

***SUFFOLK COUNTY LEGISLATURE***

***SPECIAL MEETING***

***December 30, 2011***

***NINETEENTH DAY***

Special Meeting held in the Rose Y. Caracappa Legislative Auditorium  
Of the William H. Rogers Legislature Building  
725 Veterans Memorial Highway, Smithtown, New York

***Verbatim Minutes Taken By:***  
Alison Mahoney - Court Reporter

*(\*The meeting was called to order at 3:32 P.M. \*)*

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

**LEG. ROMAINE:**

Present.

**LEG. SCHNEIDERMAN:**

Here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

Here.

**LEG. ANKER:**

Here.

**LEG. EDDINGTON:**

Here.

**LEG. MONTANO:**

(Not present).

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

Here.

**LEG. KENNEDY:**

Here.

**LEG. NOWICK:**

Here.

**LEG. HORSLEY:**

Here.

**LEG. GREGORY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Yes, here. I'm sorry.

**LEG. COOPER:**

(Not present).

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

Here.

**P.O. LINDSAY:**  
Here.

**MR. LAUBE:**  
Sixteen.

**P.O. LINDSAY:**  
Could everybody rise for a salute to the flag?

***Salutation***

Would everybody remain standing for a moment of silence for our men and women that are in harm's way as we meet today.

***Moment of Silence Observed***

Okay, be seated. First let me offer my apologies to everybody for calling you's in for a special meeting during a holiday week. The reason I did that is we got an extraordinary amount of vetoes and, you know, we're changing administrations in the Executive Branch as well as changing some Legislators. And I really thought it was important, especially because of the amount of vetoes that we had, that the new Executive, the new Legislature start off with a fresh slate. And I -- the outgoing County Executive, although is a little bit perturbed about the number of vetoes and that some of them, I think, shouldn't have been vetoed, but that's his right and prerogative. I do thank him for delivering the last batch at nine o'clock this morning.

***(\*Laughter\*)***

I really didn't expect them until just before five o'clock, and that's why I made the meeting so late. If I had known they were coming in at nine, I would have had the meeting earlier in the day because I know it's a holiday weekend. But I really, again, appreciate everybody being here and the cooperation level from this Legislature is just unprecedented. On the notice is Public Portion. Do we have any cards?

***(\*Legislator Cooper entered the meeting at 3:35 P.M. \*)***

**MS. LOMORIELLO:**  
No cards.

**P.O. LINDSAY:**  
We have no cards. Okay.

**D.P.O. VILORIA-FISHER:**  
Motion.

**P.O. LINDSAY:**  
I'll accept a motion to close the Public Portion from Legislator Viloría-Fisher.

**LEG. BARRAGA:**  
Second.

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

**MR. LAUBE:**

Seventeen (Not Present: Legislator Montano).

**P.O. LINDSAY:**

Okay. I am going to go in to the vetoes.

*(\*Legislator Montano entered the meeting at 3:36 P.M. \*)*

And I just want a clarification from Counsel whether we can do any or all of them by voice vote or do they all have to be roll calls?

**MR. NOLAN:**

I would state no, we don't have to do roll calls, except on the overrides of the Bond Resolutions, we should do those by a roll call vote on the bonds.

**P.O. LINDSAY:**

Okay.

**MR. NOLAN:**

We otherwise don't have to.

**P.O. LINDSAY:**

Okay. If it's all right with everybody, anything that I can do by a voice vote, is that all right with everybody?

*"Yes" said in unison*

The motivation here is --

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

Speed.

**P.O. LINDSAY:**

Yes. I've inconvenienced everybody enough and I'd like to get this over with as quickly as possible.

**LEG. NOWICK:**

*You* didn't inconvenience us.

**P.O. LINDSAY:**

Okay, first up is 1057, the Legislature of the County of Suffolk repealing its cents per -- no, that isn't the first one up.

**990-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Boyle Road property - Town of Brookhaven.**

**(SCTM No. 0200-392.00-04.00-016.000) (Muratore).**

**LEG. MURATORE:**

Motion to override.

**LEG. KENNEDY:**

Second.

**P.O. LINDSAY:**  
Any discussion?

**D.P.O. VILORIA-FISHER:**  
No, we've discussed this to death.

**P.O. LINDSAY:**  
Okay.

**MR. LAUBE:**  
Who was the motion and the second? I heard it but I didn't --

**P.O. LINDSAY:**  
Motion by Legislator Muratore. Seconded by Legislator Kennedy. All in favor? Opposed?

**LEG. BARRAGA:**  
Opposed.

**LEG. EDDINGTON:**  
Opposed.

*("Opposed" said in unison)*

**P.O. LINDSAY:**  
Okay, somebody is calling for a roll call.

**LEG. MONTANO:**  
We don't need a roll call.

**P.O. LINDSAY:**  
Go ahead.

**MR. LAUBE:**  
If you hold your hands up, I can take it.

**P.O. LINDSAY:**  
Opposed?

**MR. LAUBE:**  
Hold them up, not just like -- not here, I need a here. Thanks.

**MS. ORTIZ:**  
Anyone else over here in the negative?

**MR. LAUBE:**  
Thirteen (Opposed: Legislators Anker, Eddington, Montano, Lindsay & Barraga).

**P.O. LINDSAY:**  
Okay, **1015-11 - Increasing the vehicle use fees at County parks (Presiding Officer Lindsay)**. I make a motion to override.

**LEG. COOPER:**  
Second.

**P.O. LINDSAY:**

Second by Legislator Cooper. All in favor? Opposed?

*("Opposed" said in unison)*

**LEG. MONTANO:**

This has to do with the budget.

**P.O. LINDSAY:**

Yes.

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

Yes.

**P.O. LINDSAY:**

This is part of the budget.

**LEG. MONTANO:**

All right.

**MR. LAUBE:**

Twelve (Opposed: Legislators Romaine, Muratore, Cilmi, Barraga, Kennedy & D'Amaro).

**P.O. LINDSAY:**

*1056-11 - Amending the schedule of fees in connection with the purchase of the Suffolk County Tax Map and other items pertaining thereto (Presiding Officer Lindsay).* I'll make a motion to override.

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

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Thirteen (Opposed: Legislators Romaine, Muratore, Cilmi, Barraga & D'Amaro).

**P.O. LINDSAY:**

*1057-11 - Of the Legislature of the County of Suffolk, repealing its cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, thus restoring its percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York (Presiding Officer Lindsay).* I make a motion to override.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Vilorio-Fisher.

**LEG. MONTANO:**

(Inaudible).

**LEG. KENNEDY:**

On the motion, Mr. Chair?

**P.O. LINDSAY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

This resolution, as you know, Mr. Chair, has been in place with the actual tax collection for approximately six months. Many of us have done extensive research regarding this matter. I know there have been other counties in the State who have elected to step away from this, but as it's been discussed with me with representatives from the Long Island Gasoline Retailers Association, the County of Suffolk is actually in a net positive position right now with having the cents per gallon methodology for levying the tax.

I also want to bring to each one of my colleagues' attention information that I received today that indicates that effective Monday, the cents per gallon tax will go up by seven cents on each gallon. The Federal ethanol exemption expires December 31st of 2011. So while it is actions at another level of government, our constituents are going to be hit in the pocketbook where they live on Monday by an automatic increase of seven cents. For us to take this action here will only further drive the cost at the pump, as has been described by representatives from the Long Island Gasoline Retailers Association. So I urge each and every one of my colleagues not to repeal this cap because it is going to work a hardship on every one of your constituents, combined with the impact of the Federal tax exemption.

**P.O. LINDSAY:**

Legislator Kennedy, I couldn't disagree with you more. It's been in agreement in practice for six months. We did our own study here of comparative prices between Nassau and Suffolk County; I paid for that study. It was done by an independent agency that tracks these things. I got that agency from Long Island Gas Retailers Association. They're the only one that anybody knows of that tracks this pricing. There was absolutely no proof that any of the savings was passed on to the consumer.

I, as well as Mr. Lipp, met with the same people for more than two hours to discuss this and their whole thing is cents per gallon as opposed to a percentage, and that whole argument was not relative at all to whatever the County charges. And the Federal -- if the Federal government is repealing some kind of tax abatement on ethanol, how does that affect us? It doesn't affect us at all. The price is going up on Monday. We're not voting on that today, we don't have the authority to vote on that. All we have the authority to do with this resolution is to repeal an experiment that we agreed to do of capping the gasoline tax on the County in hopes of giving some relief to our County residents and it didn't provide that relief. And at this point in time, this County is desperate for revenue. It is absolutely criminal for us to continue to subsidize the oil companies.

**LEG. KENNEDY:**

Mr. Chair, if I can respond. First of all, the notion that somehow the distributors are pocketing this difference is belied with what the membership speaks about. Our efforts here to treat gasoline as a commodity that is a homogenized, like milk, is really a fallacy. Ninety-five percent of our vendors in Suffolk County are entrepreneurs, independent businessmen that have a set of facts before them, including a cost for their lease, the cost for their utilities, cost for their personnel, and they set their price where they can to be competitive.

Now, despite that, we all know where there's gas that's probably almost four bucks a gallon for regular. You go right here in my district, Exit 56 just before you get on the Expressway, the guy charges you a substantial amount more than you'll find if you go over here to Nesconset or up to Commack, but that's because he relies upon the individual who forgets to fill up and has to get on the Expressway. It's an individual entrepreneur's business approach.

What we're doing with repealing this cap is we're treating in a uniform manner a function that actually is a small business, independent-type of entrepreneurial function and we are acquiescent. Do we effect the Federal exemption? Absolutely not. For us to act, though, in a vacuum is irresponsible and foolish. I'm telling everybody now, come Monday it's a seven cent spike. If we repeal, it goes up a dime, it goes up eleven, it goes up 12% -- cents and our constituents will look to us and say, "Why?"

**P.O. LINDSAY:**

Go ahead, Legislator D'Amaro.

**LEG. D'AMARO:**

Well, I also have to disagree with that. I don't think you'll see any change if you repeal the -- Suffolk County's cap on the gasoline tax. You're going to see a change because of what's happening at the Federal level, but you're not going to see any change because of what we may do here today.

Just a couple of comments I want to make. I originally supported the cap on gasoline, the sales tax on gasoline, and the whole motivation and the whole intent of this cap was to benefit the consumer at the pump. And I wanted to be convinced that the consumer would go fill up their car or their automobile or their truck or whatever they're driving and they were saving money because of the actions that we took here in this Legislature. And I supported the bill for that reason, because we had various individuals come in and organizations, especially during the Budget Committee, telling us that, in fact, the savings was reaching the consumer and I thought that's a good thing and that's what we need to be doing, giving relief at the pump; that was the whole intent of this cap. And then I started doing some research after that vote, because I knew that this veto would probably arrive and I wanted to be sure. And what I found kind of was overwhelming, I have to say. I don't take lightly changing my position on this issue, because I really do want to help the consumers and people who are going to pay these taxes. But the fact of the matter is that if we don't lift this cap, what we're really doing is penalizing taxpayers as property taxpayers, and let me tell you why. All of the research that I looked at, and there have been 15 counties that opted into the State legislation that allowed a County to cap the sales tax on gasoline, of those 15 counties that opted into this, all but two have either repealed it or allowed it to sunset. And every single one of those counties came to exactly the same conclusion, that the savings was not reaching the consumer, but was instead being pocketed upstream by a distributor.

And I think all of you have in front of you, there's something -- there's a report out from Oswego County -- and I'll just use this as an example, but there are many other counties that have similar reports that have been issued -- and it's dated July 3rd, 2008; *"Is Oswego County's cap on the gasoline sales tax really helping you save money at the gas pump?"* Well, that was my question when I voted for the bill and that was my hope when I voted for the bill. It says, *"According to an in-depth analysis of gas prices across Oswego County and a comparison to neighborhood counties, the answer is no."* And this is the County Legislature's Chairman, Barry Leeman, who is writing this. It says the only -- *"Only the oil companies are profiting from the cap at the expense of our property taxpayers,"* because if we're not bringing that revenue into the County and instead handing it to oil distributors, we're penalizing our property taxpayers. They could be benefitting from that revenue coming into Suffolk County, helping us meet our budget problems. So let's think about that.

You know, this is really an issue and a vote that you need to take on the merits here. All of the other counties almost universally have said, "We tried it," just like Suffolk County did. The intentions were all good going into this. We want consumers to save at the pump, but the fact is they're not. This money is being pocketed upstream in the distribution chain by oil companies at the expense of Suffolk County property taxpayers, and that's just wrong. That's a different issue than the issue of cents per gallon or percentage, those are important issues. And it's very

complicated, but in a nutshell, if you have a cents per gallon sales tax imposed on gasoline, it doesn't matter what retailers and wholesalers are paying for that gasoline, it only matters how many gallons they buy. And then the County knows how much revenue should come in based on the gallonage that's flowing through the County, and that we know and that's easily discernable.

The problem is when you go to a percentage sales tax, it depends on the price reported as to what the retailers bought the gasoline for, and there there's room for deception, frankly, and fraud. You can under report what you paid for the gas which means you under report your sales tax and not pay what you should be paying. That's a completely different issue than the cap. The cap is irrelevant to that issue.

I believe that Suffolk County, and I think across New York State, we need to go to a system where we're charging cents per gallon when gasoline is sold as a sales tax, cents per gallon. It doesn't matter what a retailer or a wholesaler paid for that gasoline, all that matters is how many gallons they bought and we're going to charge you seven cents a gallon or eight cents a gallon or nine cents a gallon to back into what our sales tax rate is. And then what we do is we look at that every quarter, depending on what the actual amount, seven cents, eight cents, nine cents should be, and we can adjust that quarterly to make sure the County is always getting the revenue it rightly should get. And that's an issue and that's something we need to really take a hard look at, because if you listen to the Long Island Gasoline Retailers Association, and they know because they do this every day, the County is probably losing substantial revenue from this under reporting that could be going on. I don't have actual knowledge that it's happening, but if it is going on, it's costing this County a substantial amount of revenue. But again, the point I want to make is that has nothing to do with a cap on the sales tax amount on gasoline. All right? That just really goes to methodology and how you collect the tax to make sure that you accurately get the revenue that the County should be getting.

But again, as far as the tax on gasoline, the sales tax, I want to support it. I have supported it, believing that a consumer, my constituents, all of our constituents were filling up their vehicles and saving at the pump. But the fact of the matter is, as it's been almost universally determined from just about every County that has opted into this and now opted out or allowed it to -- or repealed it or allowed it to sunset, they've all concluded that these savings are not reaching the consumer. And I'll go one step further, by not reaching the consumer and these savings being pocketed upstream by distributors, you're penalizing Suffolk County taxpayers; that is not something we should be doing. Therefore, I will be voting today to override this veto.

**P.O. LINDSAY:**

Legislator Barraga.

**LEG. BARRAGA:**

Thank you, Mr. Presiding Officer. And I certainly understand the comments made by Mr. D'Amaro. The problem I have, I guess, is more of a political problem as it pertains to the people that I represent. You know, six or seven months ago, before the election, we made a concerted effort here and passed a bill capping that tax. And I am sure there are some people in the room that went out and talked about that as they ran for reelection.

Well, you know, I think our credibility is also at stake here. The very day after the election we came back and raised taxes, raised Police District taxes, when many of us may have told people during the campaign we weren't going to raise taxes. And here we are, six weeks after the election or so and we're going to raise taxes again by putting, you know, this tax back in place. And I'm not so sure -- I take that back. The people of Suffolk County are not going to understand the nuances associated with Mr. D'Amaro's explanation. They're going to say, "Hey, you know, six months ago you reduced the tax, the day after election you came back and you increased the tax and you're hitting us again."

Early this morning I happened to be on line with the Receiver of Taxes in the Town of Islip to pay my property taxes, and the line was about 50 or 75 people, really unhappy people. And I got a lot of people coming up questioning me with reference to that tuition thing and a lot of other things, people showing me their property taxes, how they were going up six, seven, \$800. A guy saying, "Look, you know, it went up \$800 and I've got to gross like fourteen or fifteen. What the hell is going on with you people?" To them, a tax is a tax. You took the tax away, you came back the day after election and you put another tax in place, in six weeks there's going to be another tax, and this rationalization of what the Long Island Gas Retailers say and what this group says and what this County did. The bottom line, the voters, the people who put us here, they cannot take any more taxes. They're going to look at this in terms of what it is, another tax increase, and wonder what this Legislature is doing. How can they say all those things during an election period and come back in a period of six weeks and raise taxes twice? That's how they will think.

**P.O. LINDSAY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I'd like to respond to that, because I'm getting a little tired of sitting here hearing about what promises were made before elections, after elections. As far as I'm concerned, I've never broken a promise I've made during my campaign, number one. I haven't raised the General Fund property tax, none of us have, and that's what I talked about.

I also don't underestimate the consumers and the residents of this County to understand what we're doing here today. In fact, I would say that a vote to sustain this veto, maybe they'll understand this, that it's hurting them as taxpayers, property taxpayers. All right? And that's a message that I think they'll get loud and clear.

It's not a very difficult argument to understand. The intent of the bill was to save consumers taxes at the pump. Let's go out and tell those consumers that the money that they should be putting in their pocket is now going into the pockets of big oil. You think they can understand that? I do. I do. So you can downplay these arguments, you can call them difficult to comprehend; I don't think they are.

I think it's pretty straight forward, in fact.

**P.O. LINDSAY:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. Just one other piece that I want to add. And Legislator D'Amaro, I commend you for doing the research that you did. Several of us have made great efforts, I think, to go ahead and try and look at how this works. And anybody who's spoken to State Taxation & Finance knows there's one gentleman up there, Mr. Casey, who many of us have spoken to and it is like trying to learn Chinese, if you will.

*(\*Laughter\*)*

**LEG. D'AMARO:**

It's true.

**LEG. KENNEDY:**

It is needlessly and -- it is very complex and very complicated, but I think that we are going for the naive to tag distributors.

There's one other thing that I'll add as far as comparison goes. If it was all just going to profit mid-level or big oil, then why is the State of New York held with its cap? They elected to cap the State portion in 2007, I believe it was, or 2008, and they capped their portion at \$2, and they've never changed, they've deviated, they left it in place. Now, do they level on the property tax side? No, they don't. They level on the income tax side, and it's a much bigger fish and a much bigger pond. But I'll come back to the practical impact that our residents are going to feel in 72 hours as far as what's going to go on. Washington is miles away, nobody is happy with it, but they're going to whack us and whack us seven cents. This action will inevitably lead to further inquiries at the pump as the retailers pass it on. So let's let it go to a vote.

**P.O. LINDSAY:**

Just from the Long Island Gas Retailers, at the current price of gasoline --

**LEG. KENNEDY:**

Yeah.

**P.O. LINDSAY:**

-- this is under a penny a gallon. They said to me, "Why are you guys even bothering with this? It's minuscule." I said, "It might be minuscule to you, but collectively, even at that price" -- and Budget Review can validate this -- "we're talking about close to \$4 million that we don't have," that somehow gets -- I'm not saying -- gets lost in that mix of competition and wholesale, wholesalers and retailers. I'm not pointing a finger at any one person. But I know one thing, it doesn't get to the consumer, and for it not to get to the consumer is just wrong. Roll call.

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

**P.O. LINDSAY:**

To override, yes.

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

Yes.

**LEG. COOPER:**

Yes to override.

**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:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

No.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

No.

**MR. LAUBE:**

Twelve.

**P.O. LINDSAY:**

***1071-11 - Setting Police Department fees (Presiding Officer Lindsay).*** I'll make a motion to override.

**LEG. EDDINGTON:**

Second.

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

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1074-11 - Appropriating funds in connection with the purchase of heavy duty vehicles for the Police Department (CP 3135) (Presiding Officer Lindsay).***

**LEG. EDDINGTON:**

Motion.

**P.O. LINDSAY:**

Motion by Legislator Eddington. I'll second that. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, which is ***1075 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$120,000 bonds to finance the cost of the purchase of heavy duty vehicles for the Police Department (CP 3135.525)***, I have to call the roll.

**MR. NOLAN:**

Same motion, same second.

**P.O. LINDSAY:**

Same motion, same second. Roll call.

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

**LEG. EDDINGTON:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

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:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay, next up is *1076-11 - Appropriating funds in connection with the purchase of additional helicopters (CP 3117) (Presiding Officer Lindsay).*

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

Motion.

**P.O. LINDSAY:**

Motion to override by Legislator Viloría-Fisher. Second by Legislator Schneiderman. I object to the title of this bill. It isn't additional helicopters, it's --

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

Replacement.

**P.O. LINDSAY:**

It's a replacement of one helicopter, but I don't think that makes a difference in the substance of it.

**MR. NOLAN:**

(Shook head no.)

**P.O. LINDSAY:**

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

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, ***1077-11 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$7,500,000 bonds to finance the cost of the purchase of additional helicopters (CP 3117.516)***, same motion, same second. Roll call.

**MS. ORTIZ:**

Seventy-six, right?

**P.O. LINDSAY:**

1077, the Bond is 1077.

**MR. LAUBE:**

Oh, that's right; check that.

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

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

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:**

No.

**LEG. BARRAGA:**

Yes.

**LEG. CILMI:**

No.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. ROMAINE:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

***1098-11 - Directing the Department of Public Works to hold public hearings on new bus fares (Presiding Officer Lindsay).*** I'll make a motion to override. Seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

***1128-11 - Directing the Department of Public Works to hold public hearings on new bus fares (Presiding Officer Lindsay).***

**LEG. BROWNING:**

Motion to override.

**P.O. LINDSAY:**

Motion to override by Legislator Browning. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1129 (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. EDDINGTON:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

I should have really done -- mentioned this beforehand. All of these Capital Programs that we were vetoed, you know, by -- they're all part of the original 2011 Capital Budget, and it was a matter if we didn't appropriate the money now, they would die administratively after we approved the Capital Budget. By us appropriating the money, it keeps the funding alive for five years and it becomes a decision of the Executive Branch whether they want to go forward with the project.

***1134-11 - Appropriating funds in connection with the purchase of heavy duty equipment for County Parks (CP 7011) (Presiding Officer Lindsay).*** I'll make a motion to override.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

The accompanying Bond Resolution, ***1135-11 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of the purchase of heavy duty equipment for County parks (CP 7011.526),*** same motion, same second. Roll call.

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

**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:**

Pass.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**LEG. MONTANO:**

No.

**MR. LAUBE:**

Fourteen.

**P.O. LINDSAY:**

*1137-11 - Appropriating funds in connection with construction of maintenance and operations facilities - Charles R. Dominy County Park (West Sayville Country Club), West Sayville, Town of Islip (CP 7173). I'll make a motion to override.*

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

Second.

**P.O. LINDSAY:**

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

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1138 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$650,000 bonds to finance the cost of the construction of maintenance and operations facilities at Charles R. Dominy County park (West Sayville Country Club) (CP 7173.314)*, same motion, same second. Roll call.

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

**P.O. LINDSAY:**

Yes.

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

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**  
No.

**LEG. BARRAGA:**  
No.

**LEG. CILMI:**  
No.

**LEG. MONTANO:**  
Yes.

**LEG. ANKER:**  
Yes.

**LEG. EDDINGTON:**  
Yes.

**LEG. BROWNING:**  
Yes.

**LEG. MURATORE:**  
Yes.

**LEG. SCHNEIDERMAN:**  
Yes.

**LEG. ROMAINE:**  
Yes.

**MR. LAUBE:**  
Fifteen.

**P.O. LINDSAY:**  
On *1142-11 - Appropriating funds in connection with reconstruction of spillways in County Parks (CP 7099) (Presiding Officer Lindsay)*. I'll make a motion to override

**LEG. COOPER:**  
I'll second.

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

**LEG. BARRAGA:**  
Opposed.

**LEG. CILMI:**  
Opposed.

**LEG. KENNEDY:**  
Opposed.

**MR. LAUBE:**  
Fifteen (ACTUAL VOTE: Sixteen - Opposed: Legislators Barraga & Cilmi).

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1143 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of the reconstruction of spillways in County parks (CP 7099)*, same motion, same second. Roll call on the bond.

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

**P.O. LINDSAY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

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:**

Yes.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

*1194-11 - 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 to override?

**LEG. ROMAINE:**

Yes.

**P.O. LINDSAY:**

Motion to override by Legislator Romaine.

**LEG. CILMI:**

Second.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1195 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$4,230,000 bonds to finance the cost of the reconstruction of CR 48, Middle Road, Town of Southold (CP 5526.310), same motion, same second. Roll call.*

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

**LEG. ROMAINE:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. MONTANO:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Eighteen.

**P.O. LINDSAY:**

Resolution *1196-11 - Appropriating funds in connection with intersection improvements on CR Seventeen., Carleton Avenue (Wheeler Road), Town of Islip (CP 5097)(Montano).*

**LEG. MONTANO:**

Motion.

**P.O. LINDSAY:**

Motion to override by Legislator Montano.

**LEG. MURATORE:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution 1196 (Actual Resolution # is **1197** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance a part of the cost of planning for intersection improvements on CR Seventeen., Carleton Avenue/Wheeler Road, Town of Islip (CP 5097.111)*), same motion, same second, 1197.

Roll call.

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

**LEG. MONTANO:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. BARRAGA:**

No.

**LEG. CILMI:**

Yes.

**LEG. EDDINGTON:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1206-11 - Appropriating funds in connection with replacement of major buildings operations equipment at various County facilities (CP 1737).* I'll make a motion to override.

**LEG. D'AMARO:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Sixteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1207 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$350,000 bonds to finance the cost of the replacement of major buildings operations equipment at various County facilities (CP 1737.327)*, same motion, same second. Roll call.

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

**P.O. LINDSAY:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. STERN:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. HORSLEY:**

Yes.

**LEG. NOWICK:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. BARRAGA:**

No.

**LEG. 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:**

Sixteen.

**P.O. LINDSAY:**

*1208-11 - Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048) (Presiding Officer Lindsay).*

**LEG. BROWNING:**

Motion.

**P.O. LINDSAY:**

Motion to override by Legislator Browning.

**LEG. GREGORY:**

Second.

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

Second.

**P.O. LINDSAY:**

Second by Legislator Gregory?

**LEG. GREGORY:**

(Nodded head yes).

**P.O. LINDSAY:**

All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution, *1209 (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$262,250 bonds to finance the cost of the construction and rehabilitation of highway maintenance facilities (CP 5048.315)*, same motion, same second.

Roll call.

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

**LEG. BROWNING:**

Yes.

**LEG. GREGORY:**

Yes.

**LEG. COOPER:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. STERN:**

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:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

*1210-11 - Appropriating funds in connection with a County-wide Highway Sign Management Program (CP 5196) (Presiding Officer Lindsay).* I'll make -- motion by Legislator Stern to override.

**LEG. EDDINGTON:**

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

There's no bond on that one, right?

**MR. NOLAN:**

We have the Bond, it's coming up.

**P.O. LINDSAY:**

Oh, okay. On the accompanying Bond Resolution, *1211 (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\*)*

**LEG. STERN:**

Yes.

**LEG. EDDINGTON:**

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. ANKER:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. SCHNEIDERMAN:**

Yes.

**LEG. ROMAINE:**

Yes.

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

Yes.

**P.O. LINDSAY:**

Yes.

**MR. LAUBE:**

Seventeen.

**P.O. LINDSAY:**

Okay. ***1214-11 - Appropriating funds in connection with the replacement of Public Works fleet maintenance equipment (CP 1769) (Presiding Officer Lindsay).*** I'll make a motion to override.

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

Second.

**P.O. LINDSAY:**

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

**LEG. BARRAGA:**

Opposed.

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

On the accompanying Bond Resolution ***1215 (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\*)*

**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:**

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.

**MR. LAUBE:**

Fifteen.

**P.O. LINDSAY:**

Okay, that concludes our business today. And my new year resolution is that I will not call another Special Meeting this year.

*(\*Laughter\*)*

**LEG. NOWICK:**

Do we have to say good-bye to everybody again?

**P.O. LINDSAY:**

Yes, we have to say good-bye to everybody, yeah.

**LEG. COOPER:**

Good-bye again.

**P.O. LINDSAY:**

Take your sign again. I'll accept a motion to -- there is still some other vetoes that we did not address because they're Local Laws and we cannot address them until January.

**MR. NOLAN:**

February.

**P.O. LINDSAY:**

February, February.

**MR. NOLAN:**

The first regular meeting.

**P.O. LINDSAY:**

Yes. Okay. I'll take a motion to adjourn.

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

So moved.

**LEG. NOWICK:**

Motion.

**P.O. LINDSAY:**

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

**MR. LAUBE:**

Eighteen.

*(\*The meeting was adjourned at 4:14 P.M. \*)*