

I would like to see it passed. If you want -- if you feel it's too broad, in the next term if we can do some clarifying resolution, I would be willing to try to do that. But it's the end of the year, Lou, I would like to see this move forward.

LEG. D'AMARO:

Yeah, but, Jay, you know, I understand -- I appreciate that. It's the end of the year, but you're telling this contractor that we hire, CHI I think it is, that when you place individuals that we're responsible for their safety and welfare, that you can go into facilities that don't comply with any building code. I mean, fire safety, structural safety; I mean, these codes are there for a purpose. You're almost encouraging the not-for-profit company to look for substandard housing, in effect. I think that -- I'll go this far. If you revise this and said we're just trying to make it clear that the local zoning doesn't apply under our own program; even though I don't support the program, I would support that clarification. But I am not going to support the County placing individuals in buildings that may be unsafe. There's no requirement that they comply with even the State building code; that's overly broad.

LEG. SCHNEIDERMAN:

Certainly, you know, I've had lengthy discussions with the contractor. There's no intention of creating facilities that aren't up to code or aren't safe. In fact, CHI, as you know, have a pretty good reputation in terms of public safety. I would hate to see this thing delayed any further, the communities have been very patient. So I just would ask you to support it.

LEG. ROMAINE:

Let's vote. Roll call.

P.O. LINDSAY:

This debate's gone on so far, so long, I've read Jack's book.

*(*Laughter*)*

It says, "First survive, then thrive"; I'd like to get past the first part.

I was here when we implemented the legislation that, in effect, we're repealing now. There was a point in time where Social Services inspected their own sites and the towns, there were some problems because most of the towns don't want to house, whether it's a shelter for homeless sex offenders or a shelter period; they don't really want those in their towns and there was some kind of reluctance by the town to approve the housing. And for that reason, for a long time Social Services used to inspect their own sites, and then we passed the legislation making them comply with local towns. So I just want to point out for a long time that we used to do that.

Okay. If everybody has had their say, let's just vote. What's the motions we have before us?

MR. LAUBE:

You have a motion and a second to approve.

P.O. LINDSAY:

Okay. Okay, roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

No.

LEG. ANKER:

No.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Six.

P.O. LINDSAY:

Okay, it failed.

2032-11 - Adopting Local Law No. -2011, A Local Law to increase Medical Examiner fees (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. MONTANO:

I'm here.

MR. LAUBE:

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

P.O. LINDSAY:

2066-11 - Appropriating funds for the purchase of equipment for Medical, Legal Investigations and Forensic Sciences (CP 1132) (County Executive).

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

Same motion, same second on the accompanying *Bond 2066A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$240,500 bonds to finance the cost of the purchase of equipment for Medical , Legal Investigations and Forensic Sciences (CP 1132.516)*, roll call.

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

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

(Not present).

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

MR. LAUBE:

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

P.O. LINDSAY:

2067-11 - Amending the Adopted 2011 Capital Budget and Program and appropriating funds for the Brownfields Program, former Blue Point Laundry Site (CP 8223) (County Executive).

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Eddington.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution 2067A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of planning for the Brownfields Program (former Blue Point Laundry Site) (CP 8223.112), same motion, same second. Roll call.

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

LEG. EDDINGTON:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

(Not present).

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Not Present: Legislators Montano & Viloría-Fisher).

P.O. LINDSAY:

2071-11 - Amending Resolution No. 1357-2007, amended by Resolution Nos. 685-2008 and 547-2009 in connection with the Brownfields Program (CP 8223.111) (County Executive).

LEG. CILMI:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, second by Legislator Cilmi. Maybe you could give us an explanation, Counsel.

MR. NOLAN:

I believe this resolution, it just reflects increased State aid for this particular project.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

2102-11 - Authorizing the County Comptroller and County Treasurer to transfer equipment and approving an increase of two vehicles in the fleet for the Suffolk County Department of Social Services (County Executive).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

We did 11, 12 13 and 15.

2139-11 - Appropriating funds for the purchase of equipment for the Environmental Health Laboratory (CP 4079) and for the purchase of equipment for groundwater monitoring and well drilling (CP 8226) (Presiding Officer Lindsay). I'll make a motion.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

On the accompanying Bond Resolution, ***2139A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$85,000 bonds to finance the cost of the purchase of equipment for the Environmental Health Laboratory (CP 4079.523),*** same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga - Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

2155-11 - Appropriating funds in connection with the purchase of equipment for the John J. Foley Skilled Nursing Facility (CP 4041) (Presiding Officer Lindsay).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Please mark me as a recusal, although I can't understand how the purchase of equipment would affect the viability of my wife's job at the nursing home. Nevertheless, to be on the safe side --

LEG. BARRAGA:

Negative.

LEG. ROMAINE:

-- but boy, I'm setting a standard for everyone that follows me.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Recused: Legislator Romaine - Not Present: D.P.O. Viloría-Fisher).

LEG. EDDINGTON:

Nobody could follow you, come on.

P.O. LINDSAY:

On the accompanying Bond Resolution, *2155A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$50,000 bonds to finance the cost of the purchase of equipment for the John J. Foley Skilled Nursing Home (CP 4041.513)*, same motion, same

second.

Roll call.

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

LEG. BROWNING:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Recuse.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen (Opposed: Legislator Barraga - Recused: Legislator Romaine - Not Present: D.P.O. Viloría-Fisher).

P.O. LINDSAY:

2000-11 - Adopting Local Law No. -2011, A Local Law to establish a public registry of unscrupulous home improvement contractors in Suffolk County ("Contractors Wall of Shame") (Cooper). Legislator Cooper?

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

I'm going to second that. Legislator Cooper, this is your last registry bill.

LEG. COOPER:

It's my last bill in twelve years.

P.O. LINDSAY:

I can't believe it.

LEG. MONTANO:

What's it going to do?

P.O. LINDSAY:

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

LEG. CILMI:

On the motion?

P.O. LINDSAY:

On the motion.

LEG. CILMI:

Yeah, just very quickly. I had some concerns about this in committee, which I think is why it was discharged without recommendation. The fact that there was sort of a time certain that contractors would be on this list without deference to exactly how severe their violation was, and the fact that this is only home improvement contractors and not the full gambit of contractors that Consumer Affairs looks at, both of those issues concern me.

Also, we used to have a list such as this in existence, but for some reason it's no longer in existence. Nevertheless, I think the intent of the bill is appropriate and so I will support it today, but look to make amendments in the coming year. Thank you.

P.O. LINDSAY:

I just want to make an observation. For many years I was on one of the licensing boards at Consumer Affairs and this was done administratively for almost all licenses.

LEG. CILMI:

Right.

P.O. LINDSAY:

And it was a tremendous use to the consumer, because they would call up to check the references on a contractor and if the contractor had a number of violations, they were told that. It was dropped administratively, for whatever reason I have no idea in the change of directors over there, and I guess they're reluctant to give out that information anymore. And I think it's vital information for consumers to know the history of the companies that they're hiring.

LEG. CILMI:

If I may, through the Chair.

LEG. COOPER:

Mr. Chair, if I -- oh.

LEG. CILMI:

I think it may be a matter of staffing in Consumer Affairs that that is the problem. One of the other issues with this bill is it actually asks the contractor, him or herself, to put themselves on this list, if I'm not mistaken, which I think is one of the issues that we have to address. But nevertheless, as you pointed out, Mr. Presiding Officer, the intent of this is very good.

LEG. COOPER:

If I may just say, I agree that the bill, the law will require some further modifications to add additional classifications of contractors such as plumbers and electricians, but home improvement contractors are responsible for the largest problem as far as the dollar value involved in the crime. This was brought to my attention by a constituent of mine, an elderly woman, recently widowed who was scammed \$15,000 by a home improvement contractor. And when we investigated we found out that, as was said, this was in the past done administratively and for some reason, at some point in past years, it was dropped from the website. So the Consumer Affairs Commissioner strongly supports this, but he does agree that it should be further strengthened and I'm hoping that that will be taken up by my successor in January. But I hope you'll support this bill.

P.O. LINDSAY:

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

MR. LAUBE:

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

LEG. COOPER:

Thank you very much. And I must say, that was my final bill after twelve years. I have to rush off for my older daughter's college graduation at Hofstra, I don't want to be late for that. But once again, I've said this before, it was really a personal honor and a pleasure for me to serve with all of you, you're just great. And I know that even though I will no longer be here, Suffolk County will be in good hands. So thanks again.

Applause & Standing Ovation

Thank you. And I promise to stop by from time to time, just to keep you guys honest, check up on you from time to time. Thank you.

P.O. LINDSAY:

2058-11 - Appropriating funds in connection with the removal of toxic and hazardous materials in County Parks (CP 7185) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution *2058A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of removal of toxic and hazardous materials in County Parks (CP 7185.314))*, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

P.O. LINDSAY:

2080-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with construction for beach replenishment - Meschutt Beach County Park (CP 7163) (County Executive). I'll make a motion.

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution -- oh, there is no bond on that.

MR. NOLAN:

Which one?

P.O. LINDSAY:

2080.

MR. NOLAN:

Right.

P.O. LINDSAY:

2131-11 - Appropriating funds in connection with the purchase of heavy duty equipment for County Parks (CP 7011) (Presiding Officer Lindsay).

I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington.

LEG. CILMI:

On the motion?

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Could somebody just elaborate on exactly what type of equipment this is?

MR. NOLAN:

There's no one here.

LEG. CILMI:

I understand it's about \$200,000?

LEG. HORSLEY:

Is this that list?

LEG. CILMI:

Maybe Lynne; Lynne, do you know? I see it's -- you're not --

LEG. NOWICK:

Hold on a second.

LEG. HORSLEY:

Is this the total equipment?

P.O. LINDSAY:

Did you get an answer?

LEG. NOWICK:

It doesn't say. It doesn't say it in the bill.

P.O. LINDSAY:

Mr. Kopp, do you know?

LEG. NOWICK:

Well, you know what? If you want to know exactly what it is, we'll make a call to the Commissioner's Office.

P.O. LINDSAY:

You want to skip over it? Mr. Kopp, can you by chance get us that information and we'll skip over it?

MR. KOPP:

I'm doing it now.

P.O. LINDSAY:

Oh, that's wonderful. Just pull it close to you, pull it close to you. There you go. That's okay.

MR. PAGLIA:

Can you hear me?

P.O. LINDSAY:

No, you've got to hold your -- is that the stay-on? That's stay-on, okay. Introduce yourself, please.

*(*The Following Testimony Was Taken and Transcribed by
Lucia Braaten - Court Stenographer*)*

MR. PAGLIA:

Nick Paglia, I'm from the Budget Office. And this is -- this is for all the heavy duty equipment. It can range from their bulldozers to their dump trucks, to the four-by-fours, to all the beach equipment, too, that they use.

MR. LAUBE:

Legislator Lindsay, our stenographer can't hear.

P.O. LINDSAY:

Yeah, okay. Would you guys hold it down a little bit with the hugs and everything, just a few minutes. Nick, finish and speak up, okay?

MR. PAGLIA:

It's for all their heavy-duty equipment --

P.O. LINDSAY:

All the heavy-duty equipment.

MR. PAGLIA:

-- county-wide.

P.O. LINDSAY:

But how much does \$200,000 buy all?

MR. PAGLIA:

It will -- it will go over time, three -- you know, a couple of years it will take them and --

P.O. LINDSAY:

No. My point is I don't think you can buy much for \$200,000.

MR. PAGLIA:

Well, a lot goes to their four-by-fours --

P.O. LINDSAY:

Okay.

MR. PAGLIA:

And their beach rakes and --

P.O. LINDSAY:

Okay.

MR. PAGLIA:

-- and all that type of equipment.

P.O. LINDSAY:

Legislator Cilmi, does that satisfy you?

LEG. CILMI:

Sort of, kind of. I mean, it's not as explicit a description as I would have hoped for.

MR. LIPP:

I could add a little --

LEG. CILMI:

But, I mean, does it just put the money out there -- and then you guys will just buy whatever you want to.

MR. LIPP:

I could add a little bit to that, if you will. Forty thousand for a large mower, 65,000 for a Bobcat, and 35,000 for rollers, that's it.

P.O. LINDSAY:

Okay?

LEG. CILMI:

Okay.

P.O. LINDSAY:

Okay. Very good. Thank you, Robert. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Raise your hand for opposed. I've got Legislator Cilmi, Legislator Barraga. Fifteen. (Not Present: D.P.O. Vilorio-Fisher)

LEG. D'AMARO:

Okay. Mr. Presiding Officer, a request.

P.O. LINDSAY:

Let me just do the bond and then we'll take that out of order.

LEG. D'AMARO:

Okay, sure. Yep, no problem.

P.O. LINDSAY:

Same motion, same second on the accompanying bond, **2131A**. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

No.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

No.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

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

P.O. LINDSAY:

Legislator D'Amaro, you wanted to make a motion?

LEG. D'AMARO:

Yes. I'd like to -- thank you, Mr. Presiding Officer. I'd like to make a motion to take Resolution No. 2114 out of order.

P.O. LINDSAY:

Okay. It's on Page 12. I'll second that, take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

2114 (A Local Law to lower the sewer connection fee for Canon USA, Inc. (D'Amaro)) is before us.

LEG. D'AMARO:

All right. I'd like to also offer a motion to approve I.R. 2114.

P.O. LINDSAY:

And Legislator Horsley seconds it. Any discussion? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Take it out of order?

P.O. LINDSAY:

No. Out of the order passed already, it's before us.

LEG. SCHNEIDERMAN:

This was discharge without recommendation from Public Works. And the reason why it was discharged, not to interfere with business in Suffolk County, we all want to encourage business, obviously an investment in Suffolk County. Canon has already built, they're trying to connect. There was a question whether to discount the rate at this point might constitute a gift of taxpayer funds. And I had asked George to research that issue. And if Counsel has been opinion at this point, that would be helpful.

MR. NOLAN:

I did do some research on it. It was very difficult to find a situation like this, in fact, there wasn't, where you had an entity that agreed to pay, in this case, \$30 per gallon, but got into the contract, that they could come to the Legislature to try to get \$15.

I believe there was some dispute at the time whether or not they should pay 30 or 15. Department of Public Works and the Sewer agency took the position they were required to pay 30 because they didn't get their approvals before the rate went up, and now this resolution has come before us.

It's not clear-cut, the answer of whether or not this is an impermissible gift or not. My opinion is it is a gift because we're lowering the rate from 30 to 15, and I don't believe we're getting anything in return. There's no benefit to the public at this point. If this had been agreed to back when the deal was made, Canon came in and said they would only move ahead if they had the lower rate, then there would have been a public benefit to the County, because we would have got the building, the jobs, the economic development. But because it's after the affect, and if we lowered the rate at this point, in my -- I don't see what the County is getting. So because of that, it's my opinion it's a gift. I think somebody else might see it a different way, but you asked me my opinion, that's what it is.

LEG. SCHNEIDERMAN:

But is it time sensitive that we can't table it, or it has to be done today?

LEG. MONTANO:

It dies if it doesn't pass.

LEG. SCHNEIDERMAN:

Right. Could be re-introduced?

MR. NOLAN:

Yeah.

LEG. D'AMARO:

It's my understanding that it has to go forward because there is a deadline as well.

LEG. SCHNEIDERMAN:

There was -- I think there was some extenuating circumstances, right, when they -- they didn't have conditional approval, and that was what we said was the cutoff, but there were some other projects there that had conditional approval. Canon I know has sweetened the pot by committing \$300,000 in an advance payment for Phase II, which they may or not -- may or may not go forward with. This is about 600-plus thousand dollars in relief to Canon, right, something in that order?

LEG. D'AMARO:

Well, it depends on whose perspective you take. From Canon's perspective, it's \$600,000 that they should not have to pay in the first place, and I'll speak to that when you're ready.

LEG. SCHNEIDERMAN:

If I may, because I would like to send a message to Canon that -- and to everybody else that Suffolk County is a great place to invest in, come and do business. I've also been around public service for a number of years and I typically rely on the advice of Counsel. And if Counsel is telling me this is a gift, a non-permissible gift, I don't want to participate in something that I shouldn't be. So I don't know how to proceed at this point, but I would -- right now, I'd be inclined to abstain.

LEG. D'AMARO:

Okay. Can I speak on that issue?

P.O. LINDSAY:

Let me just say something and I'll turn it over to you.

LEG. D'AMARO:

Sure.

P.O. LINDSAY:

It's not that I disagree with Counsel. What I feel comfortable with is that it was in the original document, that they have the ability to come back to us. If that wasn't in the original document, then I would agree with Counsel and Legislator Schneiderman in total.

And the second part of it is, by them starting to pay the sewer fees for Phase II, I think it kind of locks them into future expansion in Suffolk County. And I think in these tremendously challenging economic times, I like that. I like to bring a company like Canon and talk about future expansion, you know. But Legislator D'Amaro, that's the way I see it.

LEG. D'AMARO:

Yeah, I agree, and you're hitting both the arguments and points I wanted to make right on the head. First of all, you know, again, with respect to what Counsel, what George has told us, I see exactly what we got in return. We got the entire project, because when Canon signed that contract, it was understood part of the consideration of that contract and them agreeing to go forward was that they

would have the right and the ability to come to this Legislature and make their argument here, because there was a dispute whether or not that \$15 fee applied. So I think there was, as we say as attorneys, valid consideration supporting this application coming before this body today. They preserved that right, so that was a negotiated term. So we're not giving them anything. In fact, you can make the argument that they have the legal right to be here. This is not anything in exchange for no consideration.

And the other point is exactly, you know, right on as well. Canon has also gone and taken the next step and said, "Not only do we have the right to come here and make this argument," and we can get into the merits of that, but that, "we'll sweeten the pot and we'll put up the Phase II funding now," which, again, is supporting the County doing something in exchange. So I think there is sufficient consideration supporting the relief, if we decide to give it. I don't see it as a gift at all. I see it as something that was contemplated, it is not something for nothing, so to speak.

And I'll be happy to talk on the merits as well, but if anyone else wants to talk on the gift issue, go ahead.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

I would like to echo Legislator D'Amaro's comments on whether or not this is a gift. Frankly, it would go to the whole body of economic development. The questioning then would then -- would be is it a gift for economic -- for the Empire State Economic Development Corporation to give Canon benefits to come to Long Island? Is it the IDA -- is it a benefit that the IDA gives tax relief for major corporations to come to Long Island? We're talking about a thousand jobs. I recognize what Counsel is saying. However, you know, this is -- this a message from Suffolk County to the world that we are here to do business. This was part of the original consideration, whether it was 15 or 30. They negotiated the concept. I think this makes a whole lot of sense and it puts us on the right side of economic development, saying Long Island wants to grow for business, and I don't think that that should be ignored.

P.O. LINDSAY:

Anybody else want to talk? Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. I understand some of the issues involving this. Actually, my colleague, Tom Cilmi, e-mailed me and I spoke to some people, that when Canon came here, they were under the impression at that time it was \$15 per gallon to hook up. And that rate changed after they came here, so they came under one set of circumstances, and I could understand that. And I was inclined to support this. It's not in my district and people from the sewer district, Southwest Sewer District, wants it. The issue that came before me, there were two issues, once of which Counsel's raised, that this is a gift. Let me ask Counsel. Does that mean if we vote for this, we could be potentially personally liable?

MR. NOLAN:

No.

LEG. ROMAINE:

Oh, okay.

MR. NOLAN:

No, that --

LEG. ROMAINE:

All right.

MR. NOLAN:

And particularly because it's a fairly close call.

LEG. ROMAINE:

Right.

MR. NOLAN:

The answer is not so clear cut. It generally isn't with gift questions. That's my opinion that I came up with, but, certainly, nobody's going to be personally responsible.

LEG. ROMAINE:

And the only other question is, if I lived in the sewer district, if I represented someone in the Southwest Sewer District, the other question I would have is for all the people that live in that district that aren't hooked up yet, they're looking at a lot of hookups outside the district and say, "I'm in the district, what happened to me?" I mean, I don't know if that's a concern or not. I've heard that voiced, but I don't follow it because it's well outside my purview. I mean, it's, you know, 30, 40 miles to the west of me. Maybe you could address that issue, if that's a concern of the residents who -- I don't know how many residents are still within the district that have yet to be hooked up.

LEG. HORSLEY:

Mr. Presiding Officer, can I answer that question, that there is ample gallonage that is -- that could be -- and it's taken into account everyone that has not been hooked up within the Southwest Sewer District. And I'm sure that Public Works would confirm that with me. Gil, do you want to just weigh in on that?

LEG. ROMAINE:

No. Wayne I accept that.

LEG. HORSLEY:

It is an absolute truth, because --

LEG. ROMAINE:

But they're probably saying --

LEG. HORSLEY:

-- that's all factored in.

LEG. ROMAINE:

-- "I'm waiting to be hooked up and these people are outside the district."

LEG. HORSLEY:

They are welcome -- I would want them to be hooked up. It's a matter of them paying for, of course, the hook-up costs and things like that and those issues.

LEG. ROMAINE:

Right. Okay. What is the hookup cost for an average homeowner now, roughly, approximately, ballpark?

COMMISSIONER ANDERSON:

To actually do the connection?

LEG. ROMAINE:

Yeah.

COMMISSIONER ANDERSON:

It would depend on the construction agreement they reached with a contractor. There is -- just to answer Legislator Horsley's --

P.O. LINDSAY:

You're not on.

MR. NOLAN:

Your mic's not on.

COMMISSIONER ANDERSON:

Oh, the wrong way. Okay. How's that, better? To answer Legislator Horsley's question, there is sufficient capacity for all unconnected residences within the Southwest Sewer District. As for the actual cost of connection, I don't know, and I wouldn't want to hazard a guess. I mean, it's over 5,000. You know, you'd have to, you know, connect -- empty the septic tank, run a pipe to connect in, fill in the septic tank, you know, backfill, so, you know, and all that good stuff.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I want to address that also. We're working on bringing sewers to the residential area, that's moving forward. The BRO's own revenue statement here says that this will have no impact to ratepayers within the sewer district, and you can take a look at that as the backup to your bill. We're not debating here whether or not to hook Canon up. I mean, they're getting hooked up, it's just a function of --

LEG. ROMAINE:

How much.

LEG. D'AMARO:

-- how much. When Canon purchased the property, the sewer connection fee was \$15 a gallon, it's just that simple. There had been six prior approvals at this site at \$15 a gallon. There was some delay in getting their actual conceptual certification, which was the deadline that was put in place when we raised the fee. But, nonetheless, you could make the argument that this is a very special circumstance because they had purchased the property at a time when it was at \$15 a gallon and the application to get the certification was moving forward. I don't see this as a difficult issue. I think that Canon, as Legislator Horsley has said, is bringing a tremendous economic development to our regional economy, Suffolk County and probably Nassau County as well. I think there's a very special circumstance. I think companies need to know that when they're coming into Suffolk County, if they come in under a set of circumstances and evaluate their costs under those circumstances, that we're not going to pull that rug out from under them and change it and double your cost halfway through the process.

If anyone has any other questions on it, I'm happy to answer it. I don't want to prolong the debate. But I think that -- I don't think it's a gift. I think Canon has given more than ample consideration. I think they preserved their rights to ask us to do this in the contract itself. And I think that for what they're going to do to the local economy, I think this is the right way to go.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Yeah. I think initially I read the bill I was very concerned about the loss of revenue to the County of approximately \$680,000. And then when we took it up in committee, Mr. D'Amaro fully explained what he has just enunciated, that originally, when they first started, it was \$15, and they got caught up in litigation, so it seemed to be justified in terms of giving them this benefit. And then there was an up-front payment of Phase II that we were getting. And then it became a debate between I think Mr. D'Amaro and Public Works as to whether or not it was 680,000 or a little over 300,000, and I came down in favor of Mr. D'Amaro's approach. But I am very concerned at this point because we've gotten an opinion now from our Attorney and he was quite definitive, he feels it's a gift and it's illegal. So I have to really think this over before I cast my vote. Usually attorneys are a little ambivalent, but in this case he wasn't, fortunately or unfortunately. But I have to think this over.

LEG. D'AMARO:

Hey, Tom, if I could just respond. You know, listening to the same attorney, I guess we have different opinions. I thought it was pretty ambivalent, to tell you the truth, in the sense that it's a close call.

LEG. BARRAGA:

His first statement to I think Mr. Schneiderman is pretty definitive. A couple of minutes later, not so much so, but it's still on the record. It's still in the record, Lou. I mean, our Attorney has indicated that he regards it as a gift.

LEG. D'AMARO:

I thought it was ambivalent.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Yeah. I mean, I'll go back to Counsel, too, because there was the first one, which was clearly it's a gift, and then second, I'm not sure if it's a gift. In response to Legislator Romaine's question about personal liability, you said there's no personal liability. In my experience, typically, if something's determined to be an illegal gift, the money has to be returned to the taxpayers and the lawmakers are personally liable. I'm happy to hear that we're not, that's great, George. You're confident that should we move forward, that there's no personal liability?

MR. NOLAN:

I believe there would be no personal liability on Legislators. Let me reiterate, I have an opinion. It's my opinion it's a gift. But I do believe another -- other attorneys might come to an opposite conclusion, because, look, if it wasn't -- the provision wasn't in the contract, there's no question. If they were just coming here and saying, "Please, reduce our rate," but they preserve their right to come to the Legislature. It's really just the way the timing of the way the events unfolded, as I understand them, has led me to this conclusion, but I do think it's a relatively close question. I could see -- I had the discussion with Legislator D'Amaro this morning. We talked it over and I respect his opinion that it's not a gift, and he's -- I respect his ability as an attorney. But you've asked me my opinion, that's my opinion.

LEG. SCHNEIDERMAN:

But is it fair to say you're not sure on this?

MR. NOLAN:

This is a -- I could find no other case like this. This is a case of first impression, as far as I know, where you have the situation where, you know, it's in a contract that they have the right to petition the Legislature to try to get a lower rate. Notwithstanding that, I still think it would constitute a gift,

but I'm not certain that if you put it to a court they would reach the same conclusion, or if you ask the State Comptroller or the Attorney General, they might reach an opposite conclusion, that's possible.

LEG. SCHNEIDERMAN:

What about the fact that there is some consideration here, the fact that they're willing to pay for Phase II, which they might not even do? So they're bringing \$300,000 into the mix in advance payment. That seems --

MR. NOLAN:

I think it would -- it's a mitigating factor in the other direction. But, in my opinion, under the statute, they're required to pay 30. The Sewer Agency said they should pay 30. In the contract, they're going to pay 30 unless we say otherwise.

LEG. SCHNEIDERMAN:

But we signed a contract acknowledging, right? The County signed the contracts acknowledging the fact that they could come back to the Legislature for rate relief, no?

MR. NOLAN:

They did and here they are.

LEG. SCHNEIDERMAN:

So why would we do that if we couldn't give that relief? That would be disingenuous.

MR. NOLAN:

Well, we didn't sign the contract.

LEG. SCHNEIDERMAN:

Somebody did.

MR. NOLAN:

Yeah, but it wasn't the Legislature, and this question wasn't raised until recently.

LEG. SCHNEIDERMAN:

All right. So it's a gray area, it sounds like. Okay.

MR. NOLAN:

It is, it is.

LEG. D'AMARO:

Just ask yourself, in your Legislative career, have you ever voted to waive a fee? I mean, I don't think there's anyone at this horseshoe that hasn't done that. I mean, this is not even --

LEG. SCHNEIDERMAN:

It's typically to create an incentive, though, for somebody to accept something. It's not usually after they've agreed, then you lower the fee.

LEG. D'AMARO:

I think it's irrelevant if it's before or after.

LEG. SCHNEIDERMAN:

No, it's not.

LEG. D'AMARO:

If you have a statutory requirement to pay a fee and then you waive it, whether it's before or after, I think that's I don't think it matters.

LEG. SCHNEIDERMAN:

It's typically an incentive to get somebody to say yes. This is not. They've already said yes, they're already coming.

LEG. D'AMARO:

So it's no one's -- if you waive a fee to use a County park, what's the consideration to the County? I mean, this is -- it's exactly the same situation. This situation I'm more comfortable with because at least it was contemplated by the contract itself making it very clear that the applicant, or Canon, was preserving their right. I mean, have we not waived fees in the past? I don't even think it's a close call.

LEG. SCHNEIDERMAN:

I mean, do we know, are there other businesses that are in the same situation, that didn't have conceptual approval that did pay the \$30 per gallon fee? Maybe that's a question for Commissioner Anderson.

LEG. D'AMARO:

Not that I'm aware of, but I would defer to the department.

P.O. LINDSAY:

Counsel said he couldn't find any other situations like this.

LEG. SCHNEIDERMAN:

No, that's a different question. Commissioner, when we raised the fees and we drew a line at if you had conditional -- conceptual approval, you'd pay \$15, but if you don't, you pay 30. Anybody else get caught up in that?

COMMISSIONER ANDERSON:

Only in that there are a number that are grandfathered in, you know, at the \$15 rate.

LEG. SCHNEIDERMAN:

Because they have conceptual approval.

COMMISSIONER ANDERSON:

Correct.

LEG. SCHNEIDERMAN:

Okay. But would anybody else who was in a similar situation as Canon, didn't have a conceptual approval, but clearly.

COMMISSIONER ANDERSON:

No, but that doesn't mean --

LEG. SCHNEIDERMAN:

-- was contemplating doing business here.

COMMISSIONER ANDERSON:

But that doesn't mean that they couldn't. I mean, if you had a -- you know, somebody who had the \$15 conceptual rate, now he sells the land, theoretically, he could come to us.

LEG. SCHNEIDERMAN:

And ask for the same relief?

COMMISSIONER ANDERSON:

Correct.

LEG. SCHNEIDERMAN:

And we probably would give it to him. Okay.

P.O. LINDSAY:

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

LEG. KENNEDY:

Sure, why not, Mr. Chair? I've been uncharacteristically quiet, which is --

P.O. LINDSAY:

No.

LEG. KENNEDY:

-- just chewing me up, isn't it?

P.O. LINDSAY:

It's the first night of Hanukkah. I'd like to finish this meeting before the second night.

LEG. KENNEDY:

You know, that's kind of --

*(*Laughter*)*

LEG. D'AMARO:

I think we're ready. I think we're ready to vote.

LEG. KENNEDY:

That's déjà vu, Mr. Chair. That takes me back to a jail vote, as a matter of fact. But it's very, very simple. George, as to your opinion on this particular matter, let's go back to the overarching creation. Sewer fees were \$15 per gallon for quite sometime, correct?

MR. NOLAN:

(Nodded yes).

LEG. KENNEDY:

And we did that by resolution?

MR. NOLAN:

Yep.

LEG. KENNEDY:

Okay. And then I believe it was Cameron Alden, our colleague, Cameron Alden, sponsored a resolution to increase sewer fees to \$30 a gallon at some point.

MR. NOLAN:

That's right.

LEG. KENNEDY:

Okay. We did it by resolution. So what is to prohibit us by resolution from looking at a particular project where it appears that there was reliance in the first instance, and whether we want to call it misunderstanding or contemplation of an application to waive, to exercise the same power that we had to raise the fee to in this single case, based on a collective decision, reduce the fee? There's no gift. There's no -- we're making a concerted decision that, based on the magnitude of the gains for the project in Suffolk County, that there will be untold benefit, and collectively we're saying this has merit and value, so we'll waive.

LEG. MONTANO:

Where's the reliance?

MR. NOLAN:

I only say, as I've said a couple of times, it's the timing of the way that things have unfolded. If back at the beginning Canon said, "Look, we're not going to do this unless we get some relief on the connection fee," and then they came to the Legislature and we passed a resolution allowing that, to waive the fee, that would be one thing, but that's not the way this has unfolded and that's where my problem is. Again, I see the point you're raising and Legislator D'Amaro's argument. You can argue either side of it. This is my opinion.

LEG. MONTANO:

Question.

P.O. LINDSAY:

I got you. Legislator Montano.

LEG. MONTANO:

Yeah. I just --

LEG. EDDINGTON:

You got me on that list there?

P.O. LINDSAY:

Oh, I'm sorry.

LEG. MONTANO:

I think he was before me. I'll yield.

P.O. LINDSAY:

Legislator Eddington.

LEG. MONTANO:

Go ahead.

LEG. EDDINGTON:

Okay. I just -- you know, I'm listening to this for 20 minutes and I guess it seems clear to me. Canon bought the property when it was \$15. They were going to hook up and they got into some kind of litigation or something that held them up, but their intention was to hook up. And it -- I guess it timed out and it went up to 30, but they bought the property with the intention of hooking up at 15. And so they realized that it changed and they're willing to pay for Phase II up front, and if they choose not to do that, we still keep the money. It comes down to what's fair. This seems very clear to me that it's fair to give Canon what we had -- what they -- what the intent was at \$15. I think we're talking about it and trying to justify it when it really just comes to doing what's fair for them and what's right on our side. You know, I think we're all trying to finesse it, but I think it's

just fair because they came in with the intention. And you wonder why we scare businesses away. Well, this is a perfect example. Let's just do the right thing because it's fair. It doesn't have to benefit us all the time, but this one I think will. But it doesn't have to because it's fair to do the right thing, in my estimation, anyway. So thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Just very quickly. I know the difference between what's fair, but I'm trying to ascertain what your position is when it comes to reliance in the sense -- are you making an argument -- I guess, this is to the sponsor, that we are obligated to continue this because of reliance in the legal sense, or are we trying to be generous and fair?

LEG. D'AMARO:

I think both. I think that --

LEG. MONTANO:

So you think that there's legal reliance --

LEG. D'AMARO:

I do.

LEG. MONTANO:

-- that we are obligated to move forward?

LEG. D'AMARO:

I think that Canon preserved their rights in the contract. And Canon took the position that we're willing to go ahead and put -- and spend tens of millions of dollars on this building that's going up and bringing the jobs if we preserve our right in the contract to go forward.

LEG. MONTANO:

Then let me --

LEG. D'AMARO:

I think there's absolute reliance in the legal sense.

LEG. MONTANO:

Okay, and that really is the issue. Let me ask that to Counsel. Legislator D'Amaro says that Canon reserved their rights, and as such, we are legally obligated under the contract because of, you know, the theory of reliance. Do you agree with that. Because if you do, it's a simple question. If there is no legal reliance, then it's a question of do we want to be fair, and do we want to be nice, and do we want to give away \$15 a gallon? And that becomes a discretionary decision as opposed to the legal argument that you're raising. Is that a fair statement, Mr. D'Amaro?

LEG. D'AMARO:

Well, yeah, but I think the reliance only leads to us considering to give the relief, not that we have to grant the relief.

LEG. MONTANO:

Right. It falls within our discretion.

LEG. D'AMARO:

Correct.

LEG. MONTANO:

So the reliance part has to do with their ability to come here and argue for the \$15, because if it weren't --

LEG. D'AMARO:

Right.

LEG. MONTANO:

-- for that, they would have waived or they would have been precluded from coming here to ask for the \$15; am I correct? Did I explain that? Did I articulate that properly?

LEG. D'AMARO:

My own opinion is they would not have been precluded, but they would have had a weaker argument, certainly.

LEG. MONTANO:

Well, no. I'm sorry, it's -- I'm sorry, but to me it's either black or white. Either their reliance falls in or it doesn't fall in, but I won't argue that point with you. I want to hear from Counsel. Are they properly before us, and are we, you know, in a sense obligated legally because they were able to extend their right to come before the Legislature and make this argument?

MR. NOLAN:

Under the contract, they had a right to come here and ask us to reduce the rate. But my understanding is the contract says they're going to pay \$30 per gallon, unless the Legislature enacts legislation that gives them the lower rate, so --

LEG. MONTANO:

And they're not time-barred from bringing this request to us, am I correct? Did I get that right? Or is this something that was in the contract and somehow they're outside the time limit? That's the question I'm asking.

LEG. D'AMARO:

I believe -- I believe -- what I've been told is that it is time sensitive, and that Canon has to either get this relief now or they've hit their deadline and they need to pay the \$30 a gallon.

LEG. MONTANO:

When is the deadline? I'm sorry, I didn't hear that.

LEG. D'AMARO:

I don't have -- I don't want to misquote. I don't have the specific cutoff, but my understanding is this has to be done by the end of the year.

LEG. HORSLEY:

That's what I heard, too.

LEG. D'AMARO:

Yeah. So apologize, I can't be more specific, but that's what I was told.

LEG. MONTANO:

Okay. Thank you.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Yes, very quickly. In addition to all of the common sense arguments for this resolution, and in particular reference to the question of whether or not it's legal, I'm reminded of two things. Good friend of mine likes to say, when describing what I do for a living, he says, "He makes the laws." Another friend of mine, colleague from Islip, Legislator Barraga, pointed out to me that the Nassau County Legislature, and I'm not sure that we want to look to the Nassau -- Nassau County for guidance, but the Nassau County Legislature just approved the use of capital funds to pay people's salaries. So I think, if we want to do this legally, as a Legislature, we can do this. I think, based on all of the arguments, it's the right thing to do. I think for economic development purposes, it's the right thing to do. And so let's call the vote and get this passed and move on. Thanks.

LEG. D'AMARO:

I agree. Can we have the vote? Yeah.

P.O. LINDSAY:

I'd love to have the vote. Legislator Cooper was going to see his daughter graduate and she's about to enter graduate school now.

*(*Laughter*)*

LEG. COOPER:

I'm sticking around just so I could vote.

P.O. LINDSAY:

Okay. We have a motion and a second on 2121 -- no. 2114, excuse me, correct?

MR. LAUBE:

That is correct.

P.O. LINDSAY:

Roll call.

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

LEG. D'AMARO:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Sure, why not?

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

LEG. D'AMARO:

Okay. Thank you.

P.O. LINDSAY:

Okay. Go back to Page 8. We're going to fly through the rest of this agenda now.

LEG. MONTANO:

All right.

P.O. LINDSAY:

2133 - Appropriating funds in connection with construction of maintenance and operations facilities at the Charles R. Dominy County Park, West Sayville Country Club, West Sayville (Town of Islip) (CP 7173) (Pres. Officer). I'll make a motion.

LEG. NOWICK:

I'll second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

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

P.O. LINDSAY:

In the accompanying bond resolution, **2133A**, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Sixteen -- fifteen, fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. Next **2137 - Appropriating funds in connection with fencing and surveying for County Parks (CP 7007) and amending and appropriating funds in connection with improvements and lighting at County parks (CP 7079) (Co. Exec.)**. Legislator Nowick, you want to make the motion?

LEG. NOWICK:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Nowick, second by Legislator Stern. All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Although your agenda indicates only one bonding resolution, there is two under this project. First one is **2137A**. Same motion, same second. Roll call.

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

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

(Not Present)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher, Cooper and Muratore)

P.O. LINDSAY:

And the other bond is 2137D -- B, like in "boy". Same motion, same second. Roll call.

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

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yep.

LEG. ANKER:

Yes.

LEG. MURATORE:

(Not Present)

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher, Cooper and Muratore)

P.O. LINDSAY:

Okay. *2141 - Appropriating funds in connection with the reconstruction of spillways in County Parks (CP 7099) (Pres. Officer).*

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning. Legislator Nowick, you want to second that?

LEG. NOWICK:

I'll second the motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. The accompanying bond resolution, *2141A*, same motion, same second. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. NOWICK:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

(Not Present)

LEG. EDDINGTON:

Yep.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Thirteen. (Not Present: Legs. Viloría-Fisher, Cooper and Montano)

P.O. LINDSAY:

2142 - Appropriating funds in connection with improvements to County campgrounds (CP 7009) (Pres. Officer).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

I'm opposed.

MR. LAUBE:

Fifteen.

LEG. CILMI:

Opposed, sorry.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Same motion, same second on the accompanying bond, **2142A**. Roll call.

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

LEG. BROWNING:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yep.

LEG. EDDINGTON:

Yep.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2144 - Appropriating funds in connection with improvements to newly acquired parkland (CP 7145) (Pres. Officer). I'll make a motion. Second by Legislator Gregory.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Anyone here that can explain what sort of improvements to what parkland?

P.O. LINDSAY:

Can the Chairwoman answer that; do you know?

LEG. CILMI:

I don't know.

LEG. NOWICK:

No, I can't.

MR. LIPP:

Yes. What it's doing is it's providing security and mitigating health and safety concerns at some -- a variety of recent acquisitions. A lot of them under the drinking water program, Carl's river, Pine Barrens core, Manorville Pine Barrens, Pine Barrens Core, Nissequogue wetlands, also a couple of open space purchases. Some variety of new acquisitions, we're providing security and mitigating health and safety concerns.

LEG. CILMI:

So let's just be reminded that our responsibility to these properties, when we purchased them out of the quarter percent monies, doesn't end with that quarter percent investment, there are other investments as well. Thank you.

P.O. LINDSAY:

Robert, how much is this?

MR. LIPP:

Fifty thousand.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

P.O. LINDSAY:

Abstentions.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2144A**, same motion, same second roll call.

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

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

MR. LAUBE:

Legislator Montano.

LEG. MONTANO:

Yeah. What was that?

P.O. LINDSAY:

Roll call.

LEG. MONTANO:

I said yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2145 - Appropriating funds in connection with the restoration of Smith Point County Park (CP 7162) (Pres. Officer).

LEG. BROWNING:

Motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2145A**, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yep.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

LEG. BROWNING:

Cosponsor, Tim.

P.O. LINDSAY:

2147 - Appropriating funds in connection with improvements to water supply system in County parks (CP 7184) (Pres. Officer).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

On the accompanying bond resolution, 2147A, same motion, same second. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yeah.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

2148 - Appropriating funds in connection with the construction for beach replenishment - Meschutt Beach County Park (CP 7163) (Pres. Officer). Motion by Legislator Schneiderman.

Do I have a second?

LEG. BROWNING:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

The accompanying bond resolution, 2148A, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yep.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

2149 - Appropriating funds in connection with Computerized Reservation System (POS) in County Parks (Presiding Officer).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. All in favor? Opposed? Abstention?

LEG. BARRAGA:

Abstention.

LEG. CILMI:

Yes for me.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

On the accompanying bond resolution, 2149A, same motion, same second. Roll call.

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

LEG. NOWICK:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2153 - Appropriating funds in connection with equipment for revenue collection at County facilities (CP 7186) and meter installation and utility accountability (CP 7081) (Pres. Officer). Do I have a motion?

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick.

LEG. GREGORY:

Second.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond, we have two on this, **2153A**, and what isn't indicated is a B bond, too. So 53A, same motion, same second. Roll call.

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

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Same motion, same second on bond 2153B. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

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

LEG. EDDINGTON:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Eddington. It's my pleasure to second that, Legislator Eddington.

LEG. EDDINGTON:

Thank you. That's my last.

P.O. LINDSAY:

That's your last. Yes, Legislator Romaine.

LEG. ROMAINE:

I hate to ask you a question. What does this do that the other law that Legislator Eddington sponsored does not do?

LEG. EDDINGTON:

What the towns have asked, to give them the authority to also enforce them, because right now, only Suffolk P.D. can. So this expands the --

LEG. ROMAINE:

Do you know which eastern towns? Because I represent three of the eastern towns and I haven't heard from any of them on this matter at all.

MR. NOLAN:

I don't know. It's my understanding -- I think Legislator Schneiderman's office may have also been involved in this, that there was a jurisdiction on the East End that wanted the authority to enforce it in their jurisdiction. This is the law throughout the county. It just gives those local Police Departments the ability to enforce the law.

LEG. ROMAINE:

Is it the ability to enforce the law or the option to enforce the law?

MR. NOLAN:

Whether they choose to enforce it, it's going to be up to them. It gives them the ability to do it.

LEG. ROMAINE:

Okay, because many of them don't want to take on additional responsibilities because they don't have the staffing. All right. Thank you.

P.O. LINDSAY:

Okay.

LEG. ROMAINE:

I'm supporting this for Jack.

MR. NOLAN:

Did he call the vote?

P.O. LINDSAY:

No. We have a motion and a second. Nobody else wants to speak on this. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

That should forever be known as the "Eddington Wood-Burning Furnace Law".

(*Laughter*)

LEG. HORSLEY:

Like the Franklin Stove.

P.O. LINDSAY:

1969 - A Local Law to amend the selection process for certain members of the Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board (Co. Exec.).
Does anybody want to weigh in this on this?

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2035 - A Local Law to increase -- oh, I missed one. No, I didn't. ***2035 - A Local Law to increase certain administrative fees for Probation Department (Pres. Officer)***. I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

Okay. We did 70, we did 76, we did 77; 2116, 2124, 2124A, 25 and 25A, 32 and 32A. We're up to ***2146 - appropriating funds in connection with upgraded reinforcement of the Hauppauge Tower (CP 3238) (Pres. Officer)***. Legislator Kennedy, might you want to weigh in on this one?

LEG. KENNEDY:

Where are we at, Mr. Chair?

P.O. LINDSAY:

I would have thought that. 2146. We're on top of the Hauppauge tower.

LEG. KENNEDY:

Yes. And as a matter of fact, after an opportunity to go ahead and consult with the P.D., I want to make a motion to approve. It's much needed.

P.O. LINDSAY:

Motion to approve by 21 at -- 2146 by Legislator Kennedy, and I'll --

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second that by Legislator Eddington. All in favor?

LEG. KENNEDY:

A pair of Jacks.

P.O. LINDSAY:

Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. The accompanying bond resolution, 2146A, same motion, same second. Roll call.

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

LEG. KENNEDY:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

Yes.

LEG. MONTANO:

Here, yeah.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2026 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the dredging of Mount Sinai Harbor, Town of Brookhaven (CP 5200) (Co. Exec.).

LEG. ANKER:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Anker.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2026A, same motion, same second. Roll call.

MR. LAUBE:

Legislator Anker.

P.O. LINDSAY:

Legislator Anker.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. ANKER:

Yes. Sorry.

MR. LAUBE:

Kennedy

P.O. LINDSAY:

I thought it was Browning. Didn't Browning?

MR. LAUBE:

Oh, I'm sorry.

P.O. LINDSAY:

No, Eddington. Eddington seconded.

MR. LAUBE:

I have Eddington, Legislator Eddington.

*(*Roll Call Continued*)*

LEG. EDDINGTON:

Yes.

MR. LAUBE:

Very good. Thank you.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Here -- yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. *I.R. 2050 - Authorizing the purchase of one paratransit van for the Disabled American Veterans Organization (DAV) and accepting and appropriating Federal and State Aid and County funds (CP 5658)(Co. Exec.).* I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Same motion, same second on the accompanying bond resolution, **2050A**. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

J.R. 2051 - Appropriating funds in connection with installation of Fire, Security, and Emergency Systems at County facilities (CP 1710) (Co. Exec.).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

On the accompanying bond resolution, **2051A**, same motion, same second. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

I.R. 2052 - Appropriating funds in connection with the elevator controls and safety upgrading at various County facilities (CP 1760) (Co. Exec.).

LEG. BROWNING:

Motion.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2052A**, same motion, same second. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

J.R. 2053 - Appropriating funds in connection with roof replacements on various County buildings. (C 1623) (Co. Exec.).

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore. Do I have a --

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution **2053A**, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yep.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2054 - Appropriating funds in connection with fuel management/preventive maintenance and parts inventory control system (CP 1616) (Co. Exec.).

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore, second by Legislator Stern. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2054A**, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Not Present: Legs. Viloría-Fisher and Cooper).

P.O. LINDSAY:

2055 - Appropriating funds in connection with removal of toxic and hazardous building materials and components at various County facilities (CP 1732) (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. Do I have a second?

LEG. CILMI:

I'll second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2055A**, same motion, same second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2056 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with construction of the Underground Injection Control (UIC) Management Program (CP 8220) (Co. Exec.).

LEG. MONTANO:

Wait a minute.

P.O. LINDSAY:

I'll make a motion for the purpose of discussion; second by Legislator Gregory. Mr. Anderson, is this a sewer plant? He's going to tell us what it is.

COMMISSIONER ANDERSON:

No. This is a program, it's a Federal mandate required by the EPA.

We have to locate, identify, and do any type of remediation that's uncovered of any underground injection control, which is a leaching pool, catch basin, anything like that.

P.O. LINDSAY:

Okay.

LEG. MONTANO:

Question.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Good afternoon, Commissioner -- good evening. I understand the appropriating part, but what is the amending part? Explain that to me. Are we moving money within the same project within the same year, or are we taking money from another project?

COMMISSIONER ANDERSON:

Give me one second, please.

LEG. MONTANO:

No problem, Gil.

MR. NOLAN:

It's actually -- it's an inter-project transfer.

LEG. MONTANO:

It's an -- all right. I've been told it's an inter-project transfer. Is it in the same fiscal year?

MR. LIPP:

Yeah, it's moving it from construction --

COMMISSIONER ANDERSON:

Yes.

MR. LIPP:

-- to planning.

LEG. MONTANO:

Okay.

COMMISSIONER ANDERSON:

Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2056A**, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. *2057 - Appropriating funds in connection with the renovations to the Surrogate's Court (CP 1133) (Co. Exec).* Do I have a motion?

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Just very quickly, can anyone describe to me -- this is planning funds to plan for the renovations to the Surrogate Court? Can somebody speak to how bad the Surrogate Court is in need of renovation?

COMMISSIONER ANDERSON:

It is definitely within need of renovation. We're planning on replacing exterior glass, one of the exterior glass curtain walls, reconstructing the parking lot, renovating worn surfaces, upgrading mechanical and electrical facilities within the facility, and then as well as renovations to the rest rooms to make them ADA compliant.

LEG. CILMI:

Okay. So we have a compliance issue, but it also sounds like there's an efficiency component to these renovations that might end up saving us money.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Vioria-Fisher and Cooper)

P.O. LINDSAY:

2057A, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2059 - Authorizing the filing of a grant application for Federal Fiscal Year 2010 Section 5309 Bus and Bus-Related Facilities for Suffolk County Transit (Co. Exec.). I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Schneiderman. Mr. Anderson, is this unusual that we're filing a grant application -- we're at the end of '11 -- for '10?

COMMISSIONER ANDERSON:

It is. Given the current workload, we just got this one through.

P.O. LINDSAY:

Okay. But we're not closed out or precluded from that grant money?

COMMISSIONER ANDERSON:

No, not at all.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2060 - Authorizing the execution of an agreement between the County and the New York State Department of Transportation for Federal and State Aid Funding for the continuation of the HOV Bus Service on the Long Island Expressway for 2011 (Co. Exec.). Do I have a motion?

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Vloria-Fisher and Cooper)

P.O. LINDSAY:

2061 - Authorizing execution of a road maintenance agreement with the Town of East Hampton (Co. Exec.).

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

Motion by Legislator Schneiderman. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Vloria-Fisher and Cooper)

P.O. LINDSAY:

2062 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (Co. Exec.).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Vloria-Fisher and Cooper)

P.O. LINDSAY:

2063 - Authorizing an Intermunicipal Agreement between the County of Suffolk and New York City pursuant to Section 119-o of the General Municipal Law for provisions of Highway Maintenance Assistance (Co. Exec). Motion by Legislator Barraga, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Vloria-Fisher and Cooper)

P.O. LINDSAY:

2082 - Transferring T-30, EE Funds to the Capital Project Studying Sewer Capacity in unsewered areas of Suffolk County (CP 8189) (Co. Exec.)

LEG. SCHNEIDERMAN:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2083 - Transferring T-30, EE Funds to the Capital Project-Surveillance Control and Data Acquisition (CP 8165) (Co. Exec.).

LEG. BARRAGA:

Motion.

P.O. LINDSAY:

Motion by Legislator Barraga.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2087 - Amending Resolution No. 821-2010 in connection with acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (PIN No. 075656) (CP 5510) (Co. Exec.).

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. GREGORY:

Second.

P.O. LINDSAY:

Second by Legislator Horsley.

LEG. HORSLEY:

Whatever.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2088 - Appropriating funds in connection with acquisition of properties for the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (PIN No. 075987) (CP 5510) (Co. Exec.). Motion by Legislator Horsley, second by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, *2088A*, same motion, same second. Roll call.

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

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Okay. *2089 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the acquisition of properties in the reconstruction of CR 3, Pinelawn Road, Towns of Huntington and Babylon (CP 5510) (Co. Exec.).*

LEG. D'AMARO:

Motion.

P.O. LINDSAY:

Motion by Legislator D'Amaro.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, *2089A*, same motion, same second. Roll call.

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

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

J.R. 2090 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with the reconstruction of CR 48, Middle Road, Town of Southold (CP 5526) (Romaine).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine.

LEG. CILMI:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Vloria-Fisher and Cooper)

P.O. LINDSAY:

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

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

LEG. ROMAINE:

Yes.

LEG. CILMI:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2092 - Appropriating funds in connection with intersection improvements on CR 17, Carleton Avenue (Wheeler Road), Town of Islip (CP 5097) (Montano).

LEG. MONTANO:

Motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Accompanying bond resolution, **2192A**, same motion, same second.

Roll call.

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

LEG. MONTANO:

Yes.

LEG. KENNEDY:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

*2094 - Appropriating funds in connection with bulkheading at various locations (CP 5375)
(Co. Exec.).*

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2094A**, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

J.R. 2103 - Appropriating funds in connection with Riverhead County Center Power Plant Upgrade (CP 1715) (Co. Exec.).

LEG. MURATORE:

Motion.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution, **2103A**, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

I.R. 2121 - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest - outfall (final effluent pump station) (CP 8108) (Horsley). Legislator Horsley?

LEG. HORSLEY:

Yes, motion.

P.O. LINDSAY:

Motion.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Second by Legislator Barraga.

LEG. CILMI:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Yes, thanks, Mr. Chairman. I have questions for Budget Review on this, and I suppose for Mr. Anderson. I recognize the need to do this. The questions I have relate to the funding source. And I understand that we have a sewer stabilization fund -- sewer assessment stabilization fund that has something more than 100 million dollars in it. So my question is, can we and is it prudent that we borrow from that fund, pay it back with interest, as opposed to -- so, in effect, we're paying interest to ourselves, as opposed to borrowing from a bank and paying a bank interest? Mr. Anderson is waiting for Budget Review.

MR. LIPP:

So your question basically is should we not be using ASRF instead of serial bonds?

LEG. CILMI:

Well, my question first is can we legally use ASRF as opposed to the bonds, serial bonds?

MR. LIPP:

Unless I'm mistaken, we've done stuff like that with ASRF money in the past. Of course, obviously, this resolution doesn't do that.

LEG. CILMI:

Right. Now, the Southwest Sewer District is generating sufficient cash to pay for the debt service on this project, correct?

MS. VIZZINI:

Correct. But, you know, this is one of those tip-of-the-iceberg things. In other words, we're about to embark on a 300 million dollar outfall replacement; correct, Gil? I mean, eventually --

COMMISSIONER ANDERSON:

Yeah, 150 million outfall replacement. We're also embarking on a -- probably by the end of the day, another 150 million dollars in improvements on the actual facility itself, so -- and I'm not trying to cut off, you know, Budget Review, but if we were to do that, I mean, it would drain out the funding that's available in the ASRF, and it's also intended for the other districts as well.

LEG. CILMI:

Okay. So the 35 million that we're dealing with here is just a very small portion of the overall project?

COMMISSIONER ANDERSON:

Correct.

MS. VIZZINI:

That's correct.

LEG. CILMI:

Okay. That's sufficient for me. Thank you.

P.O. LINDSAY:

Just to understand, Legislator Cilmi, when -- we knew this pipe was failing, so we scheduled the

funding over multiple years so it wouldn't be all in one capital budget, you know. Okay. Thank you.

LEG. BARRAGA:

One quick question.

P.O. LINDSAY:

Yes, Legislator.

LEG. BARRAGA:

Commissioner, one quick question. I seem to recall a number of years ago a presentation on the outfall pipe where we saw visually the deterioration, especially on the surface. And correct me if I'm wrong, but the pipe was -- the outfall pipe was supposed to be designed to hold up for "X" amount of years and that was not the case. So the question I have, is there any obligation on the original installer of that pipe to make good for a pipe that apparently has not held up the way it should over the years? Was there any -- you know, in the contract, are you aware of --

COMMISSIONER ANDERSON:

No. As far as I'm aware, there is no recourse, definitely, for the -- -- you know, for the installer. I don't believe there's any recourse to the manufacturer as well.

LEG. BARRAGA:

But wasn't there a commitment at the time that this outfall pipe would have a life, a half-life of at least, say, 30 years? But, certainly, that's not the case.

COMMISSIONER ANDERSON:

Generally, I think most -- I'll let Ben answer that one.

MR. WRIGHT:

Good evening. Ben Wright. There were many lawsuits against the installer, as well as the manufacturer, and they went of -- both went out of business a long time ago, so there is no recourse that we have.

LEG. BARRAGA:

So there's none whatsoever.

MR. WHITE:

No, nothing.

LEG. BARRAGA:

Even though, in essence, the pipe has failed, well below the guaranteed time that that company indicated to the County it would survive.

MR. WHITE:

Yeah. Actually, it failed all over the world. And the early ones may have gotten something, but, you know, they went out of business a long time ago.

LEG. BARRAGA:

All right. Thank you.

P.O. LINDSAY:

But Ben, while you're there, the plant is 30 years old now. But isn't the pipe 30 years old, too?

MR. WRIGHT:

Yeah. The pipe was manufactured in 1978.

P.O. LINDSAY:

Okay. That's more than 30 years ago.

MR. WRIGHT:

Yes.

P.O. LINDSAY:

Okay. Legislator Cilmi.

LEG. CILMI:

Yeah. One more question relative to Legislator Barraga's question. Have we ever in the past, and is something like this available, where there would be an insurance policy against -- I mean, we -- you know, we're spending tens, maybe hundreds of millions of dollars on equipment like this. If the company that we contract with to do the work, and we assume certain -- you know, certain warranty, or guarantee, or whatever, certain performance, if they go out of business, we're out of luck. Is there some sort of insurance policy that we could purchase to make us whole in these cases?

COMMISSIONER ANDERSON:

Generally, normally, under any construction project, you do have a warranty period or a maintenance period, usually a year or two. In situations like this, you know, again, as the Presiding Officer said, this has been 34 years that this equipment has been in there. In most cases, the service life is -- that is the service life or beyond the service life. In the case of piping, it could last, you know, 100 years, it could last 20 years, there's no real guarantee. The only thing I would say is, in trying to insure something like that, is you would have to pay for it, and that would probably be a pretty substantial cost, especially as you get further on into the life of the product. So where two or three years a company might be willing to insure it, you go 10, 20 years out, there's a lot of other factors that could take into effect -- take into effect that would impact the pipe. So, in this case, it was just unfortunate that the actual strands that hold the thing together are snapping, you know. But I don't think -- to answer your question, I don't believe there is any real recourse as far as insurance for anything, especially that old.

LEG. CILMI:

Okay. Thank you.

P.O. LINDSAY:

All I know is when that plant opened up, I had blond hair.

*(*Laughter*)*

We have a motion and a second on **2121**. All in favor? Opposed? Abstentions?

MR. LAUBE:

Fifteen.

P.O. LINDSAY:

Okay. On the accompanying bond resolution --

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

-- **2121A**, same motion, same second. Roll call.

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

LEG. HORSLEY:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

(Not Present)

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

Sixteen. (Not Present: Legs. Vioria-Fisher and Cooper)

P.O. LINDSAY:

Okay. *I.R. 2122 - Appropriating funds in connection with renovation to the Old 4th Precinct for general office space or other County use. (CP 1641) (Pres. Officer).*

LEG. KENNEDY:

Motion.

P.O. LINDSAY:

Motion by Legislator Kennedy, second by Legislator Stern.
All in favor? Opposed? Oh, on the question, Legislator Cilmi.

LEG. CILMI:

Thank you. I'm sorry. This is four-and-three-quarter million dollars for renovations; is that correct?

MR. LIPP:

Yes.

LEG. CILMI:

And it's for other County use. What other County use?

LEG. KENNEDY:

D.A.

COMMISSIONER ANDERSON:

D.A., the District Attorney is going to move in there.

LEG. CILMI:

I mean, how necessary and immediate is this expense?

COMMISSIONER ANDERSON:

D.A. is leasing space right now, so we'll be able to take them out of certain lease space. They are, you know, sharing the building, I think, with the M.E. as well, so this will allow them to consolidate certain --

LEG. CILMI:

How much is the lease space costing us annually?

COMMISSIONER ANDERSON:

I don't know.

LEG. KENNEDY:

They're in several different locations, Tom. And you'll recall, the old Fourth Precinct building is on the northwest corner of this parking lot right across the street.

LEG. CILMI:

Yeah.

LEG. KENNEDY:

And it's a rat hole.

LEG. CILMI:

Oh, I know.

LEG. KENNEDY:

Both in the era when the Sixth and the Third and all the other ones were done --

LEG. CILMI:

There's no doubt in my mind that whatever we put in that building, we'd have to do some renovations to it.

LEG. KENNEDY:

No doubt about it and --

LEG. CILMI:

It's certainly not habitable the way it is.

LEG. KENNEDY:

No. And the D.A. has already moved some investigators in to do some work out of there just because he's busting at the seams in this building right here, I believe.

COMMISSIONER ANDERSON:

And it is -- I was -- well, okay. It is \$152,000 per year total in rent.

LEG. CILMI:

That's how much we're spending now?

COMMISSIONER ANDERSON:

Per year, yes.

LEG. CILMI:

A hundred and fifty-two thousand dollars a year and we're spending four-and-three-quarter million for renovations. I mean, it seems to me like we're -- it's not the best idea. I mean, we're paying \$150,000 a year now, how many years would it take us to get to that four-and-three-quarter million that it's going to cost us to renovate that building?

MR. LIPP:

Actually, case in point. It would -- probably the debt service would probably be about 350,000 or so a year on the four-and-three-quarter million.

LEG. CILMI:

So we're spending 125, you said, or 150?

MR. LIPP:

A hundred and fifty-two.

COMMISSIONER ANDERSON:

A hundred and fifty-two million -- a hundred and fifty-two thousand.

LEG. CILMI:

A hundred and fifty-two thousand dollars a year. The debt service is going to be how much on this?

MR. LIPP:

Probably about -- probably about 350,000 a year for about 19 years per figure.

LEG. CILMI:

I mean, are there -- are there tremendous economies of scale to be gained by the D.A. in putting all of his facilities in this, or some of his facilities in this building?

LEG. KENNEDY:

Well, when you look at the proximity -- I mean, the D.A. has made it abundantly clear that he needs to be able to move into space, and there's a value to it because it's proximate to his main site here and also to the Medical Examiner.

And if you go with Robert, what Robert just articulated, over 19 years, at 350 grand, that building that was -- that's there now was built, I believe, in the late '60's. It's probably got a 50-year useful life in it. So we would wind up being net positive, probably if you spun this out, somewhere into like, I don't know, eighteen, 20 years into it, 22 years into with -- you would be then, in essence, in a positive position, positive cash position, plus you would have had the benefit of increasing your building stock.

In the short term, could we say that we have, you know, a deference in expense, that's true, but the Chief Prosecutor is basically saying, in his opinion, to be able to best utilize his resources, he's requesting that we facilitate location right here in a proximate area. So I think that's the arguments he's put out there. Ultimately, it's up to him to make those arguments, but that's the basis, I think, for the request for renovation. We looked at it for other departments, Consumer Affairs and a few other ones, but he kind of weighed in as the top dog.

COMMISSIONER ANDERSON:

If I may. You know, and his need for additional space would mean we would have to go to other locations. So, if we had to go and purchase land, as well as build a building, it would be well beyond the 4.75 million that we'd -- that we'd be doing, so -- to do this renovation.

LEG. CILMI:

Well, is this one of these cases where this money goes away if we don't appropriate it?

P.O. LINDSAY:

Yes.

COMMISSIONER ANDERSON:

Yes.

LEG. CILMI:

It is. There's no other County space that -- there's no room in the Dennison Building or anywhere else?

COMMISSIONER ANDERSON:

Not really, no. No, we're -- no.

LEG. CILMI:

I don't know. Legislator Kennedy, I think, has room in his building, in the building that he's in. Is that not big enough?

LEG. KENNEDY:

We have a flock more interns coming in, Tom, so we'd use that all up.

LEG. CILMI:

I didn't mean your office, Legislator Kennedy. All right. I'll yield. Thank you.

P.O. LINDSAY:

Could I -- I'm sorry. Legislator Barraga.

LEG. BARRAGA:

Yeah. There was some discussion in the past, I guess, by me about the feasibility of taking the old Fourth Precinct and selling it, putting it on the market, to see what it would command. I mean, from an economic perspective, we take a look at the plight of the County. I think you have different agencies saying they need additional space. It's very interesting that they need additional space when they're also complaining about losing hundreds of employees. But was there any consideration of putting that building up for sale?

MR. PETERMAN:

Typically, when it comes to space, we try to utilize the County-owned space and get rid of all rentals. I just would also like to point out that the 152,000, probably on the --

LEG. BARRAGA:

No. Answer my question. So the answer is no.

MR. PETERMAN:

That's correct, it's no.

LEG. BARRAGA:

Okay. Thank you. Thank you.

MR. PETERMAN:

Also, I just want to point out that the 152 grand a year we pay in rent, it probably has a three to four percent escalation on it. And even if we were to use monies to dispose of this building or take it down, a lot of the money that is in this construction cost is for an environmental cleanup of the asbestos in this building. So a lot of the -- that 4.5 million is not for the renovation, is it's to upgrade all the facilities and environmentally clean the building.

P.O. LINDSAY:

That's what I was going to ask, Jimmy. It seemed like almost five million dollars for an interior renovation was a lot of money, but --

MR. PETERMAN:

Basically, the only thing that's going to be left in that building is the shell.

P.O. LINDSAY:

Okay. And there's a lot of asbestos. All right. We have a motion and a second.

LEG. CILMI:

Bill.

P.O. LINDSAY:

I'm sorry. Legislator Anker.

LEG. ANKER:

Hey, have you checked over at the superfund sites or any of the other State or Federal funding to clean up the asbestos?

MR. PETERMAN:

No. This is -- this is a -- like there was a resolution even earlier today. Typically, when you go into renovated buildings, it's -- I don't think it would be eligible for superfund sites.

LEG. ANKER:

Could you check? Could you check on that for me just to see if we are eligible?

MR. PETERMAN:

I could check, but usually that's involved with some kind of spill or some sort. I mean, these are -- these are like floor tiles, asbestos around heating pipes and stuff like that, that's what we'll be removing.

LEG. ANKER:

How much exactly is being put towards remediation?

MR. PETERMAN:

I'd have to get back to you on that exactly what that number is. We still have to design the whole thing, too, so.

LEG. ANKER:

So how did you know how much this -- that it would cost four million dollars?

MR. PETERMAN:

I don't have the exact amount. I know it's a portion of this money, and most of the time it's pretty substantial. I would say maybe 10, 20% of the cost. But even if you went to take the building down and dispose of it, there'd be a large cost involved.

LEG. ANKER:

Okay. You don't -- how much would it cost to take it down?

COMMISSIONER ANDERSON:

We don't have that information right now. But, again, dealing with the asbestos, you'd have to deal with it in either case. Given the age and what we expect, you know, we did do some exploratory investigation, but, you know, you really don't know until you start opening up walls exactly what you're up against.

LEG. ANKER:

You know, there is a product that, you know, you spray the asbestos area and it seals it in where, you know, you don't have the expense. Are you looking into that, or is that not part of your remediation plan?

COMMISSIONER ANDERSON:

Well, because we're going to be actually replacing a lot of the HVAC systems, you know, opening up the ceilings, removing and replacing pipe, it's likely that we won't be able to take advantage of that type of product, because we will be pulling things down and exposing.

LEG. ANKER:

Okay. Could you look into that possibly, because it could save you, you know, a great deal of money, you know, if that's possible.

COMMISSIONER ANDERSON:

Sure, will do.

P.O. LINDSAY:

Legislator Anker, ceiling asbestos only works in an existing building. If the building's going to go under major renovation, you can't seal it, you have to take it out.

LEG. ANKER:

Okay.

P.O. LINDSAY:

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

LEG. BARRAGA:

Opposed.

LEG. CILMI:

Opposed.

P.O. LINDSAY:

Abstentions?

MR. LAUBE:

Sixteen.

P.O. LINDSAY:

On the accompanying bond resolution, **2122A** --

MR. LAUBE:

Hold on, hold on.

P.O. LINDSAY:

Oh, okay.

MR. LAUBE:

Fifteen. (Not Present: Legs. Viloría-Fisher, Cooper and Eddington).

P.O. LINDSAY:

Okay. Accompanying bond resolution, **2122A**, same motion, same second. Roll call.

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

LEG. KENNEDY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. BARRAGA:

No.

LEG. CILMI:

No.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

P.O. LINDSAY:

Yes.

MR. LAUBE:

Fourteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2123 - Appropriating funds in connection with the replacement of major buildings operations equipment at various County facilities (CP 1737). (Pres. Officer). And I will make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. Before we -- you know, I just want to remind everybody, is anything with my name on it, I put forward to keep the appropriation alive. It doesn't necessarily -- that when the new County Executive takes over, he might have different priorities and might not spend the money. But I didn't want to -- if we didn't appropriate the money now, it would die and we could not address it until the 2013 Capital Budget.

So, okay. We have -- I made a motion. Do I have a second? I had a second, right? Stern. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

Same motion, same second on **2123A**, the accompanying bond resolution. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not Present)

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yep.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

J.R. 2126 - Appropriating funds in connection with the construction and rehabilitation of highway maintenance facilities (CP 5048) (Pres. Officer). I'll make a motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

On the accompanying bond resolution **2126A**, same motion, same second. Roll call.

*(*Roll Called By Tim Laube, Clerk of the Legislature*)*

P.O. LINDSAY:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

(Not Present)

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present)

MR. LAUBE:

Sixteen. (Not Present: Legs. Viloría-Fisher and Cooper)

P.O. LINDSAY:

2127 - Appropriating funds in connection with a County-wide Highway Sign Management Program (CP 5196) (Pres. Officer). I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

Second by Legislator Stern. On the motion, Legislator Cilmi.

LEG. CILMI:

Just a quick explanation please.

*(*The following testimony was Taken & Transcribed by
Alison Mahoney - Court Reporter*)*

COMMISSIONER ANDERSON:

Sure. Again, another Federal mandate. By 2012 we are supposed to have all our signs conformed to the Federal Highway Administration's Reflectivity Law, and essentially that's what this will enable us to do. We are already in the planning process. We're -- you know, we're looking at all our signs and this will allow us to bring all the signs up to par.

LEG. CILMI:

Because they're highly inadequate as they are; thanks, Federal Government.

P.O. LINDSAY:

Okay. 2127, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution, *2127A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$450,000 bonds to finance the cost of engineering for a County-wide Highway Sign Management Program (CP 5196.111))*, same motion, same second. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

LEG. COOPER:

(Not present).

MR. LAUBE:

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

P.O. LINDSAY:

All right, last page, page 13, *2135-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with alterations of Criminal Courts Building, Southampton (CP 1124) (County Executive)*.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine. This is a little inaccurate. This is the building in Riverhead, but in the Town of Southampton; am I correct, Legislator Romaine?

LEG. ROMAINE:

Yes, it's in the Town of Southampton.

P.O. LINDSAY:

Yes, but it's Riverhead.

LEG. ROMAINE:

The County Center.

P.O. LINDSAY:

The County Center, right.

LEG. ROMAINE:

Behind the County Center.

P.O. LINDSAY:

Yeah, yeah, yeah. Okay. I made a motion. Do I have second? Second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution, *2135A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$440,000 bonds to finance the cost of alteration of the Criminal Courts Building, Southampton (CP 1124))*, same motion, same second. Roll call.

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

LEG. ROMAINE:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

(Not Present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. MURATORE:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA-FISHER:

(Not Present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

P.O. LINDSAY:

2138-11 - Appropriating funds in connection with the replacement of Public Works fleet maintenance equipment (CP 1769) (Presiding Officer Lindsay). Do I have a motion?

LEG. CILMI:

Motion.

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution ***2138A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of the replacement of Public Works fleet maintenance equipment (CP 1769.515)***, same motion, same second.

Roll call.

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

LEG. MURATORE:

Yes.

LEG. BARRAGA:

Yes.

LEG. COOPER:

(Not Present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

P.O. LINDSAY:

2140-11 - Appropriating funds in connection with Public Works Buildings Operation and Maintenance Equipment (CP 1806) (Presiding Officer Lindsay).

LEG. SCHNEIDERMAN:

Motion.

LEG. MURATORE:

Second.

P.O. LINDSAY:

Motion by Legislator Muratore, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution, *2140A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of Public Works buildings operations and maintenance equipment (CP 1806.513)*, same motion, same second.

Roll call.

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

LEG. MURATORE:

Yes, I'm sorry.

LEG. SCHNEIDERMAN:

Yes.

LEG. COOPER:

(Not present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yeah.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

P.O. LINDSAY:

Okay, we've got ***2151-11 - Appropriating funds in connection with County share for the creation of the Shirley/Mastic Sewer District, Town of Brookhaven (CP 8134) (Presiding Officer Lindsay)***.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution, ***2151A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$900,000 bonds to finance the cost of the County's share of the planning for the proposed establishment of the Shirley/Mastic Sewer District, Town of Brookhaven (CP 8134.110)***, same motion, same second. Roll call.

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

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. COOPER:

(Not Present).

LEG. D'AMARO:

Yes.

LEG. STERN:

Yeah.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

Veterans & Seniors:

P.O. LINDSAY:

2134-11 - Appropriating funds in connection with the purchase and replacement of Nutrition Vehicles for the Office for the Aging (CP 1749) (Presiding Officer Lindsay).

LEG. MURATORE:

Motion.

P.O. LINDSAY:

Motion by Legislator Muratore.

LEG. STERN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

On the accompanying Bond Resolution ***2134A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$188,587 bonds to finance the cost of the purchase and replacement of nutrition vehicles for the Office for the Aging (CP 1749.522)***, same motion, same second. Roll call.

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

LEG. MURATORE:

Yes.

LEG. STERN:

Yes.

LEG. COOPER:

(Not present).

LEG. D'AMARO:

Yes.

LEG. GREGORY:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. CILMI:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. ANKER:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA-FISHER:

(Not present).

P.O. LINDSAY:

Yes.

MR. LAUBE:

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

P.O. LINDSAY:

Okay, Ways & Means:

2031-11 - Adopting Local Law No. -2011, A Local Law to increase tax map verification fees (Presiding Officer Lindsay). I'll make a motion.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

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

P.O. LINDSAY:

2033-11 - Adopting Local Law No. -2011, A Local Law to increase certain subscription service fees in Real Property Tax Service Agency (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Fifteen (Opposed: Legislator Romaine - Not Present: D.P.O. Viloría-Fisher & Legislator Cooper).

P.O. LINDSAY:

2036-11 - Adopting Local Law No. -2011, A Local Law to authorize advertising in the County tax map album and set advertising rates (Presiding Officer Lindsay). I'll make a motion.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Cosponsor that, please.

MR. LAUBE:

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

P.O. LINDSAY:

2040-11 - Adopting Local Law No. -2011, A Charter Law consolidating functions within the Department of Planning (Presiding Officer Lindsay). I'll make a motion.

LEG. STERN:

Second.

P.O. LINDSAY:

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

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

LEG. ROMAINE:

Opposed.

MR. LAUBE:

Thirteen (Opposed: Legislators Romaine, Cilmi & Barraga - Not Present: D.P.O. Viloría-Fisher & Legislator Cooper).

P.O. LINDSAY:

Okay. And the last bill of the night, *2078-11 - Sale of County-owned Real Estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-824.00-06.00-058.000) (County Executive)*.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington. Do I have a second?

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano.

And I'm going to let Legislator Eddington make the motion to adjourn.

MR. LAUBE:

You didn't call the vote yet.

MR. NOLAN:

We've got to take the vote.

LEG. CILMI:

We did.

MR. LAUBE:

You didn't say the whole, "All in favor? Opposed."

P.O. LINDSAY:

Oh, I didn't.

MR. LAUBE:

No.

P.O. LINDSAY:

Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

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

LEG. EDDINGTON:

I'll make a motion to adjourn.

P.O. LINDSAY:

That's a great idea. Motion to adjourn by Legislator Eddington. I will second that. All in favor? Opposed? Abstentions? We stand adjourned.

MR. LAUBE:

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

P.O. LINDSAY:

May everybody have a Merry Christmas, a Happy Hanukah --

LEG. CILMI:

Yes.

P.O. LINDSAY:

-- and a wonderful new year. And if I don't see you before, I'll see you in the new year. And Legislator Eddington, we wish you the very, very best in your retirement.

Applause & Standing Ovation

LEG. EDDINGTON:

Thank you.

*(*The meeting was adjourned at 6:33 P.M. *)*

{ } - Denotes Spelled Phonetically