

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

FOURTH DAY

March 27th, 2012

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 & Donna Catalano - Court Reporters

*(*The meeting was called to order at 3:55 P.M. *)*

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

D.P.O. HORSLEY:

Okay. Welcome, everybody, to the General Meeting of March 27th.
We will now stand for the Salute to the Flag led by Legislator Lynne Nowick.

Salutation

The invocation will be given by Father Francis Pizzarelli, Founder and Executive Director of Hope House Ministries, guest of Legislator Lynne Nowick.

LEG. NOWICK:

Good afternoon, everybody. It is such a pleasure to introduce Father Frank Pizzarelli who, as Wayne Horsley has just told you, is the founder and Executive Director of Hope House Ministries.

For those of you that don't know, and surely you must recognize this face because we have seen him in the newspaper so many times with his column, Hope House Ministries is a human services agency that assists troubled youths as well as families in crisis. Hope House Ministries provides hope, care and compassion to nearly 2,000 individuals in need each month, and is a critical safety net for those who find themselves in challenging situations, which is so important these days.

For over 25 years, this bi-county, not-for-profit, community-based ministry has dedicated itself to providing comprehensive and competent, residential and counseling assistance to thousands of adolescents, individuals and families in crisis. It is a pleasure to introduce to you Father Frank Pizzarelli.

Applause

FATHER PIZZARELLI:

Let's realize God's presence in our midst. As we gather in this sacred chamber this afternoon, we are reminded of the greatness of our nation, of the profound responsibilities that our elected leaders that surround us have, to protect the quality and dignity of all the life around us. So today we pray that these gifted and talented public servants, entrusted with his sacred trust, will move across the aisle and build bridges of cooperation, have the courage to fix a welfare system in our County that is severely broken, and lead us forward as a County so that we might celebrate that hope that life can be better.

May God bless them with a restless discomfort about easy answers, half -truths and superficial relationships so that they may seek the truth boldly and love with their hearts as they serve us. May God bless them with holy anger, the expectation of all people so that they may tirelessly continue to work for justice for all in our midst. May God bless them, also, with the gift of tears, to be shed for those who suffer from pain, rejection, starvation, or the loss of all that they cherish so that they, as our leaders, may reach out their hands to comfort those around us and transfer those in pain into joy.

And finally, may God bless our leadership with enough foolishness to believe that they can really make a difference in our County so that they are able, with God's grace, to do what others claim cannot be done. And so we ask for God's abundant blessing upon them in all that they do for us. In God's name, amen.

"Amen" said in unison

D.P.O. HORSLEY:

Thank you very much, Father Frank. You know, I've got to tell you that Father Frank has been on the scene on Long Island for pretty much as long as I can remember. I remember you with black hair.

*(*Laughter*)*

FATHER PIZZARELLI:

Thank you.

D.P.O. HORSLEY:

And he has always been an inspiration to all Long Islanders. And thank you, Legislator Nowick, for bringing Father Frank here today, it's truly an honor on behalf of the Legislature. Give him a hand, everybody. A good man.

Applause

I'd like to now have a moment of silence in memory of Julia Nofi, granddaughter of our Legislative courier Bob Coupe, who passed away last Friday from complications after a battle with Leukemia. And also remember those men and women who protect our freedoms, both home and abroad.

Moment of silence observed

Thank you very much. Please be seated.

All righty. As a beginner on this microphone, apparently I have forgot to call the roll call, so I guess we'll do that for the record. Thank you, Madam Clerk. And my apologies.

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

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Present.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. MONTANO:

Here.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. GREGORY:

Yes, here; sorry.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

(Not present).

D.P.O. HORSLEY:

Here.

P.O. LINDSAY:

(Not present).

MS. ORTIZ:

Sixteen. (**ACTUAL VOTE: Fifteen - Not Present: Legislators Kennedy, Spencer & Presiding Officer Lindsay**).

D.P.O. HORSLEY:

All righty, thank you very much. And what we'll do now is we'll move to the proclamations, and the first proclamation that I have up is Legislator Muratore who will present a proclamation to the Sachem North Cheerleading team, winners of the Varsity Cheerleaders National Championship Title. Tom?

Applause

LEG. MURATORE:

Thank you, Mr. Horsley. You know, we're so very fortunate in Suffolk County with what's going on in the world today and in our economy and in our County. We have young ladies that, you know, have achieved the ultimate in the profession they've chosen, and I would like to sincerely congratulate the Sachem Cheerleading Squad for the wonderful job they've done. They are World Champions in Suffolk County. So if I can call them up and if the coach would come up, too, or both coaches would come up here, please. Come on, all the ladies come up.

Applause

This is the future of our country here and our County, so let's give them a big round; again, another round of applause. Where's the coach; Coach? It's hard to tell the coach from the cheerleaders. Congratulations. You want to say a few words?

*(*Laughter*)*

MS. STURGES:

Well, first of all, I would like to thank -- I didn't prepare a speech, but I would like to thank you very much for having us today, we're very honored. I would like to thank our Athletic Director for supporting us this whole entire year. To our cheerleaders, to Nicole who I coach with, we had a lot of bumps in the season and these girls never gave up, they kept a smile on their face. They practiced so hard, they put their heart, their devotion, their families. It just was definitely a life-fulfillment and something that we will never forget.

So, congratulations, and to all the teams that competed there.

Applause

LEG. MURATORE:

The squad competed against -- let me see, they competed against 41 pre-qualifying teams from 33 states across the nation. So, I mean, this is an achievement.

So again, you know, Suffolk County is blessed with some really quality ladies who have brought some real honor to our society, to our County. And, you know, I'm a little partial to Sachem because my nephew teaches over there.

MS. ROGGEMANN:

I work with him.

LEG. MURATORE:

Do you work with Anthony?

MS. ROGGEMANN:

Yes.

LEG. MURATORE:

Yes. One of my -- I have two of them, you know, and one of them is a teacher over there. So on behalf of all my colleagues and all the residents in Suffolk County, Ladies, congratulations and God bless you all. Thank you so very much for all you do.

Applause

D.P.O. HORSLEY:

Legislator Muratore will present a proclamation to [Kevin Foley, Women's Basketball Coach at Suffolk Community College](#), for being awarded [Coach-of-the-Year](#).

Applause

LEG. MURATORE:

Coach, step up. See what I'm talking about about Suffolk County? We just don't stop, you know? I mean, we are really going -- and of course, not to demean my colleagues, but, you know, the 4th LD is the home of champions. Now we have a Foley here who is very, very, you know, kind of known in Suffolk County.

D.P.O. HORSLEY:

Yes, he is.

LEG. MURATORE:

I mean, he is the son of John, and I think you have a brother, too; don't you?

MR. McCALLISTER:

Yeah, he's much younger.

LEG. MURATORE:

Well, I don't know about that.

D.P.O. HORSLEY:

By the way, Legislator, we all take claim for Kevin.

LEG. MURATORE:

Of course we do, of course, but he really came out of the 4th LD.

See this competitiveness when it happens between -- mostly of the men, though. But I would really like to congratulate the coach on another great job. I think it's been like seven or eight times you've been coach-of-the-year, and it just doesn't stop. He does a great job over at the college, you know, with the ladies basketball team. It's the beginning. I mean, he's still young enough, he's probably going to -- maybe he'll end up with the Final Four one day, who knows, you know?

I don't know if we can do that for him, but we'll try. But again, I congratulate the coach on a wonderful accomplishment. And you know what, Coach? Keep it up because we love you in the 4th LD. Thank you. You want to say a couple of words, Coach? The Foleys are good at talking.

MR. FOLEY:

A gift of the Irish. I would just like to thank Legislator Muratore for this acknowledgement. I also would like to thank all of the Legislature for their support of the college. I wish I was as young as he thinks I am. But I've been at the college 37 years and your support, not only academically but particularly athletically, has helped us build a first-rate athletic program. I've been coaching the women for 18 years and we've been successful many times with Suffolk County young ladies and students and we attempt to put our best foot forward and we've been able to do that the past couple of years. But I want to thank you for your support and acknowledgement, and I would also like to thank the Legislature for all their support.

LEG. MURATORE:

Thank you very much.

Applause

D.P.O. HORSLEY:

Congratulations, Coach.

Okay. Next up, Legislator Stern will present a proclamation to **Intel-Finalist Savina Kim from Commack High School.** Savina is accompanied by her parents and James Engledrum, Director of Science for the Commack School District, and her Fencing Coach, Robert Raeihle.

LEG. STERN:

Very good. Thank you, Legislator Horsley. And hello, everyone. Welcome. Welcome.

This is a special presentation. You know, we hear so often about the difficult, challenging times that our young people have in our community, so it's great when we have the opportunity to recognize what is so good in our community, and that great example of what is good in our community is

Savina Kim. She represents truly the product of hard work, dedication and tremendous passion for everything that you do. This is a tremendous honor. And on behalf of the Suffolk County Legislature, it is my great privilege to present you with this Legislative proclamation to say congratulations and we wish you every success in the future.

Applause

D.P.O. HORSLEY:

Okay. I understand you have another one as well. Legislator Stern will present a proclamation to **John Nicolette and Steven Gambolini, owner of Monster Mini-Golf in Deer Park**, for donating use of their facility for the celebration of April's *Month-of-the-Military-Child*.

LEG. STERN:

This month is the *Month-of-the-Military-Child*. And I know that all of my colleagues would agree that the very least that we can do for those brave men and women that are fighting for our freedoms overseas, the very least that we can do is to say thank you, thank you for all that they do for us. And that thank you is not just for them, but for their families, and particularly their children here at home as well.

And so John and Steve, who are the owners of Deer Park Monster Mini-Golf, a great family entertainment center in Deer Park, have donated use of their outstanding facility to the children of our local military families. That is particularly important as we celebrate Month-of-the-Military-Child, but I'm sure everyone would agree that is an important lesson for all of us to learn, an important message for all of us to continue to get out to our community, not just this month but every month of the year.

And so, gentlemen, on behalf of the Suffolk County Legislature, I say thank you for being with us today. Congratulations on all that you do for our entire community. And again, we wish you both and your facility every success in the future. Thank you.

MR. GAMBOLINO:

Thank you very much.

MR. NICOLETTE:

Thank you.

Applause

D.P.O. HORSLEY:

Congratulations.

All righty. Moving along, Legislator Nowick will present a proclamation to **Rachel Davis, a student from Smithtown High School East** who is an In-Tel Finalist and will be traveling to Washington D.C. for the finals. Legislator Nowick?

LEG. NOWICK:

Where's Rachel and my Smithtown school group? I just would like to have everybody here from Smithtown. I'm so proud of all of you, since I am an alumni of Smithtown High School. I don't want to tell you what year, though. He knows.

(*Laughter*)

Today Rachel Davis is being honored. Rachel's research project titled *Engineering Biodegradable, Flame-Retardant Polymeres*; do I say that right?

MISS DAVIS:

Polymers.

LEG. NOWICK:

Polymers, was inspired by a personal tragedy. Rachel's house burned down five years ago when she was in 7th grade. As a member of her school's research program, Rachel's traumatic experience inspired her to become interested in flame-retardant materials. As an In-Tel Finalist, Rachel traveled to Washington D.C. earlier this month and was able to meet with President Obama and interact with Nobel Laureates in Science. Rachel is a volunteer at the Nissequoque Fire Department and recently became a nationally-certified firefighter. Geez, and what do you do in your spare time, Rachel?

I just want to introduce also, because I'm so proud to have Maria Zetland-Trinkle -- do I say that right? Trinkle, Smithtown East Research Coordinator; Ed Eman, our Superintendent of Schools in Smithtown; Ed Tompson, Principal; Eileen Roe, Science Chair, is Eileen here? And Mr. And Mrs. Davis, the most important people, Rachel's parents, come on up here. Congratulations.

Applause

We want to give you a proclamation from the Legislature honoring you and we'll go outside. I'm not up next, right?

D.P.O. HORSLEY:

Yes, you are.

LEG. NOWICK:

Could you just skip me and I'll come back in?

D.P.O. HORSLEY:

I can do whatever you want.

LEG. NOWICK:

I love it.

*(*Laughter*)*

D.P.O. HORSLEY:

Doc, are you ready?

LEG. SPENCER:

Sure.

D.P.O. HORSLEY:

All righty. As the Davis clan exits, we'll call up Legislator Spencer who will present a proclamation to former *Town Councilwoman Glenda Jackson* in recognition of *Women's History Month* and her contribution to the Town of Huntington.

Applause

LEG. SPENCER:

I'm very excited to recognize Glenda Jackson. Glenda is the first African-American Council-person to have proudly served on the Huntington Town Board. Glenda was raised in Huntington and attended Huntington schools, and after graduation she attended the Fashion Institute of Technology. Glenda was the first elected African-American woman in the history of the Town of Huntington.

During her six-year tenure, she had the opportunity to represent over 200,000 Town of Huntington residents, she worked tirelessly for the young and old and all those in-between. Quality of life issues were very important to Glenda. She hosted job fairs, open space acquisition, workforce housing. She helped to upgrade the town's parks and hiking trails and revitalized the downtown areas throughout the Town of Huntington. Her resolve helped to win a grant from the U.S. Office of Aging which enabled the town to launch *Hands-On Huntington Program* which assisted seniors to remain within the town and live comfortably.

It gives me great pleasure and pride to recognize Glenda, especially during Women's History Month, for her commitment and dedication for being a trailblazer and forever changing the slope of history with her service. I proudly present you with this proclamation.

Applause

D.P.O. HORSLEY:

Glenda, on behalf of the full Legislature, we thank you very much for your public service. Job well done. Thank you.

MS. JACKSON:

I thank you all for giving of yourself to make Suffolk County a better place. Thank you. And thank you for acknowledging me. And certainly thank you to you, Dr. Spencer, Legislator.

Applause

D.P.O. HORSLEY:

All righty. Moving along, Legislator Anker will present a proclamation to **Thomas Talbot, President of the Middle Island Civic Association.**

LEG. ANKER:

Okay. The first proclamation I have is to Tom Talbot. Tom Talbot; I've known Tom Talbot probably for about, I don't know, 15 years, maybe a little more, 17 years. I met Tom when I was involved with the Civic Association in Brookhaven. And Tom and I served together on ABCO, Affiliated Brookhaven Civic Organizations, that's the umbrella group for our civics in Brookhaven. And he seems like a very shy, kind of mild-mannered guy, but inside is a real tiger. He's amazing.

Now, you know, he is so polite and he is so sincere, and he's the kind of person that you want to be sitting next to on a bus, because he will get up and give you his seat. And if he sees anyone in any type of distress or need, he will -- he would not wait for you to ask him, he will go to you and he will help you.

So I am so proud to honor Tom with a proclamation. And I'm trying to think, Brookhaven planting, Tom was very much a part of that, or clean-up, Brookhaven Town started a clean-up throughout the town of -- what is there, a million people in the Town of Brookhaven that we have?

MR. TALBOT:

Yeah, half.

LEG. ANKER:

Oh, excuse me, half a million. Well, and you will continue, I'm sure, to be doing more civic projects. The Longwood Alliance Association, I believe you are a founding member?

MR. TALBOT:

Yes.

LEG. ANKER:

A founding member, yes?

MR. TALBOT:

Treasurer of that.

LEG. ANKER:

Treasurer. So there are so many organizations that Tom has been part of. And again, it's important to recognize the people that really make a difference, and Tom absolutely makes a difference. So again, I congratulate you and I will honor you with our Suffolk County proclamation. Thank you.

Applause

MR. TALBOT:

I would like to thank certainly Legislator Anker as well as the entire Legislative body here for presenting this to me. I really feel very honored by this.

Generally, colleagues that I work with in the civic world, you know, they act on behalf of trying to improve their communities and don't do it to seek personal recognition. In fact, I have found that it's much easier for me to get things achieved if I don't care who gets credit for it in the final event. But I'll make an exception here, I'm very happy about this and I do appreciate it. Thank you.

Applause

D.P.O. HORSLEY:

All righty, Legislator --

LEG. ANKER:

I'd like to bring up the Girl Scouts. Do you mind if I do that?

D.P.O. HORSLEY:

No. In fact, I was just going to say you were going to do that.

LEG. ANKER:

I think I have [Yvonne Grant, she's CEO of Suffolk County Girl Scouts](#). I want to congratulate you. And it's a slightly belated birthday, but Girl Scouts of America --

MS. GRANT:

USA.

LEG. ANKER:

USA, Girl Scouts USA, 100-year Anniversary. And I would like to congratulate you on behalf of the entire Suffolk County Legislature on what has been accomplished.

I was a Daisy, a Brownie, a Girl Scout. My daughter was a Girl Scout, my son, you know, he did Scouts. I was a Scout leader. And there's so much, you know, "*Make new friends but keep the old; one is silver and the other gold*"; I can recite a lot, but I won't take up too much time doing that. But those little things really make a difference. And I know some of the former Girl Scouts here, some were Boy Scouts, remember those things. And what we're doing is, as Scout leaders, we're creating a foundation for character and for caring and for so many wonderful experiences that will make that young child a better adult. So again, I want to thank you -- would you like to say a few words?

MS. GRANT:

Absolutely. Thank you very much. Can you hear me? On behalf of 40,000 Girl Scouts in Suffolk County, 9,000 volunteers in Suffolk County, I want to tell you how appreciative we are for all of your support, both today and in the past, for our programs like *Operation Cookie* and our Holiday Light Show, and this year we did 100,000 hours of community service. So on behalf of all the girls who I'm sorry I did not bring with me, thank you very much.

Applause

LEG. CILMI:

Did you bring any cookies with you?

D.P.O. HORSLEY:

Yes. Yvonne, could you hold on one second? Legislator Muratore has a comment, and then I do as well.

LEG. MURATORE:

Yes, Mr. Horsley. You know, I was on the Girl Scouts Board of Directors, and I have to say this to the ladies that are on that board; you do a wonderful job, outstanding. For all the hard work you do with our young ladies and what you produce is such a wonderful product here in Suffolk County, so God bless you. I want to say thank you also. Thank you so very, very much. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator. Yvonne, let me just tell you a quick story. I want to also thank you. I went down to Washington or to Bethesda in Maryland last week, and the Girl Scouts donated 50 cases of cookies to our wounded warriors. And believe me, not only the wounded warriors but all the doctors in the entire place were just thrilled to death and they thank you very much, and I thank you very much for the contributions from the Girl Scouts. It was a wonderful gesture and everyone was thrilled.

MS. GRANT:

You're welcome.

Applause

D.P.O. HORSLEY:

Thank you.

All righty. Legislator Romaine, are you ready? He will present a proclamation to two students of HB Ward Technical Center in Riverhead who won the recent State Automotive Technology Competition. Legislator Romaine will also recognize two individuals from the Greater New York Automobile Dealers Association which rated and sponsored the upcoming National Automotive Technology Competition of April 11th which both students will be participating in against 30 teams all over the country. I'm -- I can count on you to have the longest introduction there, Ed.

LEG. ROMAINE:

Come on up. Thank you. I'd like to -- I've got to learn to hold it down, too. I'd like to introduce Kevin Herrera. Kevin, how are you? And Michael Rutkoski. They are seniors at Mattituck-Cutchogue High School and they are participating in the Automotive Technology Program at the HB Ward Career & Technical Center of Eastern-Suffolk BOCES in Riverhead.

Both of these guys competed in the Greater New York Automobile Dealer Association; they won the Regional and then the State. As a result of that, they got first a \$40,000 scholarship and then a \$50,000 scholarship, and they will be representing us in the National Finals on this. They did something my auto mechanic can't do; they had a car that had all types of bugs in it and they were given two hours to diagnose and they were able to diagnose all of the problems, right down to tire pressure, that afflicted these cars.

This is a credit to the HB Ward Technical & Academic Center, Eastern Suffolk BOCES which is in Riverhead, right up the road from my office. Both these gentlemen deserve our thanks. It talks about what a tremendous program Eastern-Suffolk BOCES provides in terms of career opportunities. I have proclamations for both of the gentlemen. And this is for Michael.

MR. RUTKOSKI:

Thank you very much.

LEG. ROMAINE:

We'll take them outside, and Kevin. With us is their instructor Mike O'Hara, I have an award for him, and I also have an award for the school on this accomplishment. So Mike, congratulations. And we have some other people here, so we'll ask them to come up and introduce themselves, please. Just hold the button.

MR. GAZILLO:

My name is Eddie Gazillo, I'm with the Greater New York Dealers Association. We'd like to thank you for honoring our team and we look forward to coming back as National Champions. So thank you very much.

Applause

MS. ROGNER:

And I'm Carol Rogner from the Greater New York Auto Dealers Association. I've known Mr. O'Hara for quite a few years and I'm very happy that he's going -- his team is going to be representing the Greater New York Auto Dealers at the National Competition.

D.P.O. HORSLEY:

Congratulations to all.

All right. Legislator Hahn, are you ready? Legislator Hahn will present proclamations to Intel Semi-Finalists from the 5th Legislative District. All eight students from Ward Melville High School in East Setauket will be present and accompanied by Dr. George Baldo, Director of the school's In-Star Science Research Program.

LEG. HAHN:

I'm going to hold off because I'm not sure if they're all here yet, so I'm going to call up Jeff Koutsantanou, an 8th grade student at Port Jefferson Middle School. Come on up, Jeff. If you'd like to bring your Mom and your Dad forward and your Grandma and Grandpa and sister, they can all come forward, too.

Jeff is an 8th grade student at Port Jefferson Middle School and he took part in the American Mathematics Contest in November. This prestigious event includes 150,000 students from all over the United States. He earned Distinction With Honors for placing in the top 5% of all students in this competition, proving he has a bright future in the study of mathematics. And I am just really thrilled to be able to congratulate him on this achievement. It is so exciting.

You know, this is my favorite part of every General Meeting, because we get to recognize the wonderful, positive achievements of so many -- so many important people in each community. But it's especially great when we get to recognize our youngsters who get to complete these kinds of competitions and compete and earn recognition for their great work. And you really are a dedicated, bright young mind who we look forward to seeing so much more from you. So, congratulations.

Applause

Dr. Baldo; is Dr. Baldo here? I don't see him right now. Okay, can we -- can I come back up at the end, or do we not have more?

D.P.O. HORSLEY:

I have one more.

LEG. HAHN:

Okay. Can I come back up after that?

D.P.O. HORSLEY:

You can do anything you want.

LEG. HAHN:

Thank you.

D.P.O. HORSLEY:

I'm here to please.

All righty. The last one that I have is the Legislators, both Browning and Romaine will present a proclamation to Donna and Joseph Kukura.

LEG. NOWICK:

Wayne, don't forget I still have one.

D.P.O. HORSLEY:

Yes.

LEG. BROWNING:

I'd like to give Legislator Romaine an opportunity to come in, if he's available. Oh, okay, he's here.

So today I'm joined by *Donna and Joe Kukura*. I'm sure some of you might recognize Donna from coming to the Legislature in the past. Donna is a former President of Parents of Murdered Children, the Suffolk County Chapter. However, she is also an advocate for epilepsy awareness, and we are here today to honor her daughter Kaya who passed away not too long ago and suffered from epilepsy.

Yesterday was Purple Day, which is an effort to create some epilepsy awareness. Epilepsy is one of the most common neurological conditions affecting over three million people in the United States and 50 million worldwide. It's estimated that 1-in-10 people will have at least one seizure during their lifetime. In 2008, a 4th grade student named Cassidy Megan extended a challenge to people of the world to show support for those living with epilepsy, and from this effort Purple Day was created and it is celebrated on March 26th. And this is to create an increased understanding, reduce the stigma and improve the quality of life for people with epilepsy throughout the country.

And I have to say, Donna is a phenomenal advocate for many issues. She is a nurse, works at Brookhaven Hospital, and I personally know Kaya, knew Kaya. Kaya was very involved in the arts, loved music, and she also sang with the St. John the Evangelist Youth Choir and she is sorely missed. She had a great, smiling face, always very pleasant, and I know she's very much missed by the Life Teen Group at St. John the Evangelist. With that, I will pass on to Ed.

LEG. ROMAINE:

I may be wearing my orange tie today, but yesterday, March 26th, I was wearing my purple tie in honor of the three million plus individuals in this country afflicted with epilepsy, which is a debilitating disease. We've all heard, we've watched the Sunday news programs, the Presidential Advisor, Mr. Axelrod, his daughter is afflicted with epilepsy, and now at 26, 27 years old lives in a group home.

When you think about this disease, it is a terrible affliction on the families and the work for a cure must continue. The two people behind me have worked tirelessly in this cause, as many countless of others have in this country. And one day, because of their efforts, we will work to provide a better life for those afflicted with this. Thank you very much and thank you for your service.

Applause

LEG. BROWNING:

We have a proclamation both signed by myself and Legislator Romaine. But Donna, if you would like to say a few words?

MS. KUKURA:

Thank you very much. We're very honored to receive this proclamation. Importantly, I would like you all to acknowledge the fact that epilepsy is not necessarily something that you're born with. And the reason why we thought it was so important to have Purple Day during Brain Injury Awareness Month is because March 26th, yesterday, we went around and one of the places that turned purple in Suffolk County was New Beginnings Community Center; they serve both veterans as well as other individuals with traumatic brain injury. Many of those individuals have epilepsy.

We as advocates also are involved in the building of The Brendan House out in Riverhead which will serve some folks with epilepsy. It is going to be a complete volunteer endeavor. We're going to be looking for volunteers and some support with that. It's in memory of Brendan Akroid who passed from epilepsy exactly two months to the day before our daughter dropped from epilepsy at home with no warning. Our daughter Kaya was only sweet 16, had Tempora Lobe Epilepsy which we didn't know could result in death, and she was a very bright and gifted musician, made her bed in the morning and then dropped to the floor and died very suddenly. So we have tried to let her legacy of joy and hope and touching other people's lives in a positive way continue on, which is why we do all the things that we do in her memory.

So I thank you so very much for this honor. And it is in Kaya's memory, so I thank you very, very much.

D.P.O. HORSLEY:

Thank you very much.

Applause

All righty. Legislator Nowick, while you're making your way up to the podium, I would like to ask if the aides would help bring back some of the Legislators. Apparently we're going to take a group shot with the Girl Scouts for their 100th Anniversary. And I didn't forget Legislator Hahn either. But Legislator Nowick is recognizing Women's History Month which was passed by this legislation --

Legislature. Legislator Nowick will present a proclamation to Lisa Quinones, the 2012 Suffolk County Woman of Distinction.

LEG. NOWICK:

Lisa? Where are you, Lisa?

Applause

D.P.O. HORSLEY:

Lisa? You're on, Lynne.

LEG. NOWICK:

I want to introduce you to -- and I don't mean this derogatorily, this pint-sized bundle of energy here, Lisa Quinones. It is my pleasure to introduce Lisa Quinones of St. James, my home town, as the 2012 Suffolk County Woman of Distinction.

I recently met with Lisa in my office and I can assure you that she is dedicated. She is energized, she is like the bunny, she is committed to helping to particularly her nursing profession. She's a full-time Nursing Professor at Suffolk County Community College, she certainly believes in community service, both locally and internationally. Lisa has been a consultant and outreach help educator for the March of Dimes for a number of years. In addition, she is a volunteer with the Hope for a Healthier Humanity, and she travels to Latin America several times a year, and that's not an easy trip. She usually takes with her nursing students from school and she takes them to rural areas to help educate people about health care, disease prevention, practices and child care. She also has raised funds to create birthing kits containing the necessary supplies needed for sanitary child birth in those countries. We are spoiled in our country, we have our children and we go to hospitals, usually, sometimes at home, but always in sanitary conditions, always with professionals. Lisa goes to countries that are not quite the same; am I right?

MS. QUINONES:

Yes.

LEG. NOWICK:

Now, with all of this and with all that she's done and all of these trips to Latin America, and being a college professor, in her spare time she's raising triplet's.

*(*Laughter*)*

Applause

How old are they?

MS. QUINONES:

They'll be ten.

LEG. NOWICK:

Ten year-old triplets, in her spare time. You guys try that, right? Please join me in congratulating Lisa who was selected as the 2012 Suffolk County Woman of Distinction.

MS. QUINONES:

I so want to thank Legislator Nowick, it is a pleasure knowing her. And she's right around the corner, I didn't know she was there, now I do.

I also want to thank from the bottom of my being Suffolk County Community College. I have served there for 15 years; I thought it was less than that. And my superiors, without their support, there is no way this would have materialized. If it wasn't for the college's understanding of the importance of this so I can share it with the rest of our nursing program, the largest in New York State. Their support with my schedules and hoping I don't get dysentery and hoping I'm not bringing home anything they don't need, they are so wonderful. The President is here from the college, my retired Dean of Nursing and my Academic Chair, and I want to thank you so much for always being there for me, through the trials and tribulations of this world. But I'm here because of you and I thank all of you so much.

Applause

D.P.O. HORSLEY:

Congratulations, Lisa. And thank you to those of the Suffolk Community College Nursing Program. Job well done.

Lastly, before our picture with the Girl Scouts, we have Legislator Hahn is back with an Intel Semi-finalist from the 5th Legislative District.

LEG. HAHN:

Well, you all know how proud I am to be a Ward Melville High School graduate, and so I want to bring up all of the individuals who are here from Ward Melville High School to be honored today, led by Dr. Baldo and Dr. Baum. Please, come forward, and all the students. We have Anna Sato, Tyler Corsello; Tyler was a Siemens Semi-Finalist; Xiaofel Lin, a Siemens Semi-Finalist; Rocco Morra, Intel STS Semi-Finalist; Shubha Sekar, an Intel STS Semi-Finalist; Murali Varadaraj, a Siemen Semi-Finalist; Jessie Xing, an Intel STS Semi-Finalist; Jack Zhou, a Siemen Semi-Finalist and Intel STS Semi-Finalist. And I want to say another word about Anna Sato, she was a Siemen's Semi-Finalist and an Intel STS finalist.

We have quite an extraordinary group of students here from my alma mata, Ward Melville High School. And I'm going to let Dr. Baldo just say a few words, because I would not do their projects justice.

DR. BALDO:

Thank you very much, Legislator Hahn, for inviting us here today and recognizing my students. Also, thank you to the Suffolk County Legislature for entertaining us today.

As you can gather, I'm very impressed with my students this year.

They have performed exceptionally well and earned great recognition. As far as their projects, they've really covered the gamut. Anna did a project on water filtration that was spurred by the disaster in Japan with the Fukushima plant. Her filter will take out radioactive materials from water, make it drinkable again.

Jack Zhou worked on a project that creates a new kind of endoscope that will help spot cancer within one minute of actually being used as a diagnostic instrument.

The projects have ranged throughout the gamut. Rocky worked on a project with a new type of human serum Albumin that will actually help fight cancer.

Shubha worked on something I think we can all relate to, a new form of passwords for our computers that uses icon-driven passwords instead of the textual type that we now type in.

Murali worked on something called a water channel that helps wound healing in the cornea of the eye preventing blindness.

Jesse worked on a new type of -- it's diblock Copolymers, it's a type of drug that allows targeted delivery to cancer cells, preventing a lot of bad side effects with standard chemotherapy.

Tyler worked on stem cells and DNA modifications, looking at the regulation of stem cell viability, helping us develop new types of stem cells.

I think I've covered the gamut there. And again, I'd like to thank you for honoring my students. And they are certainly highly deserving, I was very impressed with them this year. Thank you.

Applause

D.P.O. HORSLEY:

Thank you very much, Mr. Baldo.

LEG. HAHN:

And Dr. Baldo -- yes. Dr. Baldo, thank you for all that you've done for this program, for encouraging and mentoring students in science, math and technology. So important that we're -- our leaders, our student leaders are entering these fields. You're going to rule the world, that's for sure, and we're always so proud of our Ward Melville High School. Each class brings us more discoveries and it's just amazing what you've done, and congratulations to you all. I can't wait to read about you in the future.

Applause

D.P.O. HORSLEY:

Thank you very much, Legislator Hahn.

All righty. What we're going to do now is we're going to take a picture with the Girl Scouts for their -- it's a commemorative 100-Year Birthday Party picture with the Girl Scouts. All Legislators please come to the horseshoe if you want to be in the picture.

(*Photograph Taken*)

D.P.O. HORSLEY:

All right. We're going to be moving into the Public Portion of the General Meeting. But before I do, I want to let everyone know that I have a pair of glasses that someone apparently lost. If anyone has lost a pair of glasses, tortoiseshell, a little reddish to it, we have them.

All righty. The first -- we're all set, everybody? Okay; Mr. Kennedy, Mr. Schneiderman?

All right, the first speaker at the public portion is John Rooney concerning the Beagle Club Preservation.

MR. ROONEY:

Okay.

D.P.O. HORSLEY:

And again, you have three minutes, Mr. Rooney.

MR. ROONEY:

I'll try to make this short and sweet, I know you have a lot going on. John Rooney, North Fork Environmental Council. And I'm certainly hoping that this little appearance is superfluous, but at NACP we take nothing for granted. And I'm here to encourage all of you to preserve the Long Island Beagle Club property in Riverhead. It's 150 acres of very critical, mixed habitat for maintenance of

the North Atlantic Flyway, for protection of endangered species, and especially for filtration of the water resources that accumulate underneath in the aquifer.

And in addition to that, a very useful function that it will continue to serve to protect the already developed eastern area across Edward's Avenue from very important unimpeded agricultural activity to the north, south and west of the piece. So given all of that, I just remind you, please, we expect and hope that you will follow the unanimous March 19th recommendation of the Environmental, Planning & Agriculture Committee and save this piece while we can. And thank you very much for listening.

D.P.O. HORSLEY:

All righty. Thank you very much, Mr. Rooney. The second speaker is Lance Reinheimer concerning, what else, but the Vanderbilt Museum, IR 1283.

MR. REINHEIMER:

Thank you very much. I'm here to support Resolution 1283 which appropriates \$300,000 scheduled in the Capital Program for renovations to the Planetarium.

To demonstrate how critical this resolution is, Ron Beedy, President of the Board of Trustees, is here. Ron? And Kevin Peterman who is here also with the college, but he's also on the Executive Board of the Trustees for the Vanderbilt, and he's also here in support.

This is a critical resolution. As you know, renovations for the Planetarium started two weeks ago, they're growing really fast. I'm really proud of Public Works, they've donated a lot of support to the museum. Or I shouldn't say donate; they've allocated a lot of support to the museum. The Planetarium is now completely empty. The star projector is gone, the seats are gone, the carpeting is gone, they're starting to do construction on the pit.

About a month ago, I asked Public Works if they would come in and assess the heating and air-conditioning system of the planetarium, because we've had significant problems with it throughout the years; specifically, the heat was not working and the air-conditioning was inconsistent. Public Works came in and assessed the situation. And not to go into a lot of detail, but we have two burners, two boilers that need to be replaced, they share the same room, same space as our air handlers. With today's technology, with high efficiency furnaces, they can have direct-line feed into the furnace which eliminates the potential and the possibility that gases from the burner can be circulated throughout the Planetarium building. It's not ideal to have an air circulator, air handler in the same room with burners, but with today's technology, direct-feed into the burners, that situation can be eliminated.

So this is very critical to the operations of the Planetarium, it's needed. This money is scheduled in the Capital Program, 300,000. I checked with Budget Review. I understand the financial situation of the County, every dollar counts. This is \$23,000 in debt service over the life of the bond. Twenty-three thousand is still a lot of money when you have none, but this is very critical and it's critical to our revenue stream and sustainability of the museum. Thank you very much.

D.P.O. HORSLEY:

Perfect timing, Mr. Reinheimer.

Okay, the next speaker is Peter Quinn talking about fracking and the IDA. I'm not sure what they do with each other, but you'll make it clear.

MR. QUINN:

Good evening. My name is Peter Quinn. I want to applaud Kara Hahn for -- Legislator Hahn for bringing up the Resolution 1228 having to do with hydro-fracking and the potential for that waste

being shifted from Upstate down to the Southwest Sewer District to be treated, and then because we have an outfall pipe it will carry it out to the ocean. However, tidal waves will bring back those chemicals, of which there are over 800 chemicals involved in the fracking, hydro-fracking process. And it would be disturbing to think that we would be contaminating our wetlands and the fish that spawn there and eat the mosquitoes. So we're compounding a problem and hopefully all of you will support that resolution and ban fracking waste on Long Island.

The second thing has to do with IDA's, Industrial Development Agencies. And I don't read those on the front page of Newsday or see featured articles about them, but I see them on the back pages on page 40 and beyond where companies are getting ten-year property tax abatements, increased now to 15 years, sales tax eliminations, mortgage transfer tax arrangements and other perks including money for equipment.

Now, I don't want to distinguish between private sector workers and public sector workers, but I should anyway and say 1,800 teachers became unemployed last year across Long Island; we can expect 2500 or more to be unemployed this year. State workers, likewise, have lost jobs, and there are many State office jobs here on Long Island. So before we decide to give any more perks, I urge that there be a three-year moratorium on those perks to business so that we can resolve the 33 million in deficits that the County has for 2011 that haven't been resolved, the 300 million for 2012 which haven't been resolved, and the 500 plus million for 2013 that haven't been resolved. And perhaps then we can have a balanced budget once we see the lay of the land in job creation. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Quinn. We appreciate your comments.
All right. The next speaker is Rosetta Arthur, Clerk recording, topic.

MS. ARTHUR:

How are you doing?

D.P.O. HORSLEY:

Hello.

MS. ARTHUR:

I --

MR. NOLAN:

Get to the mic.

D.P.O. HORSLEY:

We'll bring you up to the mic, first. We'll wait for you.

MS. ARTHUR:

I hear a lot of cross-talking and I'd like to -- okay. My name is Rosetta Arthur, I'm from Amityville. I saw Mr. Gregory over here -- oh, there he is.

I'm here to speak on the issue of -- that concerns me very much so. I'm going to try to keep it under three minutes because it concerns the Clerk's Office, the recording office here in Suffolk County, the person that takes care of the mortgages and the deeds. I have written a letter to Ms. Pascale's office and Ms. DeLuca requesting certain information as far as when mortgages and deeds are filed, how are they done, how are the documents from out of state authenticated, and how -- what other documents followed those -- I hear there's talking over here, I'm sorry. How those documents are registered.

I had asked for documents concerning my own mortgage and the -- Ms. Pascale passed on the questions to Mr. Chris Cuomo who is the Freedom of Information person who said that he would get back to me in five to seven days; well, that was on March the 6th, and not counting the weekends, we're at the 27th -- March 27th right now, I have not received an answer.

So what I need to ask the Legislature, if I have -- I had copied, made 20 copies, and I saw 18 people up here, and I guess that's for each one of you. It is a packet that concerns the filing of the deeds that are kept in the Registrar's Office and how it should be done as opposed to how it is done. And I need to get your assistance in addressing this issue with the Clerk's Office, because it's causing a lot of people their homes. Because the records are not correct, they're not adequate and there needs to be -- you need to have oversight on that issue, because a lot of people are losing their homes, they don't have the fight, they don't even know how to fight. I only found out that this was going on here on the website, and I'm going to be coming to more meetings. I wanted to -- where's Mr. Gregory? Oh. I wanted to give each one of you a copy, because that's what it says on the website, that you're supposed to give 18 copies. And please, don't put this in your --

*(*Timer Sounded*)*

D.P.O. HORSLEY:

Ms. Arthur, if you would start to wrap it up.

MS. ARTHUR:

Okay. Don't put it under the bottom of your package because it's going to be spoken about later on.

D.P.O. HORSLEY:

Okay.

*(*Presiding Officer Lindsay entered the meeting at 4:59 P.M.*)*

MS. ARTHUR:

This is just my first step.

D.P.O. HORSLEY:

First visit. And of course you're welcome to come back any time. We meet a couple of times a month usually, so we welcome you.

MS. ARTHUR:

Is that Mr. Lindsay?

D.P.O. HORSLEY:

The original.

MS. ARTHUR:

That's Mr. Lindsay? Okay. I'll be down here to visit with him in person, too, some time. And Mr. Gregory.

D.P.O. HORSLEY:

Thank you, Ms. Arthur. Lindsay entered at five.

P.O. LINDSAY:

Ms. Arthur, don't forget Mr. Horsley, too. He's my Deputy, don't leave him out of this circle, okay?

*(*Laughter*)*

LEG. ROMAINE:

I'm going to chat with her briefly.

P.O. LINDSAY:

Go right ahead.

D.P.O. HORSLEY:

All righty. The next speaker is Claude Kasman from the school of health -- the School Health Initiative. Welcome.

MR. KASMAN:

Thank you. Good afternoon, Ladies and Gentlemen, and thank you for providing me with the opportunity to speak to you today. My name is Claude Kasman and I'm here today representing the Suffolk County Council of Administrators of the New York State Association of Health, Physical Education, Recreation & Dance.

The School Health Initiative, a Suffolk County, Department of Health and BOCES collaboration, has provided services to our school districts for the past ten years. Those services include teacher training, materials, curriculum and resources. Included in those services has been the Health Smart curriculum. And if any of you have children or grandchildren that are in Suffolk County schools and they're in the grades K-12, in all likelihood they are learning from the Health Smart curriculum.

Now, the New York State Department of Education, Commissioner's Regulations on Health Education mandates that health is taught in the public schools K-12 and it is an unfunded mandate, one of many. The mandate, however, stipulates that health education K-5 can and should be taught by the classroom teacher. And at the middle school and high school level, health education is required and is taught by a health certified teacher. And currently, middle schools and high schools throughout Suffolk County employ a health certified teacher to teach at the middle school and the high school. However, in order for school districts to comply with this important health mandate at the K-5 level, creative and fiscally responsible strategies and programs are implemented and explored, and the School Health Initiative is and has been one of these crucial and critical programs. It has allowed school districts to receive the necessary teacher training, curriculum, which is the Health Smart, and materials at no cost to the district. It has allowed teachers to deliver comprehensive health education to students at the K-5 level, as well as curriculum for the middle school and high school.

Now, as we know, school districts have been able to send teachers for training and receive materials also at no cost. And at a time when we're all exploring ways to alleviate our school district of financial stress, the School Health Initiative is a win/win for students, teachers and communities. Classroom teachers are able to receive the necessary training and materials to teach students on topics such as tobacco, drugs, nutrition, bullying, self-esteem, HIV/AIDS and skin cancer prevention. These topics are critical to enabling students to be educated in becoming knowledgeable and well--rounded individuals.

D.P.O. HORSLEY:

Mr. Kasman, could you please start wrapping it up?

MR. KASMAN:

Yep, it's my last couple of sentences. My colleagues and I implore you to reevaluate and restore the funding for the School Health Initiative, because in doing so you will be providing critical and necessary health education for hundreds of thousands of students of Suffolk County, while at the same time alleviating the financial burden to local school districts, families and residents. Thank you for your time today.

D.P.O. HORSLEY:

Thank you very much for your comments, Mr. Kasman. The next speaker is Michael DeJoseph from the Babylon UFSD, my district.

MR. DEJOSEPH:

Yes, Sir.

D.P.O. HORSLEY:

How are you, sir?

MR. DEJOSEPH:

I'm well. Thank you. I want to thank everybody, first and foremost, for giving me the opportunity to speak on behalf of the Babylon School District today. I am the Director of Health, Physical Education & Athletics in the Babylon School District. I'm here for the same reason that Mr. Kasman just spoke eloquently.

The School Health Initiative has given us the opportunity to teach 2,000 children in our district health education, which today is necessary to make quality decisions for an entire lifetime. Our district was set to train 25 teachers next Fall and, again, we receive free training, free resources with the Health Smart curriculum; a loss of this money to our district would be devastating. In our current financial situation, much like all other districts, we will have a hard time supplying the kids with the education we feel is necessary at this point in time.

I hope you can all take a chance, take a look at the program and recognize how valuable it is, not only to Babylon but to the school districts throughout Suffolk County. Again, I'm here really to advocate for Babylon in particular, but comply with the statements that Mr. Kasman has made on behalf of the Council, administrators, BOCES and the School Health Initiative. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. DeJoseph. The next speaker is John Turner, acquisition of the Beagle Club.

MR. TURNER:

Yes. Good afternoon, Deputy Presiding Officer Horsley. My name is John Turner. I'm not here with any specific organization. I actually am a long-time open space enthusiast and have been involved in a variety of open space initiatives and programs over the last couple of decades and I had the privilege and pleasure of speaking about this particular property before the Environment Committee just a couple of weeks ago when I was delighted to see that it was approved by that committee by a 5-0 vote. And I just wanted to echo what the very first speaker in the Public Portion said and that is to express support for Resolution 1011.

The acquisition programs of Suffolk County, I would argue, are the really signature achievement of this august body and Suffolk County government in general. You've done -- you do a lot of very, very good things. And just listening to the comments today and have been before the Legislature before, I know all the different issues and subjects that come before you. But I think that in terms of the kind of permanent, enduring nature of the land acquisition programs, for open space, for parkland, for farmland preservation, that there's nothing more important than those programs for what this Legislature has done. So I want to applaud you for that.

The particular property itself did speak about it. Again, at the Environment Committee, and as the first speaker said, there's an endangered species that are located on the property, the entire tracts is wooded. It's 150 acres, it is one of the larger, certainly, remaining unprotected, undeveloped tracts that remain in Suffolk County. It's a property that's got some rare plants that have been discovered on it. I did have the pleasure of walking the property in some detail a couple of

weekends ago and was able to document some of the species that I did mention to the committee at the time, I won't go into that detail now. But I do think that the property has significant recreational, ecological and hydrological significance and importance. So I hope that the Legislature will vote to approve the acquisition of this parcel later today. Thank you.

D.P.O. HORSLEY:

Thank you very much, Mr. Turner.

All right. The next speaker is Bob DeLuca from the Group for the East End.

MR. DELUCA:

Good evening, Legislator Horsley, members of the Legislature. My name is Bob DeLuca, I serve as President of Group for the East End which represents the conservation and community planning interests of several thousand member households, businesses and individuals across the five towns of Eastern Long Island. I'm here to speak in support of IR 1011 and IR 1197.

For the purpose of brevity, let me just echo what was said by John Turner before I spoke. Certainly we support the many values of the Beagle Club property. Two additional thoughts I would just offer at this time; one of them is that this property represents 150 acres of clean groundwater recharge and is to be acquired under the Drinking Water Protection Program. And in terms of available open land for this very purpose of groundwater recharge, there's not a whole lot left. And this is a valued piece because it's around -- it's surrounded by other agricultural lands where the development rights have been purchased by Suffolk County and provides some buffering from potential nitrogen contamination associated with the agricultural use of those properties.

And the second thing I would just like to point out, if folks don't know this, thousands of people who visit the East End every year, maybe tens of thousands, travel the corridor along Edwards Avenue on the way into wine country and pumpkin picking and all these things. And thanks to the work of Suffolk County, there is now over a 400-acre assemblage of protected land along that Edwards Avenue corridor which is a very positive part of our East End economy, and it invites people to see the East End and its rural heritage in a way that could not be protected but for the work of Suffolk County. So I thank you for that and encourage you to move forward with IR 1011.

On IR 1197, this is the bill that would allow a time-out to take a look at the way that we are prioritizing parcels of land for acquisition under our now reduced funding schedule. I stand in support of the revised bill and I would like to acknowledge the help of Legislator Kara Hahn and also members of the EPA Committee who have listened to the environmental community, made adjustments to that law that would allow what us what we think is a shorter period of time for review and also allow the planning steps process to still continue forward while giving us an opportunity to see how we can prioritize the many parcels that could potentially be acquired against the limited revenue that will now be available to the County for at least the near term going forward. So I want to thank her for that work.

And I appreciate the opportunity to be given here as well as before the EPA Committee to offer my thoughts and look forward to our continued work with the Suffolk County Planning Department and Real Estate as well to help facilitate the quickest and most expeditious review of the master list and the existing assemblages to help you prioritize future acquisitions. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. DeLuca, we appreciate you being here.

All righty. The next speaker is Mason Haas who wants to speak about sex offenders; I couldn't read your other -- what you're -- the group you represented.

MR. HAAS:

I asked that you -- I am an elected official of the Town of Riverhead. I ask that you call everybody back to the horseshoe, please.

MS. MAHONEY:

You need to hold the button down while you speak.

MR. HAAS:

Ah, hold the button, okay. As you gentlemen know, I have been involved in this issue for quite some time, back in 2007 when I first approached the Legislature about this issue. I've worked hand-in-hand with Legislator Schneiderman, Legislator Romaine on this issue, and with your body also, Legislator Lindsay. And I applaud the efforts in adopting the last resolution where we were going to turn around and make a more equitable decrease in the amount of homeless sex offenders housed on the East End.

But my issue here today is because of a discharge bill that's been put out there, 1391 I think is the number. My question is there's talk of closing down the Westhampton homeless sex offender trailer, and the question I have is what happens to those people that are in that trailer? Are they going to be shipped over to the Riverside trailer that's on the Sheriff's property? Because that borders my town and it's been an issue with us regarding this, because it's our school district that it also affects.

This trailer on the Sheriff's property, according to Pictometry which is used by the Suffolk County GIS, Suffolk County FRES, Suffolk County PD, it shows that the trailer is located within 1,088.92 feet from the library. What I passed along to you is a schedule of the library's programs regarding the children's programs and regarding the teen programs that go on there. The schedule has many things on it, Mother Goose, preschool play time, play "Hooray Babies", "My Grown Up & Me". When you go over to the teen section, it's homework help, babysitting courses, these are all taking effect, in place within 1100 feet of the property where the trailer is located. It's a smoke and mirrors game regarding that trailer over on the Sheriff's property because -- and I can tell you this is a fact because I have many friends who are Correction Officers and Sheriffs, they have no control over that, what's going on over there; they can't stop them from coming or going. And when they do come back to town, they can walk around Riverhead until they decide to go over to the trailer. But my main concern is, again, what will happen if you vote to close down the Westhampton trailer? Can anybody tell me so I can go back and tell my town where those residents are going to go? Because if you don't have a plan, you can't really close it down.

That trailer, I grew up in Westhampton. That trailer is miles away from the school district. It's really miles away from the population. It's near a senior citizen community, but I've been involved in this program long enough to tell you that the sex offenders that I've looked at that are all being housed are children, are pedophiles and not attacking adults.

D.P.O. HORSLEY:

Mr. Haas, could you please wrap it up?

MR. HAAS:

Okay. So again, I'm putting a question out there if somebody could answer that; what is the backup plan? Where are you going to house them if you close the Westhampton trailer down?

D.P.O. HORSLEY:

Yeah. Unfortunately, during the public portion we're not allowed to -- you're not allowed to ask us questions. But I'm sure any one of the Legislators that you want to address, maybe you might want to ask them personally.

P.O. LINDSAY:

It's Legislator Schneiderman's bill, I would suggest that you have a discussion with him and what he proposes to do with it. But again, like Legislator Horsley said, under our rules, we're not supposed to have dialogue back and forth on the public portion. It's supposed to be the public's time to ask and stuff, okay?

MR. HAAS:

Okay, I understand that. I just ask that you ask that question as to what's going to happen with those before you vote on that, to discharge that.

D.P.O. HORSLEY:

Okay.

MR. HAAS:

To vote on that resolution. Thank you.

P.O. LINDSAY:

Yes.

D.P.O. HORSLEY:

Thank you very much, Mr. Haas. We appreciate you being here. Mr. Larry Phillips on Health Smart.

MR. PHILLIPS:

Hi, guys. Thank you. I just wanted to say thank you for everything you do for Suffolk County and your patience and time today. You guys are great.

My name is Larry Phillips, I'm Administrator in the Central Islip School District. Among my responsibilities, I am also the Director of Health and Health Services, as well as Athletics and Physical Education. Like Claude and Mike, I'm seriously concerned about the potential cuts to Health Smart. Point blank, it's going to devastate almost 7,000 students in the Central Islip School District.

The State Ed Department says HIV mandates we have to teach them.

We have to teach them K-12 in Central Islip like other districts, we teach them through the Health Smart. The New York State Education Department says health in general is mandated K-12 and, once again, like other districts, we teach that through the Health Smart. No way, now ay can we afford textbooks, materials, resources, guest speakers, etcetera, in the Central Islip School District without Health Smart.

I became the Administrator there, the Director five years ago. Four years ago we had a tremendous amount of teen pregnancies in our junior high school. And I just want to repeat that so you heard that right; our junior high school had a tremendous amount of teen pregnancies four years ago. This year, to my recollection, to my knowledge, we have zero. That is in large part to the Health Smart. We did a lot of research as a district. There's a lot of research out there, all right, on what works, and Health Smart was our number one choice.

So again, it's not a coincidence that we have no teen pregnancies this year in junior high school and we're trying our best in our high school also, and they are going down because of Health Smart. Obviously it's one of the many benefits of the Health Smart curriculum.

What I'm asking is, if at all possible, to reinstate the funding for the Health Smart program. Let me stay it again, almost 7,000 students in the Central Islip School District will be greatly -- will greatly, greatly suffer without that funding. And I thank you guys for your time.

D.P.O. HORSLEY:

Thank you very much, Mr. Phillips. And we appreciate you coming down here today.

The next speaker is Dick Amper, of course from the Pine Barrens Society.

MR. AMPER:

Good afternoon. I am joining my other colleagues in support of 1011 and 1137. I want to echo my compliment of the way the EPA Committee, and others of you in and out of the administration, responded to our concerns. Specifically the consensus that was developed about allowing any acquisition that had received either an offer or some form of contract to go through out of fairness. It just took a lot of pressure off the concern about the program and that was extremely helpful.

Legislator Hahn listened very carefully to our concerns about timing. The modifications that were made are not going to impair the program going forward on that front. We are also the -- members of the environmental community are working with administration folks and the Planning Department and the Real Estate Department, looking at the ranking system to understand any concerns that you folks may have, and we certainly welcome those going forward. And I think that working together with both the Executive and Legislative branches of government, and especially the members of the EPA Committee here, was very, very helpful. Once we were able to convey to you our concerns and interests, we certainly obtained very, very responsive participation and Legislator Hahn is to be congratulated for making those fine-tuned and to keep us all focusing on the notion of let's keep the program going, let's do more good land preservation and drinking water protection going forward.

So I thank you all. I hope that the rest of you around this horseshoe will also support the understandings that we've arrived and approved the Beagle Club property and to continue to work. Any concerns that you have, please convey to me the directly to us or through the EPA Committee. We're eager to work with the Legislature when we can get the kind of responsiveness that we've gotten from the Legislature in this particular case. Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Mr. Amper. And we appreciate your kind comments.

Mr. Paul Malik? It looks like backflow preventers.

MR. MALIK:

A very different topic.

D.P.O. HORSLEY:

I can see that. We welcome a new topic.

MR. MALIK:

Every time I come here --

LEG. GREGORY:

You have to press the button, Sir.

MR. MALIK:

This is my wife Colette. Briefly, we were living in Suffolk County since 1967. Oh, I'm sorry. Thank you. 1967, and we moved to Northport in '69, June 30th, 1969, a very hard day. Nice to see you, Sir.

LEG. SPENCER:

Nice to see you.

MR. MALIK:

He's my Legislator, but I haven't met him before, because he was supposed to meet me but then he said he was too busy.

*(*Laughter*)*

D.P.O. HORSLEY:

He's quite a guy.

LEG. SPENCER:

That's not true.

MR. MALIK:

Whatever. I depend on myself, Sir. Both my wife and I have been very active in the rotary clubs. We collect a lot of money from local rotary clubs and we were able to bring the library in New Delhi, India, in 1998. I have a B license, so I know what I'm talking about. I know our engineering. When some of the rules which are coming through from the Suffolk County Water Authority are absolutely unbelievable. It looks like somebody knows somebody. While we are here -- Collette, you want to say anything?

MS. MALIK:

No.

MR. MALIK:

Some time back we received a letter from Suffolk County Water Authority that our rating, 209, which is across the Village Hall in Northport, beautiful, a 130 year-old building, needs a backflow device when the water enters our building to prevent possible domestic contamination from going back into the public water system. I analyzed it and I calculated that the worst case, there will be point nine gallons of water come out from our building to the main sewer -- the main supply system. Now, you tell me what point nine gallons are going to do with thousands of gallons going to it. That such case, it should not happen.

I met the Chairman who used to be a Northport resident, Gaughran, yesterday at the Suffolk County Water Authority; a beautiful building, beautiful, everything set up is beautiful. But the reason they told me was that we have a barber known as Oscar in the village for the last 40 years. He's one of those who have -- and I hope you fellows do the same. He has not raised his fees in the last 40 years; he still charges two-and-a-half dollars for every haircut. Not only that, I got six pages, seven pages of the people working for him that he never washes men's hair. In spite of that, the Suffolk County Water Authority still wanted me to put a device which could actually damage my property and is completely unnecessary and unengineered.

*(*Timer Sounded*)*

So what I'm here for is this, that we requested -- what they're doing is they say one barber is the same as the other barber. This barber only cuts hair, but the other hair salons, many, many barber salons and other stuff. So what they're doing is imposing a lot of fees and testing --

D.P.O. HORSLEY:

Mr. Malik, could you please start to wrap it up?

MR. MALIK:

Okay. What we request is someone in your Legislature will say one -- what is that word? One glove doesn't fit all, you know? That one barber is not the same as the other barber. So I would like to differentiate so I get rid of this unnecessary intrusion in my property. Thank you to everyone.

D.P.O. HORSLEY:

Thank you very much, Mr. Malik. And Doc Spencer, maybe you'll visit, Oscar was it?

MR. MALIK:

Yeah, Oscar.

D.P.O. HORSLEY:

Oscar; sounds like quite a guy.

LEG. SPENCER:

I'm looking forward to meeting with Oscar.

D.P.O. HORSLEY:

All right, there you go (*Laughter*).

LEG. SPENCER:

And Mr. Malik also.

D.P.O. HORSLEY:

The next speaker is Nancy Marr about redistricting.

MS. MARR:

Good evening. I'm Nancy Marr and I was here before. This is a final statement from our Redistricting Commission, unfortunately.

Looking back over what we've been doing, I realize that during the years leading up to the 2010 Census, there was really a nationwide hope that we could find a way to reapportion districts that would be transparent and open to public participation. It could create competitive districts where each person's vote would fully count. Governor Cuomo joined many others in setting a goal of an independent commission to override the tendency to preserve incumbent's power or to gerrymander to create districts that included or excluded particular groups.

We in Suffolk County, like many other municipalities, sought a way to make redistricting fairer and passed a Charter Law that set forth the rules for a commission that would be both nonpartisan by appointing only members who are not connected to a political party, and bipartisan by having the appointments made by the majority and minority parties in the Legislature. I speak for the members of the commission to say that we were honored to be given this task. Now we realize that it cannot be done within the guidelines of the Charter Law passed in 2007. Many other communities have not succeeded and have accepted comprised district lines, but others have succeeded and many are continuing to involves voters in the process of finding a new way other than the courts.

Citizens all over the country have become aware that their local government need not rely only on political incumbents to configure the voting lines. And we, too, challenge Suffolk County to go back to the drawing board to write a Charter Law that will create a transparent and fair process for drawing the lines for the Legislative Districts after the next Census, which is not till 2020. Thank you.

D.P.O. HORSLEY:

Thank you very much, Ms. Marr.

That is my final card. Would anyone else like to be heard tonight? Anyone else like to be heard? Anyone else like to be heard? Seeing none, I'll take a motion to close the public portion.

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Legislator Romaine makes the motion. Seconded by Legislator Barraga. All those in favor? Opposed? So moved. And I would like to thank --

MS. ORTIZ:

Sixteen (**ACTUAL VOTE: Seventeen - Not Present: Legislator Muratore**)

D.P.O. HORSLEY:

-- my trusty time person, Legislator Cilmi, he's done quite a job tonight.

LEG. CILMI:

(Laughter).

D.P.O. HORSLEY:

Okay. We're down to -- next up is the Consent Calendar. I'll take a motion to --

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion to approve the Consent Calendar. Seconded by Legislator Cilmi. All those in favor? Opposed? So moved.

MS. ORTIZ:

Seventeen (Not Present: Legislator Muratore).

D.P.O. HORSLEY:

The next piece of business is the Tabled Resolutions to March 27th, 2012:

1299-12 - Bond Resolution of the County of Suffolk, New York, amending Bond Resolution No. 1054-2008 heretofore adopted on December 2, 2008, authorizing the issuance of \$500,000 bonds to finance a part of the cost of improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158.310). Can we have a motion on this?

P.O. LINDSAY:

I'll make a motion.

D.P.O. HORSLEY:

Motion by Legislator Lindsay. I'll second the motion.

LEG. KENNEDY:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Romaine.

LEG. KENNEDY:

Do we -- oh, okay.

LEG. ROMAINE:

I think Mr. Kennedy was first.

LEG. KENNEDY:

I'm just curious to see if we have anybody from Public Works here. Or Ben, maybe you can talk to us about this.

MR. ZWIRN:

Yeah.

LEG. KENNEDY:

There was talk last Fall when there was -- maybe it was even earlier than that, back when there was some plan to do a variety of different types of initiatives with property out in Yaphank. And there was some discussion that we were going to have to have increased flows that were going to be coming into this treatment plant. What is the improvement or the upgrade? Is it for our existing County buildings or is this to accommodate additional flows from other anticipated projects?

MR. ZWIRN:

I believe -- this resolution itself is taking \$50,000 out of the original bond. I'll answer Legislator Romaine's question that I think he's going to ask, that he asked at the last meeting, as to whether this had to be bonded or could this come out of Assessment Stabilization Reserve. Let me answer Legislator Romaine's question and then I'll address yours.

LEG. KENNEDY:

Sure, that's fine.

MR. ZWIRN:

The answer, Legislator Romaine, is that at the time that this was passed the answer was no. But since that time, with the new resolution that was passed last year, this would be eligible for Assessment Stabilization Reserve Funds because it's a County -- it's \$500,000 that could now be done that way.

LEG. ROMAINE:

With Mr. Kennedy's and the Presiding Officer's permission, just to follow-up to that. So if we could use Sewer Stabilization Reserve Funds for this, we could prevent us from going into a half million dollars into debt by using an existing fund that already is capitalized; is that correct?

MR. ZWIRN:

Yes. It would probably be best to table this resolution another round so that we can get the paperwork done, and in the meanwhile I could answer Legislator Kennedy's.

LEG. BROWNING:

Motion to table.

LEG. HAHN:

Second.

LEG. BROWNING:

Motion to table.

D.P.O. HORSLEY:

Okay. We have a -- who was the --

LEG. BROWNING:

I made the motion.

D.P.O. HORSLEY:

The motion was made by Legislator Browning. Second by Legislator Hahn. We now have a motion -- we have a motion on the floor to table. Legislator Lindsay.

P.O. LINDSAY:

Ben, correct me if I'm wrong, but we already bonded this money. Isn't this just moving the money around within the appropriation, from construction to planning?

MR. ZWIRN:

Yes.

P.O. LINDSAY:

So we already bonded it. I don't know what we're talking about.

MR. ZWIRN:

I don't think it's --

LEG. MONTANO:

It's not bonded.

MR. ZWIRN:

No, it's not bonded yet.

LEG. MONTANO:

It was authorized.

MR. ZWIRN:

It was authorized, but we didn't --

D.P.O. HORSLEY:

Counsel, do you have any -- can you share any light on this?

MR. NOLAN:

Yeah. Last year we passed a resolution which basically approved spending the money, but moving the money within the project \$50,000. What's before you is the accompanying -- the Bond Resolution needed to be corrected to reflect that change we made last year, so the bond hasn't been issued yet. The Bond Resolution has to be approved. At the last meeting I kind of argued this was more of a technical type of issue, but it's up to the Legislature what they want to do.

P.O. LINDSAY:

Let it be tabled and let's get some more information.

MR. ZWIRN:

Right. Okay.

D.P.O. HORSLEY:

First of all, Legislator Browning would like to ask a question.

LEG. BROWNING:

No. Well, basically I was going to say, I'm making the motion to table. I want to see if it's attached to any new projects that may be coming along. But I -- no more discussion; table.

P.O. LINDSAY:

It isn't a new project. It isn't a new project. It's a project --

LEG. ROMAINE:

It's an existing old project.

LEG. BROWNING:

Right.

D.P.O. HORSLEY:

Okay, now that we've clarified that. Is there anyone else who would like to be heard on this? We have a motion on the floor to table which takes precedence. All those in favor? Opposed? So moved, it has been tabled.

MS. ORTIZ:

Seventeen (Not Present: Legislators Muratore).

D.P.O. HORSLEY:

All righty. We're moving on with the Introductory Resolutions for March 27th meeting, starting with --

LEG. KENNEDY:

Mr. Vice-Chair, can I make a motion to take a resolution out of order? I'd like to make a motion to take 1195 out of the order. We have a couple of speakers here who had spoken during the public portion, and in consideration to them, if we could, we should have the debate.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

All righty. We have a motion to take out of order, on page eleven, 1195, a Charter Law to prevent the court-imposed redistricting plan. Is there a second on the motion?

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Second on the motion by Legislators Romaine. Are there any other further motions? That being the case, Legislators Kennedy, you would like to --

P.O. LINDSAY:

Take the vote to take it out of order.

D.P.O. HORSLEY:

Oh. All those in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen (Not Present: Legislators Muratore).

D.P.O. HORSLEY:

So moved. It's been approved to take it out of order.

Okay, now I'll take a motion to -- on ***1195-12 (Adopting Local Law No. -2012, A Charter Law to prevent a Court Imposed Redistricting Plan) (Presiding Officer Lindsay)***.

P.O. LINDSAY:

I'll make a motion to approve.

D.P.O. HORSLEY:

Legislator Lindsay makes a motion to approve. Second by Legislator Gregory.

LEG. KENNEDY:

And I'll make a motion to table.

D.P.O. HORSLEY:

Legislator Kennedy makes a motion to table.

LEG. ROMAINE:

Second.

D.P.O. HORSLEY:

Second by Legislator Romaine. On the motion?

LEG. KENNEDY:

On the motion to table, I'll just renew what I had spoken about in the Ways & Means Committee.

As my colleagues know, there was a competing bill that I had introduced, 1196, that was tabled in committee and was tabled.

The bill that I had introduced would have allowed for the committee that we heard members -- as a matter of fact, the majority chair, Ms. Marr, speak about -- that has worked diligently, worked responsibly and actually come quite close, I think, to having had a final product based on what was an effort from a committee that was a committee selected across the board. Nevertheless, my colleagues chose to table that bill and instead move the Presiding Officer's bill. I think that we are -- in having this bill put forward and having this bill moved, our frustrating what the purpose and intent of a prior body was, a prior Legislature that, quite frankly, what was heralded as a revolutionary step on our part to go with a nonpartisan approach.

And the other thing that I'll say, I said this in committee and I'll say it again, I object to the manner and the method in which this resolution is before us today. Notwithstanding the prior litigation, and I have read the Appeals decision again just last night, I believe that the way in which the majority of that committee was achieved was improper, so it is not properly before us.

D.P.O. HORSLEY:

Thank you very much, Mr. Kennedy. Ms. Browning.

LEG. BROWNING:

You know, I can say that when this first came up, I don't believe I voted to support this from the beginning. I felt that the third parties, and this body is represented by not just two parties but by four. And I'm very disappointed, because over the -- with the process -- and it would be nice to see a nonpartisan group create the districts. However, I do believe it has been severely corrupted by political party leaders making decisions and selecting individuals to sit in on this commission. So I have lost faith in the fact that this could be a nonpartisan commission, and that's why I will support Legislator Lindsay's, our Presiding Officer's legislation.

I think over the years that I've been here, since he's been our Presiding Officer, when we work on our budgets, it's always in a bipartisan fashion. And when it comes to redistricting, I know that he will work in a bipartisan fashion for the redistricting. So it really is a shame that it did become corrupted and that certain political party leaders were making selections of appointees. So I will support Presiding Officer Lindsay's legislation.

D.P.O. HORSLEY:

Thank you very much, Legislator Browning. Legislator Gregory.

LEG. GREGORY:

I think Romaine was before me.

D.P.O. HORSLEY:

Oh. I'm sorry, I didn't see you over there. Legislator Romaine.

LEG. ROMAINE:

I'll have to make myself --

D.P.O. HORSLEY:

Thank you for the correction, Legislator Gregory.

LEG. ROMAINE:

I'll have to be a little bit more noisy in the future, Wayne.

*(*Laughter*)*

Five years ago I joined with someone I did not consider a political ally at the time, which was our County Executive, Steve Levy. And I've had my disagreement with him over the years.

P.O. LINDSAY:

I didn't know that.

LEG. ROMAINE:

Yeah, it's kind of a surprising. But this is one thing that I agreed with him that he put forward. This is an initiative of good government. Not giving some methodology of selection, left to the Legislature, the majority is going to prevail, and the majority may not always be right or may not always draw the best districts. And I heard Legislator Browning say, *we need nonpartisan. We don't need the two political parties to choose an even amount of people, Judges, civic people, League of Women Voter people, we don't need that. We need something nonpartisan.* I can't think of anything more nonpartisan than the Courts. The Courts just drew our lines for Congress and they came out pretty good. This bill would prevent the Courts from drawing the lines.

LEG. MONTANO:

No, it wouldn't.

LEG. ROMAINE:

It would enable -- it would prevent -- I think the legislation reads, *"A Charter Law to prevent a court-imposed redistricting plan"*, that's the title of the legislation.

LEG. MONTANO:

Right.

LEG. ROMAINE:

So I assume that the --

D.P.O. HORSLEY:

Mr. Montano, you want to be added to the list?

P.O. LINDSAY:

Let him finish.

LEG. ROMAINE:

Okay. No, I'm sorry. My argument would be I think that we can do this. I think that this commission, despite whatever problems and difficulties that it's had, can be formulated correctly, can meet -- we don't need these lines until about a year from now. We're not up for reelection till 2013. This isn't the Congressional, this isn't the State Senate or the Assembly, these are our lines for next year. But there's a enough time for nonpartisan to meet. I think there's an important principle here. And although some people have been critical of the process so far, I really don't want to see the perfect be the enemy of the good in this case, and there is good to be done by this commission. I think a commission like this, properly constituted, and that can be done with enough time to draw the lines and get them to this Legislature in time.

I respect our Presiding Officer and I understand his desire not to have the Courts impose a redistricting plan and I understand his motivation, and I believe it's altruistic. But that doesn't take away from the fact that we should establish a recurring pattern of redistricting that's done either in a bipartisan or a nonpartisan fashion. If you don't like what's happening now, let's sit down as a group and change it. But if we here take it, maybe this time it will work out. Maybe ten years from now it won't and the majority may come up with something that is so wholly unacceptable to the minority that people will say, *"Why didn't they when they had a chance, for a bipartisan or a nonpartisan commission, move forward with that?"*

This is an issue of good government. This is an issue that's being debated at all levels, at the State level, even at the national level. We saw our Congressional lines that couldn't come to an agreement and the Courts had to impose and those lines, for the most part, seem to be fair. What I think people are looking for are lines that are drawn fairly, not by the people that can benefit from them but by an impartial group, be it bipartisan or nonpartisan.

If the original law doesn't work, let's sit down, let's get together, let's make it work. We have an opportunity to do something that will set a pattern for all future redistrictings and say that Suffolk County is on the side of good government. That's all I would consider. And again, I can't vote -- despite the good intentions of our Presiding Officer, I cannot support 1195.

D.P.O. HORSLEY:

Thank you very much, Mr. Romaine. We appreciate your comments. Legislator Gregory.

LEG. GREGORY:

Thank you, Deputy Presiding Officer. I at first am compelled to state that the members of the task force or the committee, this is not a reflection of them. I believe that they put forth their best efforts to -- for the duty that they were called upon to do. Unfortunately, you know, this is a failed experiment. And with all good intentions of this bill at the outset, you know, the players in this scenario have victimized the process.

And I think there's a misconception that the Presiding Officer's bill eliminates or repeals this body or this nonpartisan or bipartisan committee; that is not the case. Ten years from now, reapportionment in 2022, this Legislature will have to establish another bipartisan committee to review or to establish Legislative Districts. So the good government piece is still in place. It's just unfortunate that the political landscape as it stands today prohibits us moving forward in a constructive and good government way, and I think it's incumbent upon us to eliminate those considerations. I don't think they're going to change as we get closer to the reelection, I think it's probably going to intensify, if anything.

So I think what the Presiding Officer is trying to do is responsible and I support his efforts in restricting, or putting off I should say, a court-imposed districting plan when we have shown that we can do it. We have shown on the majority side that we are willing to take a good government approach. We have appointed our members in a timely fashion, we were committed to this process,

and unfortunately, you know, it's not our -- you know, it's not left to our own devices alone to ensure that this process is successful. Everyone part of this process has to have a stake and believe in that, and unfortunately with the political landscape the way it is today, that is not the case. So I will be supporting the Presiding Officer's bill. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Cilmi.

LEG. CILMI:

Yes. Thanks, Mr. Chair. I'll be very brief. I've been here for a little more than two years now and I've seen this body act in a really -- you know, I won't say a bipartisan way, I'll say a nonpartisan way, to protect people's health, to protect our environment and our drinking water, to pass budgets, and we've done so facing significant challenges. I mean, even challenges to different bills. This bill is clearly -- the bill that originally created this law was clearly flawed. There were some challenges that presented themselves that were difficult to overcome, and maybe still are. But I would implore my colleagues not to give up on this process just because we've encountered problems and challenges. We've encountered challenges and problems before and members of this body have worked together to address those challenges and find solutions.

Legislator Kennedy worked very hard within the confines of the law that currently exists in good faith to make this work. Even so far as in a bipartisan way or in a nonpartisan way to offer, once the makeup of the committee had been established and a chair had been selected, to say, you know, we should probably have dual chairs for this committee so that it was, in fact, completely nonpartisan.

So I would ask my colleagues to -- rather than give up on this commission, to allow it to continue its work. And once its done -- and I have every confidence that it will be done in a timely fashion. Once it's done, let's get to work on fixing the legislation as it currently exists so that the process can continue in the future in a much more efficient and effective way. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator Barraga.

LEG. BARRAGA:

My following comments are really not reflective of any individual here or any majority, even the majority here, but it does reflect my feelings with reference to reapportionment having gone through that experience four times, and this will be my fifth time. Each time, starting in 1980, there was a reapportionment commission established to take a look at a fair and equitable distribution and makeup of districts at the State level. Each time they failed.

Now, I think all political parties are supportive of establishing a committee or a commission to deal with drawing fair and equitable lines, until, until the final vote is tallied on the last election before you actually get to draw the lines, because that last election determines who's in the majority. Up to that time, there always is a degree of doubt. I think we saw this at the State level when former Mayor Koch went out and spoke to a whole host of elected officials and leaders on both sides of the aisle and they were all on board to deal with reapportionment differently this time until the election took place and everybody found out who was in the majority; then things changed rather dramatically. Then the majority, whoever that is, finds excuses, "reasons", that the current commission, the current committee, whatever the legislation is, is not going to work for all of these reasons.

Now, if you were in the majority party, whether Republican or Democrat, the reason you're saying this is that you want control. You want to draw the lines. You, as a majority, are interested in establishing an incumbent protection program; that's what this is. The good government groups are fine. But in this case, you're wasting your time. The media can take positions editorially and say,

"Look, you know, let's extend this bill"; you're wasting your time. This is all about power and control and who draws the lines, and who draws the lines are the ones with the votes, the majority, whether Democrat or Republican; it is what it is.

Now, after I speak, I am sure there will be several speakers further justifying what they're going to do here. What they're going to do here is wrong, but they're going to do it anyway. Because most elected officials are wonderful people. They're committed, they're hard working, they put in the time and the effort, but a lot of them are a little insecure. And no matter how altruistic a leader is, that leader is going to have problems even with his own majority when he starts drawing the lines. Because I know what happens; the majority member walks in and he says, *"You know, Fred,"* to the speaker or whoever it is, *"If I only had a little more of this hamlet here and a little less than this hamlet, I could do much better,"* and he gives the majority member a little more of this and a little less of that, and the ones who pay the price are the ones in the minority, whatever that party may be, and of course the people of Suffolk County.

Now, the interesting thing about reapportionment is that it's in-house. Most people don't care. The media writes about it, but most people don't even understand it. But it does have rather draconian effects on someone who sits in the minority party in any Legislature, and I ought to know. So this vote to the good government groups is going to pass today. And it's not going to make any difference if Democrats are in the majority or the Republicans are in the majority; if I was the leader of the Republicans, I'd be doing the same thing. But it doesn't make it right, that's the point.

You're sitting there, you know -- and I was listening to Nancy Marr. I don't know Nancy that well, but Nancy, I'll tell you this. You and the ladies ought to go to Stop & Shop and buy a big bag of peanuts and go to a park and feed the pigeons today, because you will accomplish more doing that than sitting there on this bill today. At least at the end of the day you'll know the pigeons will have a full stomach. Thank you.

*(*Laughter*)*

D.P.O. HORSLEY:

Thank you very much, Legislator. Legislator D'Amaro.

P.O. LINDSAY:

You have any peanuts?

*(*Laughter*)*

LEG. CILMI:

I have a banana for you, Bill.

LEG. D'AMARO:

I don't -- I hear Legislator Barraga and my colleagues. This is a difficult vote for me, unlike the characterizations that we just heard about all of us are somehow just playing politics with this issue; I'll speak for myself on that. I voted for the original bill. I supported it, I spoke out strongly in favor of it, I worked along with the good government groups and I wanted this to work. But it's been, I believe, a year that we're waiting for the bill to -- for the appointments to be made and the bill to have the effect that it was intended to have.

So what was the objective of the bill? The objective of the bill and this new procedure was to depoliticize, depoliticize the process. Has the objective been met? I don't think so. I'm not privy to, Legislator Kennedy, what your efforts have been. I don't know what's happened in the last year. And it really begs -- I mean, I want to support an extension, and I want the nonpartisan or bipartisan effort to go forward. But if it hasn't gone forward over the last year, and the very fact that we're having this debate today leads me to believe that this is -- this has become very

politicized. Maybe, as Legislator Gregory said, it's an experiment, it's failed and we need to go back to the drawing board. But what we're -- the bill that I originally voted for just simply doesn't work.

So I'm really -- I mean, to now posture this as trying to grab back control, the majority wanting to draw its own lines, you know, I don't care who at this horseshoe says that, that's not my intention. My intention, because I supported this bill, was to give it to a nonpartisan commission and let's not split communities. I mean, if you look at my district, I think probably out of all the districts in the Legislature, mine's probably the most gerrymandered; I'll be the first to tell you that, I didn't draw those lines. And some of those lines really don't make sense, splitting communities in half, in my opinion. So I was fully supportive of that original initiative, but the goal hasn't been met. It doesn't work.

And so it begs the question why not, and that's the answer that I'd like to just throw out -- the question I'd like to throw out there today. It's my understanding that several appointments were made to this commission in a timely fashion and then several were not. Was there disagreement about that? Why didn't this bill succeed. And I just -- I don't hear anyone answering that question.

D.P.O. HORSLEY:

In deference, we're going to give him a second bite at the apple; Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Vice-Chair. Legislator D'Amaro, you pose good questions. And as a matter of fact, you and every member around this horseshoe is entitled to hear what has transpired and what hasn't.

And quite frankly, everybody around this horseshoe has previously had the opportunity to hear me speak first about the bill that I introduced that asked to modify the qualifications associated with the Judges. Because let's go back to when this clock started to tick and the efforts that the Republicans went through, the minority went through, to find two living Judges that fulfilled what that ten years requirement was. The bill, when first drafted back in 2006 and 2007, of which ironically I was not a supporter of, had in it that the requirement would be that a judicial member was off the bench for ten years. In all candor and all honesty, it was next to impossible for us to find two alive, competent, willing Judges who could and would sit.

So, you know, we craft bills and we put together requirements and we use our best efforts to try to ensure that we're getting a group that's going to be as insulated and removed from what had been a prior political life as possible, and in doing so we crafted almost an impossibility. So we changed that. We did change that and we dropped it down to five years, and we had two Judges who basically would fulfill those requirements. And we created the two chairs, dual chairs.

But in addition, we had one other thing that was missing that was very important, that was the data, the data that said what was the actual number of residents in this County at 1,493,500 residents didn't become available until some time in late November or December of 2011. From there, we went to a number of 82,633, I believe it is, which was the optimal number for residents within each Legislative District. And initially the Census data collected had an aberration in the program that collapsed various election districts and made them wrongfully appear to be vacant or non-existent districts, and the only way to ferret that out was to go through ED by ED by hand to expose that aberration. Those folks on the committee toiled to do this work.

And now we've come to this time we're, low and behold, all of a sudden, because of a calendar or something else, we're looking to say, *"Well, look, it's just not working and that's it. We've got to chuck it and bag it all."*

I say to you that year, that 18 months or that four plus years from when it first went into effect is of no consequence. In essence, the timeframe when we have actually had data and some people to go ahead and work with the committee and nobody still committed to support them, as the legislation speaks of, still hasn't materialized. So we are facing something not with some extended protracted, long remote timeframe, but really something that's only relatively 60 days elapsed since they've been doing their work.

LEG. D'AMARO:

Well, just if I could respond, through the Chair. And Legislator Kennedy, I appreciate you giving me that history because, again, I'm just not part of that process; I know you are as Minority Leader. But here's my issue; how do I -- we passed the bill a while ago.

LEG. KENNEDY:

Yes.

LEG. D'AMARO:

It required that we put in place several members of a commission. You put a bill in, or someone put a bill in, I think it was you, to change some of the requirements and we all agreed to that.

LEG. KENNEDY:

Yeah.

LEG. D'AMARO:

So we're moving forward.

LEG. KENNEDY:

Yeah.

LEG. D'AMARO:

But then, it's my understanding that the commission members were not in place until the commission I think was either out of existence or the timelines had passed or something like that. So here's my issue.

LEG. KENNEDY:

Sure.

LEG. D'AMARO:

If we know from past history that this bill didn't work, why would I wait another day, month or year to go forward with this? It's just not working. It seems to me to be overly politicized.

And frankly, I just -- for the bill that I voted for that I want to have confidence in, that it would depoliticize or, you know, work on a nonpartisan -- all those objectives and noble goals, and I think that the public is screaming out for that type of redistricting process, and I agree with that. But I just don't think this does it. And why should I invest any more time in a system, in a procedure that's set up that's just not working? It's not accomplishing the goal of the legislation. So I'm not going to put any more of my faith into that process at this point.

It's not my first choice. I will say openly and publicly it's not my first choice to give this authority back to the Legislature. But at this point, I happen to believe that I think that's less politicized than what we have going forward with the procedure that was put in place, and that's the way I see it.

*(*The following was taken & transcribed by
Donna Catalano - Court Reporter*)*

D.P.O. HORSLEY:

Legislator Kennedy, you look like you're biting at the bit to respond to that. Can I give you another minute? I'll be glad to give you that leeway.

LEG. KENNEDY:

Thank you, I appreciate that. Thank you for your comments, Legislator D'Amaro. I appreciate you sharing your sentiment. Obviously, I would disagree with you that this committee is not working. As matter of fact, I'd say just quite the opposite. As a matter of fact, they have met several times.

Let me not give the impression that I am a part of that committee or have been supporting that committee. As a matter of fact, the ladies there will say I have intentionally kept my time and direct contact with that committee to a minimum, and initially, essentially had almost no contact with that committee. Because in my reading of the legislation, I felt that once the appointments were done, my role was completed, and I had really no place to be a part of that committee. They did, to their compliment, if you will, work mightily. We subsequently had some contact.

In the absence of no other support whatsoever, I took it upon myself to furnish them with the date, I took it upon myself to go ahead and talk with them about the support that they might need. And quite frankly, I would say to you that I think to continue to give this committee through till June, that's what my bill talked about, would really be the most reasonable of accommodations, not diminish, compromise or set aside any of what we ultimately, we collectively, have set out to do in the first instance.

And notwithstanding the fact that I was in the minority, the body passed it along, and so it became my job to embrace it. So that's what I attempted to do. Like Legislator Barraga, I don't know about circus peanuts, but I do think in my eight years or nine years here, I've learned to try to become a pragmatist and a realistic. And I'm one of the few people around this horseshoe, along with the Presiding Officer, that's had the great privilege to serve both in a majority and as well as now having been in the minority.

Both branches or both -- actually as Legislator Browning said, all four parties are important here for ultimately those people that we work for. And I think all of us agreeing to allow this group to have a short time to complete it would be fulfilling what our voters elected us to do. I'll leave it at that.

D.P.O. HORSLEY:

Thank you very much, Mr. Kennedy. And certainly on behalf of the Legislature, we thank the representatives that are here today for their service. That's truly appreciated. Legislator Spencer.

LEG. SPENCER:

Thank you. I'm going to make remarks as one of the new guys here, part of the group. And one of reasons that I ran for the Legislature was my civic responsibility. I felt that I had an obligation to kind of reach back and to serve the community that I felt had really done so much for me.

And as I started to run to become a Legislator, one of things that was important was to reach out to the constituents and the district. And one of my concerns -- the way that I finish every time -- right now, I'm on a speaking tour where I'm going around and I'm listening to different communities -- is at the end, I always say to them, "I want you to hold me accountable, you are my boss. I want you to grade me at the next election by the job I have done."

When I look at this particular committee -- and my predecessor selected the committee members in January a year ago -- and it would seem important, because at that point, the majority party that voted to bring the committee into existence in the first place, it seemed important to me, before I started that term for that committee to be have been in place, because I feel that my constituents are, in effect, being disenfranchised. I feel that they should know -- my constituents should know who that Legislator is. And that committee -- that committee should have been in place and established, because after the past election, the majority could have gone one way or the other.

So now that I'm serving this term, I'm going to be graded at the next election in terms of what job I've done. The question is with who do I respect? And those lines are going to be redrawn. I think that at this particular point, that ship has sailed. I think the committee will stay in place. But I have to support this Presiding Officer's bill for that reason. So I think it's important for the voters.

D.P.O. HORSLEY:

Thank you very much, Legislator Spencer. Legislator Cilmi, one more time. It's back to you.

LEG. CILMI:

Thank you. You know, I've heard some statements and concerns that the committee has not -- is not in place or is not working. So I'd like to -- if it's appropriate, Mr. Chairman, I'd like to ask Ms. Marr a question or two, if she would indulge me. So could you share with us how many members are on this committee?

MS. MARR:

Six members.

LEG. CILMI:

It should be eight?

MS. MARR:

We should have eight.

LEG. CILMI:

Who are the Chairs?

MS. MARR:

Judge Gowan and myself.

LEG. CILMI:

Of the eight constituted members, how many, in your opinion at least, are still not valid to have not been appointed to this date?

MS. MARR:

Two.

LEG. CILMI:

Two. So we have six members --

MS. MARR:

Well, there were appointments made and both of them were invalid. There were originally eight members.

LEG. CILMI:

And who qualified them -- who disqualified them as being invalid?

MS. MARR:

You know, I don't know, and I've been trying to find that out.

LEG. CILMI:

That's a question I'd like to have answered at some point. But more importantly, I guess my point is this. You have had six members, you're missing two, certainly six out of the eight is a quorum at least. Has the lack of those two active members in any way impeded the commission's activity?

MS. MARR:

We have all the data. We have two issues. One is that I think that there is a feeling that we really can't make any decisions without all eight members because it is a bipartisan commission. And the other piece is that we're missing a support service from the Legislature in the form of somebody to help us with the computer, any sort of technical assistance. I've been doing secretarial work and mailing and things like that, but we really need somebody to help us with the computer.

LEG. CILMI:

Okay. So you have a feeling, which I certainly appreciate, that the commission couldn't do its -- you know, couldn't ultimately come out with a plan without the full complement of members. But the reality of it is that you have had a quorum, and, you know, under the laws, you could have come -- and you are -- have been working towards that goal.

MS. MARR:

Yes, we have. We met with a gentleman from GIS, I mentioned his name last time.

LEG. KENNEDY:

Jim Daly.

MS. MARR:

Jim Daly. And he showed us a whole computer setup that he had a platform, which was very impressive, but he said that he does not have time to do any more than just run it from his end. We really need somebody to link with him so that as we draw lines, he can show the community what lines have been changed, which sounds to me like a really excellent idea. But we are looking for that one piece.

LEG. CILMI:

I won't ask you, you know, what efforts you've gone through in order to -- you said that you were missing some -- you were in need of some help from the Legislature in some way, shape or form.

MS. MARR:

In authorizing a technical assistant.

LEG. CILMI:

But the Legislature hasn't been able to provide that to you at this point.

MS. MARR:

Well, I haven't asked for it. I didn't realize -- I called the Clerk of the Legislature last week, because I thought that's where I thought that would come from, and he said I had to get a -- we had to get a Legislator to bring it to the Legislature, and that then becomes a money problem. But that's what we would have to do.

LEG. CILMI:

Okay. So the fact that you haven't had all of your members really hasn't legally impeded your progress. And in actuality, hasn't impeded your progress, because you've been working all along. You were concerned that in order to provide a good representative drawing, that --

MS. MARR:

We legally can't do it without all the members.

LEG. CILMI:

Right.

MS. MARR:

The other thing, as Mr. Kennedy said, is we got the data on February 8th.

LEG. CILMI:

Right. So you had been working all along with a shortage of members given, but with certainly enough to legally do your job. You didn't have the data until February 8th. But now, I mean, you have the data. There's nothing that suggests -- I won't lead a question, okay. Is there anything that suggests at this point that the commission won't be able to, at this point, expeditiously do your job?

MS. MARR:

I think we need help with the computer.

LEG. CILMI:

You need help with the computer.

MS. MARR:

There are actually four districts that are overpopulated, and we're looking at how we might do that.

LEG. CILMI:

Well, I'm sure the Legislature can figure out a way to help you with your computer work.

MS. MARR:

Okay. Well, then I'm sure we could it in 120 days.

LEG. CILMI:

I'm thrilled to hear that you believe that you're fully prepared, with the help of some computer work to do this job now. And I would say to Legislator D'Amaro, here's your -- you know, trust in Ms. Marr.

D.P.O. HORSLEY:

Okay.

LEG. CILMI:

Thank you very much.

D.P.O. HORSLEY:

Thank you very much, Legislator Cilmi. Legislator D'Amaro. We have to start winding this down, guys.

LEG. D'AMARO:

Sure. Very quickly. Okay. I just want to make the point that, you know, when I voted for the bill, I voted for a full commission, and I appreciate very much that they are prepared to go forward with less than a full commission, but that's not the intent of what we voted for. The makeup of the commission is very important.

And I think it just pretty much proves the point that I was trying to make that here we are sitting here today, if this bill didn't pass, we are still not ready to go forward with this process. It's a failure. The process is a complete failure. It was best of intentions, it was well-intentioned when it passed, I was well-intentioned when I supported it. I still believe in the concept of giving this to an independent commission, but this particular procedure, as I hear this testimony here today, has completely failed. We are sitting here on March -- what's today, 27th -- March 27th, and the commission is still not in place. And I'm supposed to have faith in process going forward? I don't think so.

D.P.O. HORSLEY:

Thank you very much. I'd like to wrap this up now. I think we've all had a chance two times, so I'm not shutting anybody down. But I would like to -- does anybody else like to be heard that has not been heard as yet? Legislator Lindsay, to wrap this up.

P.O. LINDSAY:

I've listened to Legislator Barraga. I think I was the only Legislator present at the body the last time we went through this process.

LEG. NOWICK:

I was.

P.O. LINDSAY:

You were? No. You were elected in November. I think it was -- I think we voted on it before that maybe. If I'm wrong -- but I know that we were in the minority at the time, the Democrats. And the result of the redistricting is that two Democrats were put in the same Legislative seat, I was one of them. So I am -- you know, I am aware of the realities that you talk about of the majority in politics and whatever.

I disagree with so many things that were said here today. Mr. Cilmi -- Legislator Cilmi, this is a legal issue. Repeatedly, repeatedly, the minority has missed the deadlines in the original bill from everything from appointing commission members to meeting deadlines with a plan. And it isn't data-driven. It has nothing to do with being data-driven. The process is tainted. The bill was so anal, it defined who the commission members were, where they came from, two judges from each side, a representative of a recognized minority organization, a recognized member of a voter advocacy organization.

Legislator Cooper, I just salute him, because he made his appointments -- they were due last January. He made his first appointment on 1/3/11, the other one 18 '11, the other one 19 '11, and the fourth one I think was made in January as well. He had no problems making his appointments: Nancy Marr from the League of Women Voters; Irving Tolliver from the NAACP; two judges, Harry Seidel and Leon Lazer. He had no problems at all.

I don't know where the stuff came in with dual Chairman, that was never in the bill. It was never in the bill. And although I disagreed with the concept of the bill when we debated it here, I wound up voting for it. But it was -- I thought the bill was flawed from the beginning. I thought the ten-year thing was flawed. I remember debating this on the floor saying, "How are we going to find a judge that retired off the bench ten years? Most of them work until their 70s." And we wound up changing that. You know, Legislator Kennedy brought it to us, we changed it, we extended the deadlines. It's not going to change, guys.

I mean what we have here, this is supposed to be a nonpartisan redistricting commission. It isn't supposed to be bipartisan. You have side appointed nonpartisan people, and you have the other side appointing partisan people. It's not fair. I can't go along with it. It's as simple as that. So, you know, I introduced the bill, I will support the bill.

D.P.O. HORSLEY:

All righty. We've all talked ourselves silly here. What we will do is we have a motion to table that will take precedence. Roll call on the motion to table.

*(THE ROLL WAS CALLED BY RENEE ORTIZ -
CHIEF DEPUTY CLERK OF THE LEGISLATURE)*

LEG. KENNEDY:

Yes to table.

LEG. ROMAINE:

Yes to table.

LEG. SCHNEIDERMAN:

No to table.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No to table.

LEG. STERN:

No to table.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

P.O. LINDSAY:

No.

MS. ORTIZ:

Seven.

D.P.O. HORSLEY:

Motion fails. The second motion is to approve. Roll call.

*(THE ROLL WAS CALLED BY RENEE ORTIZ -
CHIEF DEPUTY CLERK OF THE LEGISLATURE)*

P.O. LINDSAY:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

MS. ORTIZ:

Twelve.

D.P.O. HORSLEY:

The motion passes.

P.O. LINDSAY:

I'd like to take over the reins again for a minute. I'm told we have a man in the audience, Mr. Halverson. Mr. Halverson is waiting for an appointment, I don't want to keep him here all night. I'd like to take **1257, (Appointing member of the Suffolk County Board of Ethics (Richard F. Halverson) (NOWICK)**, out of order. Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

Did you say approved, Madam Clerk?

MS. ORTIZ:

Yes, 18.

P.O. LINDSAY:

Mr. Halverson, could you come forward? I'm sorry that you had to -- that we didn't see you there earlier. I'm sorry. First of all, Mr. Halverson, I thank you for being here with us tonight, and I thank you for your willingness to serve the County in what is a very, very important job.

MR. HALVERSON:

Thank you. I appreciate the support.

P.O. LINDSAY:

Does any of my colleagues have any questions of Mr. Halverson? I believe we have his resume. Would anybody like him to go over it, or is everybody all right with it? Yes, Legislator D'Amaro.

LEG. D'AMARO:

Mr. Halverson, welcome again. It's nice to see you again. You also headed the commission that appeared before the Budget Committee; is that correct?

MR. HALVERSON:

Yes.

LEG. D'AMARO:

I just wanted to take a moment to thank you again for that service. You did a wonderful job working with the commission and the presentation that day as well. And I appreciate your willingness to serve in this capacity as well. So good luck to you.

MR. HALVERSON:

Thank you very much.

P.O. LINDSAY:

If nobody has any other questions, I'll make a motion to approve. Seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen. (Not present; Legis. Spencer)

D.P.O. HORSLEY:

Congratulations, Mr. Halverson.

INTRODUCTORY RESOLUTIONS FOR MARCH 27, 2012:

Budget & Finance:

1306, Amend Resolution No. 9-2012, designating depositories pursuant to Section 212 of the County Law (PRES. OFFICER).

May I have a motion on this?

LEG. STERN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Stern, seconded by Legislator Cilmi. Anything on the motion? All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

D.P.O. HORSLEY:

1308, Authorizing the County Treasurer to execute an amendment to the Cooperative Liquid Asset Securities System Municipal Cooperation Agreement (PRES. OFFICER)

Motion on the -- motion by Legislator D'Amaro, seconded by Legislator Gregory. On the motion, brief explanation. Budget Review.

MS. VIZZINI:

This is an investment vehicle that's available to counties. And the head of the entity has retired, and there is a new name that is going on the agreement. Therefore, the Treasurer has to amend our agreement with them to reflect that. Anything you do with them requires approval of the governing board.

LEG. MONTANO:

So it's just a name you said?

MS. VIZZINI:

Basically, yes.

D.P.O. HORSLEY:

Any further questions? Okay. We have a motion to approve. All in favor? Opposed? Abstain?
The motion is approved.

MS. ORTIZ:

Eighteen.

D.P.O. HORSLEY:

Economic Development and Energy:

1069, Adopting Local Law No. -2012, A Local Law to establish the Gabreski Airport Conservation and Assessment Committee (SCHNEIDERMAN)

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

I'll second the motion. All in favor? Opposed? Abstentions? So moved. Approved.

MS. ORTIZ:

Eighteen.

Environment, Planning & Agriculture:

D.P.O. HORSLEY:

1011, 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) (LEG. ROMAINE)

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Romaine.

P.O. LINDSAY:

Motion to table.

D.P.O. HORSLEY:

Seconded by Legislator Kennedy. I also have a motion to table by Legislator Lindsay, seconded by Legislator Barraga. Okay. Any questions on the motion? You guys all ready for this? The motion to table goes first. Let's do a roll call on this. I think this is a little controversial. Roll call.

*(THE ROLL WAS CALLED BY RENEE ORTIZ -
CHIEF DEPUTY CLERK OF THE LEGISLATURE)*

P.O. LINDSAY:

Yes to table.

LEG. BARRAGA:

Yes to table.

LEG. ROMAINE:

No to table.

LEG. SCHNEIDERMAN:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

No.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. KENNEDY:

No to table.

LEG. NOWICK:

No.

LEG. GREGORY:

Yes.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. SPENCER:

No.

D.P.O. HORSLEY:

No.

MS. ORTIZ:

Seven.

D.P.O. HORSLEY:

All right. The motion to table fails. Motion to approve. Roll call.

*(THE ROLL WAS CALLED BY RENEE ORTIZ -
CHIEF DEPUTY CLERK OF THE LEGISLATURE)*

LEG. ROMAINE:

Yes.

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

No.

MS. ORTIZ:

Fourteen.

D.P.O. HORSLEY:

The motion is approved. All right.

1059, Adopting Local Law No. -2012, A Local Law expanding the County's Farmland Development Rights Acquisition Program to include commercial equine operations (CALARCO).

Motion by Legislator Calarco to approve, seconded by Legislator Browning. Legislator Browning seconds the motion. Any questions on the motion? All in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. BARRAGA:

Opposed.

MS. ORTIZ:

Sixteen (Opposed; Legis. Cilmi and Barraga).

D.P.O. HORSLEY:

Abstentions? Okay. The motion is approved.

P.O. LINDSAY:

Wayne, we have to go into public hearings, 6:30 we have to go into public hearings. There's no cards. No cards. Okay. Let's read them off and get them out of the way before someone comes. Page 2, okay.

First up 1055, Adopting Local Law No. -2012, A Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County (KENNEDY).

I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Kennedy?

LEG. KENNEDY:

Motion to close.

P.O. LINDSAY:

Motion to close, seconded by Legislator Cilmi. All in favor? Opposed? Abstentions? It stands closed.

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1233, Adopting Local Law No. -2012, A Charter Law to clarify the process for distributing public safety sales tax revenues to municipalities outside the Police District (SCHNEIDERMAN).

I don't have any cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close. Do I have a second?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MS. ORTIZ:

Eighteen.

P.O. LINDSAY:

1288, Adopting Local Law No. -2012, A Local Law to ensure secure storage of controlled medications at pharmacies located in Suffolk County (SPENCER).

I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Legislator Spencer? We have someone. Please come forward, Ma'am. Step up to the mic. And, ladies, show her how to operate the mike. And after you speak, you can fill out the card. But please identify yourself for the record.

MS. BUSTAMANTE:

My name is Laura Bustamante. I'm the daughter of Brian Sheffield who was murdered on Father's Day, June 19th, 2011 at Haven Drugs in Medford. I'm here in regard to the bill that's being presented, and I would like to say that this bill really does need to be passed to help keep the pharmacies safe.

While pharmacies must be exercising extraordinary safety measures, it is also my feeling that the pharmacists and the pharmacies should be working in conjunction with the doctors and the pharmaceutical companies. I can't tell you how important this really is to be passed. You have no idea what it's like for my family to go to the doctors and be handed a prescription, and really the panic attack that comes across us all when now I'm standing there saying to my doctor, "Where am I going to go to get this filled, because I'm really scared to death to go into a pharmacy because I really feel that I have no protection there?" So anything that can be done really needs to be addressed.

I'd also like to say that I really feel that it doesn't really stop there. I'm asking all of the Legislators that are here this evening to work together to make all of the Americans in this country safe. This isn't a problem that's here in Suffolk County or in Nassau County, it's really across the board, and we have a lot of problems that need to be addressed. This is just the start. We have a drug

addiction epidemic and a criminal problem that's going along with it. It's affecting everyone. Everybody here in this room is affected by it. It's taking a devastating toll on individuals and their families, and like I stated, including my own.

So, again, I'm asking the Legislators here to please forge ahead with all the stopgap measures that you can apply for pharmacy safety, to please address doctor shopping. We really need to be educating the American people to the adverse effects to these highly addictive narcotics that is affecting each and every one of us here. We really have to say, "Enough is enough." I thank you all for your time.

P.O. LINDSAY:

First of all, I'd really like to thank you for coming here tonight. I'm sure it took incredible courage for you to come and talk about this subject tonight, but if nobody speaks up, this scourge that's running across our country will just continue. So I applaud you. Thank you.

MS. BUSTAMANTE:

Thank you. I'm really here speaking for those that can't speak for themselves. Thank you.

P.O. LINDSAY:

Is there anyone else in the audience who would like to speak on this subject? Seeing none, Legislator Spencer?

LEG. SPENCER:

I appreciate you coming forward. And as a physician, this has been an issue that has definitely been kind of in the forefront of my priorities. And I definitely believe that the solution is going to be all levels of government. We really have to work to make sure that the FDA does not approve stronger narcotics that are in the pipeline. We have to work with the State with the prescription database, that we need to make sure that that information is in real time. There's doctor intimidation that goes along in terms of prescribing these products.

I noticed in the State Law a gap, which is one of the reasons that I introduced this legislation; there's a very clear-cut parameters for how narcotic's lists be stored in nursing homes and hospitals, but for a local -- but for pharmacies, there isn't, in retail pharmacies. It only says that they have to be in a secured location. This defines that. There's over 1400 pharmacies in Suffolk County. And my concern by having this become a self-attestation is to place the responsibility with each individual pharmacy.

I know there's a lot of other pharmacies and advocates who want to come and speak out. So I do admire what you have done. I'm going to ask that we have an opportunity to meet to see if we can strengthen this. I am going to ask my colleagues, because I do want to move forward with this expeditiously, but I know in this public hearing that there's a lot of people that want to be heard on this topic. I don't want to close the public hearing for that reason. I'd like to recess it, and then have an opportunity -- so we can -- I want to do something that's not a stopgap. We will do this. I want to make sure that we make this legislation strong and effective, and we are going to do it. So thank you. Thank you so much.

P.O. LINDSAY:

Thank you, Legislator spencer. Motion to recess. Do we have a second?

LEG. D'AMARO:

Second.

LEG. CILMI:

Could I just quickly on that motion?

P.O. LINDSAY:

Sure. Seconded by Legislator D'Amaro.

LEG. CILMI:

I certainly appreciate the sponsor's intent with this bill, and I really appreciate the young lady coming down. And I certainly agree with all of the intent here. My question is, Doctor, your relationship with -- you know, being a doctor, you must have a relationship with pharmacies and pharmacological associations and such. Have you made any effort to reach out to those associations or the pharmacies in Suffolk County to have a dialog as to, you know, if the requirements in this bill are effectively going to address the issue or they may be able to work with you towards either this or some other solution?

LEG. SPENCER:

Yes, I have. I've had meetings at my Legislative office with both, what I consider Mom and Pop pharmacies and also reaching out to some of the chains and also with the Department of Health and looking at all aspects of this bill including just enforcement and what that means and also looking to not place an onerous burden on a business but to effectively achieve the security that we need.

LEG. CILMI:

Okay. I'd love to hear, maybe at the next public hearing, from one or two of those pharmacy owners. All too often we pass bills, and then after we pass them, we hear from a variety of people who those bills affected to say, "Well, I didn't know about it. So I would be interested to hear from them.

LEG. SPENCER:

That's part of my motion to recess, for that reason.

P.O. LINDSAY:

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

MS. ORTIZ:

Sixteen. (Not present; Legis. Romaine and Kennedy).

1291, Adopting Local Law No. -2012, A Local Law to modify requirements for contract agency funding (CALARCO).

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

MS. ORTIZ:

Seventeen.

1295, Adopting Local Law No. -2012, A Local Law to further strengthen the County's registration of nonprofit veterans organizations (CILMI).

Legislator Cilmi.

LEG. CILMI:

Motion to close.

P.O. LINDSAY:

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

MS. ORTIZ:

Seventeen. (Not present; Legis. Kennedy)

P.O. LINDSAY:

It stands closed. I make a motion to set the date for the following public hearings, April 24th, 2012, 2:30 p.m., Maxine Postal Auditorium, Riverhead, New York; 2013-'15, Capital Budget and Program; IR 1312, a Local Law to make a technical change to the tax map verification fees; IR 1341, a Local Law to amend the prompt payment policy for not-for-profit contract agencies; IR 1342 to amend the advertising in the County Tax Map album and set advertising rates. Do I have a second? Seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MS. ORTIZ:

Seventeen -- sorry, 16. (Not present; Legis. Montano and Kennedy)

D.P.O. HORSLEY:

All righty. We're going back to Page 7. **1185**, I believe, is where we left off, **Adopting Local Law No. -2012, A Charter Law to amend Resolution No. 812-2011, A Charter Law to authorize the use of development rights for Municipal Fire, Ambulance and Police Districts in Suffolk County. (SCHNEIDERMAN).**

Motion on this? Motion by Legislator Schneiderman, seconded by Legislator Browning. Anything on the motion? All in favor? Opposed?

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

Abstain?

MS. ORTIZ:

Sixteen (Amended Vote; Seventeen - Opposed; Legis. Barraga - Not Present; Legis. Montano and Kennedy).

LEG. BROWNING:

Cosponsor, Renee.

D.P.O. HORSLEY:

Motion approved.

1197, Adopting Local Law No. -2012, A Local Law to strengthen the land preservation program and maximize environmental protection (HAHN).

Legislator Hahn.

LEG. HAHN:

Motion to approve.

D.P.O. HORSLEY:

I'll make a second on the motion. Discussion? You guys good? Legislator Romaine.

LEG. ROMAINE:

This is 1185?

LEG. HAHN:

No. 1197.

LEG. ROMAINE:

I have a couple of questions about this. I think Sarah Lansdale in the audience, maybe she could answer some of these.

D.P.O. HORSLEY:

I'll be glad to ask Ms. Lansdale up here.

LEG. ROMAINE:

My understanding of the resolution is that we're going to do a moratorium -- and Kara is there, so if I'm using the wrong term -- if I'm using the wrong term, correct me. What would you call this, a pause, a moratorium, stoppage, what would you --

D.P.O. HORSLEY:

Pause would be fine. That would great.

LEG. ROMAINE:

We're going to do a pause on this piece of legislation for all planning steps. This doesn't affect acquisitions, it only affects planning steps; is that correct?

LEG. HAHN:

Correct.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

I've exempted any property that has received an offer in writing from the County, you know, for a dollar amount. If we've offered you \$5 million, then it will move forward during this time of pause and it would come to us as it would normally for an up or down vote.

LEG. ROMAINE:

Well, it may move forward, but until last meeting, I don't think we had surveyors and engineers. And I know we still don't have anyone to do the site assessments, environmental site assessments as of yet. So nothing really is moving forward and nothing really has moved forward since the beginning of the year. So let me ask this question. In 90 days, we're going to take a look at all of the properties on the master list and all of the properties for which there's planning steps -- and the Planning Department has indicated at our committee meeting just to fill people in who aren't members -- that they can do that review; is that correct?

D.P.O. HORSLEY:

You've summoned everybody here. Who are you directing the question?

LEG. ROMAINE:

So here's my question, Sarah. How many parcels remain on the master list that the County has not purchased that would have to be reviewed? How many parcels are there of open space and farmland that were approved under separate planning step resolutions that you would have to review in those 90 days?

DIRECTOR LANSDALE:

Director Pam Greene has that information. I'm going to defer to her.

DIRECTOR GREENE:

Good evening, everyone. Good evening, Mr. Deputy Presiding Officer. In preparation of what we thought may be a necessary step for the Division to take, we began by looking at the universe of

master list parcels, which in our database was at 1700. From there, we took out all of those that had been preserved, either by Suffolk County or by other municipalities, we took out all those parcels that are currently in contract, the remainder of the parcels, parcels, pieces of property, tax map numbers that remain on the master list, 1285.

LEG. ROMAINE:

About 1300.

DIRECTOR GREENE:

How many planning steps, separate planning step resolutions of open space and farmland would have to be reviewed.

MS GREENE:

In the universe of 6500 parcels, Suffolk County has preserved plus or minus about 4000. Again, done preliminarily in anticipation of perhaps some questions tonight. Of that now, we have 2500 remaining that would need to be rated and analyzed further.

LEG. ROMAINE:

So in 90 days, we are going to analyze 1300 separate parcels on the master list and another 2500 that have planning steps resolutions. I have to ask some degree of credibility how that could be accomplished? I guess that's a rhetorical question. But let me ask exactly what is the plan of action for this 90 day period for these 3800 parcels that are going to be reviewed.

D.P.O. HORSLEY:

That's a real question, right?

LEG. ROMAINE:

Yes. I want to find out the number. Confirm a number, I had a number, but confirm it. I'm not the expert.

D.P.O. HORSLEY:

That's a real question, Sarah, you can answer that.

DIRECTOR LANSDALE:

Thank you. I'd be happy to. The plan of action as it's stated in the bill is to conduct a rapid assessment of all of these parcels.

LEG. ROMAINE:

The word assessment, what do you take that to mean? Because usually when you assess properties, you go out and rate them. I think most of the people, at least on EPA, in the discussions that we have had over the last couple of year,s particular recently would say that the rating form leaves something to be desired. I think Legislator D'Amaro pointed that out in the way that that's used and sometimes how outside expert help is used and a whole host of other things.

So there was some talk about, in the committee, if I'm not mistaken, of reviewing the rating forms, because they don't seem to accurately reflect in all cases the true attributes of the property that we're considering. So are we going to use the old rating form to rate all of these properties? Are you telling me that in 90 days you can rate 3800 properties?

D.P.O. HORSLEY:

Okay. You have a couple of questions in there.

MR. ZWIRN:

How about we ask the Legislator when he asks a question -- so we can respond. He just keeps going.

D.P.O. HORSLEY:

There were several questions in there. I recognize the multiple questions. Sarah, if you want to take them one at a time, maybe that might be the --

LEG. ROMAINE:

I just --

D.P.O. HORSLEY:

Hold up.

LEG. ROMAINE:

Your view on it. Your view.

D.P.O. HORSLEY:

Let her answer.

DIRECTOR LANSDALE:

So as I stated in committee, I'm confident that the Planning Department can accurately and rapidly fulfill what is presented in the legislation before you today. The legislation does say that it would be rapid assessment. And I did say in committee that we would be partnering with environmental leaders on Long Island in Suffolk County to conduct those ratings. So if we would not be using the forms that --

LEG. ROMAINE:

I hate to interrupt you, but you just said you would be using environmental leaders and environmental organizations.

DIRECTOR LANSDALE:

Yes. That's what I said at committee as well.

LEG. ROMAINE:

I'm going to stop there before you continue, not to be rude, but I am thinking of the very pointed questions that Legislator D'Amaro raised in the committee. When well known environmentalists like John Turner or Mary Lamont or other people offered their opinions in terms of evaluations, one, Legislator D'Amaro questioned them, said he doesn't know their background, their expertise, he doesn't know what their point of view is, had they filed a disclosure form, had they done all of these things.

Now, I assume -- and you can go back and read the minutes from the EPA Committee taking into concern my colleague's questions. Are these environmental groups going to file the disclosure forms that Legislator D'Amaro asked for? Are they going to provide the official qualifications that they have in the various fields that they have when they do the review of these properties?

D.P.O. HORSLEY:

Okay. Now, Sarah, you got all the questions answered -- just give her time.

DIRECTOR LANSDALE:

So the Planning Department would be happy to comply with the wishes of the Legislature, whatever they are; having the environmental partners fill out affidavits or assessments or working with us. We want to work together to get this accomplished.

LEG. D'AMARO:

Excuse me. If I could just interrupt for one minute right on point to that question. Legislator Romaine --

D.P.O. HORSLEY:

On the point.

LEG. D'AMARO:

On the point. If you look at the packet today, I have laid on the table a bill to address exactly those issues, so we will be debating that bill in due course. But I think -- you know, of course, I know I'm willing to work along with the administration and Ms. Lansdale in setting up some parameters and conflict statement, what have you, with respect to any non-County personnel used in the rating. I'm not saying we shouldn't use them, I'm just saying that there's a certain minimum level of disclosure that should be required, that that's what my bill will accomplish.

LEG. ROMAINE:

Thank you. Obviously people know I'm not in favor of this. I've suggested other alternatives to this, which I think would have been simpler, which is eliminating the master list and acquiring properties as they come forward to be rated as they come forward, which is the less onerous task. I've also suggested, because people said, "Well, we can't rate these properties against all the other properties out there," that we limit to three or four times a year when planning steps can come forward, and then everyone in that period of time can be rated against everyone else. But that wasn't meant to be. So this is the piece of legislation before us now. I have grave concerns that a 90-day review can be done, and I'll leave it at that.

But then I'll go the very basic objection; that every member of this body should be opposed to this legislation. And that is the Charter duties of a County Legislator. This bill prevents us, as a County Legislator, from introducing legislation, from discussing legislation or for voting on legislation that has to do with planning steps. It diminishes my power. This should not be done except by mandatory referendum. This is a diminution of power by a simple resolution, not even a Charter resolution, which it should be.

You are taking my power -- and all of us run for election, you know what that means. You know the time involved and the effort involved. You know the issues that you have to talk to the voters about. And at the end of the day, the voters make a choice. And then you get elected and the Legislator puts in a piece of legislation, oh, you can vote, you can introduce legislation, except for these types of legislation.

Yeah, you can discuss legislation, except for these resolutions. Yeah, you can vote on resolutions, except for those resolutions.

You want to diminish my power as a County Legislator, do it by Charter referendum, do it by a mandatory referendum, because that's the only way you can legally deprive me of my powers as a County Legislator. This legislation is flawed on its premise. There is court -- City of New York says very clearly that you should not by diminishing powers given to me in the Charter as a Legislator.

So from that perspective, also from the perspective that do I think this review can be adequately done in 90 days, and as confident as Ms. Lansdale is, and I don't doubt that her enthusiasm, her confidence and her competency, I think this is a tremendous burden to review 3800 parcels in 90 days. I don't think this legislation is the way to go. There are other ways to accomplish that objective. I just gave one. I hope my colleagues table or reject this legislation. Thank you very much.

D.P.O. HORSLEY:

Thank you very much for your comments. Legislator Browning.

LEG. BROWNING:

This question is actually for Sarah. I'm sorry, if you can come back up again. You know, we just passed the piece about with the Beagle Club, and it's now been approved for passive parkland. When I look at it I think, could it have been active parkland? I'm not talking about a trap and skeet range, but I'm talking about other things that people in my district have come to me for issues like archery ranges. I don't know if you've heard about Frisbee golf. That's become very popular. And could the Beagle Club property have been a potential for those active uses?

I'd like to know -- because when you're doing the assessments of the properties, one of my concerns is a piece of property on the East End that could be Core Pine Barrens is environmentally sensitive, however, it's not going to get developed anytime soon. Yet, there's properties in my district that would be in jeopardy of being developed, they're small pieces of property that are environmentally sensitive; you know, say the Forge River, the Carmans River, Beaver Dam, that my concern is holding up -- I'm not going to call moratorium, because I don't believe that's what it is -- but my concern is that if I wanted to move forward -- in fact, I have a piece of legislation, I think it just got tabled. It's a piece in Mastic Beach. The person contacted me because he can't develop it, he cannot get DEC permits, and he's been sitting on this piece of property for years paying taxes on it.

Is that piece of property going to get held up if we approve this? And again, when you are doing your assessments, are you going to assess it because the Beagle Club is strictly County money, there was no partner? And should we also be assessing the property to say is it a possibility that it could be purchased as active recreational, where if we're going to spend our money on this piece of property, can we bring in some revenue from this property by creating some kind of active recreation? So can you answer, is that an assessment you're also looking at, or is it just, you know, prioritizing the environmental sensitivity?

DIRECTOR LANSDALE:

The approach that we've discussed internally is looking at the environmental characteristics of the properties. The Planning Department historically has supported the assemblages of these small parcels that you've referred to in your district, because they're important to maintaining the stream corridors and watersheds that are very important to our County.

And I just wanted to also make a quick point that Beagle Club initially did have a town partnership, and then the Town of Riverhead transferred their funds that were dedicated initially to the Beagle Club to the North Fork Preserve. So I just wanted to make that point.

LEG. BROWNING:

Could that have qualified to be active recreational rather than passive recreational?

DIRECTOR LANSDALE:

I'd like to defer to Pam Greene of Real Estate to answer that question.

LEG. BROWNING:

And if you could answer the other one, the piece of property that I referred to in Mastic Beach that's being tabled, would that not be allowed to move forward based on if this bill passes today?

DIRECTOR LANSDALE:

So is that a planning steps resolution?

LEG. BROWNING:

It's a planning steps resolution. It's a small parcel in Mastic Beach on the water in the wetlands. Would that be held up if this was passed today?

LEG. HAHN:

Did they get an offer letter?

DIRECTOR LANSDALE:

No, it's just planning steps.

LEG. HAHN:

So it's not the one that went through ETRB?

LEG. BROWNING:

No, it's just the planning steps.

DIRECTOR LANSDALE:

So, no, it would be held as a result of this. My understanding is all planning steps resolution without an offer would be on pause for three months.

DIRECTOR GREENE:

Again, Legislator Browning, the funding restrictions for the Quarter Percent Program are such that the use can only be passive recreation is we're using the accelerated Drinking Water Protection Program as well as Pay-Go Funds. In order to use the property for active recreation, that's where the requirement in the funding source is that we must have a partner. So any active recreation requires a partnership.

LEG. BROWNING:

Okay.

DIRECTOR GREENE:

Thank you.

P.O. LINDSAY:

You are done, Kate?

LEG. BROWNING:

Yes, I'm done.

P.O. LINDSAY:

Legislator Calarco.

LEG. CALARCO:

Sarah, I had just a couple of questions for you. You mentioned that there were about 2500 parcels that had planning steps resolutions approved that have not received a rating. I thought all parcels received a rating before the planning steps go through.

DIRECTOR LANSDALE:

The parcels that are on Master Lists 1 through 4 have not received a rating.

LEG. CALARCO:

And maybe this question is for Pam, because I think she gave us the numbers. I thought we were told there were 12,805 parcels that were yet to be rated on the master list and 2500 others that needed to be --

DIRECTOR LANSDALE:

Assessed.

LEG. CALARCO:

Assessed that were planning steps.

DIRECTOR GREENE:

The 2500 are the legislative planning steps non-master list parcels. So, yes, the majority of those do have a rating already, but they need to be accessed to see if they have not been acquired, have they been developed, has any other municipality purchased them.

LEG. CALARCO:

So it's not that they need to be rerated, they just need to be -- we just need to ferret out whether or not they belong on our list anymore.

DIRECTOR GREENE:

I believe they -- most of them have been rated. I hope I have not misled you in my answer.

LEG. CALARCO:

It was my understanding that what this legislation does is basically asks the Planning Department to go through all those parcels through which we are seeking to acquire, and if they don't have a rating, to give them a rating so we understand where they line up versus all the other ones that already have ratings.

DIRECTOR GREENE:

That's my understanding as well.

LEG. CALARCO:

Okay. So we're on the same page with that. I have to echo some statements regarding those people who are going to be authorized to rate the properties. I don't think I could feel comfortable with anybody outside of County employment doing ratings. I just feel there is conflict there, and not just a potential conflict financially, that the person may benefit from the County acquiring property, but also that they may be skewed, that they'd like to see us purchasing properties in certain areas over others. And I would feel very uncomfortable with having anybody other than our staff doing those rating assessments.

And I had just one other thing. With the master list properties that are out there that need to be rated, when was the last time we approved the master list resolution?

DIRECTOR LANSDALE:

2004 is our recollection.

LEG. CALARCO:

And since 2004, have we sent letters of intent to acquire all of those parcels that came under those master lists?

DIRECTOR GREENE:

The division has canvassed every parcel owner on all four master lists at least twice, yes.

LEG. CALARCO:

At least twice. So we know if those property owners either wanted to sell and didn't agree to a price or have already said that they do not want to sell.

DIRECTOR GREENE:

We don't know that they ever wanted to sell. They were parcels that were identified as environmentally sensitive, and then there were interest letters sent to them.

LEG. CALARCO:

And we either received a response from them saying, "No, thank you, I'm not interested in selling to you," or, "Yes, I'd like to sell to you. Let's talk about a price," and "No, I don't like the price you're giving me?"

DIRECTOR GREENE:

They didn't get a price. First, they got an interest letter. They either didn't respond, said no or responded yes.

LEG. CALARCO:

Okay. And then if they responded yes, then we followed up with that saying, "Okay, let's talk about a price, let's get an appraisal," all those steps that come under planning steps?

DIRECTOR GREENE:

Correct.

LEG. CALARCO:

So basically, of all the master list properties we're talking about, we should have, at this point in time, pursued an acquisition with them and should, since we're talking about 2004, have at least some sense of idea whether or not those people who owned those properties actually wanted to sell to us or not and whether or not they wanted to sell to us at a price that we thought was fair market. And, of course, fair market in 2004 is a whole lot different than fair market in 2012.

DIRECTOR GREENE:

Again, just realize there were some landowners who never even got an offer because they never responded to the interest letter.

LEG. CALARCO:

Which we can't assume is a, "I don't want to sell to you, thank you anyways," response from them, no?

DIRECTOR GREENE:

Perhaps. There are a myriad of issues why people wouldn't respond.

LEG. CALARCO:

I guess what I'm getting at is shouldn't we already have some idea of where these properties lie in their acquisition chain based upon our prior actions to acquire them since they were master list properties?

DIRECTOR GREENE:

Except that ownerships change, people's situation change.

LEG. CALARCO:

I understand how that is. I have a couple of properties in my district where people are starting to realize that we're their best offer, and, of course, they are going to get less from us now than they would have in previous years.

DIRECTOR GREENE:

Several of the acquisition resolutions before you later today are for various small-lot parcels that are part of assemblage areas where we have acquired 100 up to 150 acres in those assemblage areas. And these were remainder parcels that came, you know, late to the party, more or less, and now they've finally said yes. So that's a correct assessment.

LEG. CALARCO:

Okay. Thank you.

P.O. LINDSAY:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Okay. Ms. Lansdale, I want to go back to Legislator Hahn's bill for a moment. And I want to be clear, if this bill passes, what exactly is going to happen? Let me tell you what I'm looking for and what I think the intent here is. The intention is that we have a limited amount of funding, very limited now. So rather than going on a case by case rating system, which we're going to keep in place, we're going to continue to do that, but rather than solely relying on case by case, we're now going to take a more macro approach and basically rate all of these properties against each other to come up with more of a master priority list, if you will, that involves now, under the amended version of this bill, the master list properties and those that have already had planning steps passed and maybe they have the individual case by case rating, but we don't know where they fall as a matter of priority with all the other 3800 properties or 3799 properties that it's competing against for a limited amount of funding. So that's what I'm looking for. Is that what the department is setting out to do?

DIRECTOR LANSDALE:

Yes, that's our approach exactly.

LEG. D'AMARO:

That's all I wanted to know. Thank you.

P.O. LINDSAY:

Are you done?

LEG. D'AMARO:

Yes, that's it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you Mr. Chair. Sarah, hi. How are you? I'm glad you are there. I have questions across the board. So I think I've heard this number 3800 now a couple of times. Is that what we're in general agreement on as far as the number of properties that would fall under this timeout or pause or whatever we are calling it?

LEG. ANKER:

Yes, it is.

LEG. KENNEDY:

Okay. And you have done an excellent job, and I admire the work you have done so far, and you are going to continue to do excellent work for us. And I hear you saying this, standing at the podium, that the Planning Department, in conjunction with some folks that you might enlist to assist with the task who pass muster and who disclose and who we agree are going to be a function that we want to be a part of this, are going to do this speed evaluation, kind of like -- not speed-dating, speed-evaluation.

We only have 70 days between now and June 30th, 70 work days. On June 30th, it is highly likely that this County is going to go through some major significant rearrangement of what we look like right now and what we do, who works for us and how they do things. Thirty eight hundred divided by 70, that's a tremendous amount of properties each day in a seven-hour day. Having just walked you through that process, tell me again how could you possibly do that?

DIRECTOR LANSDALE:

My staff will be -- this pause will enable my staff to focus and dedicate a 100% of their staff time on this task at hand as opposed to preparing for every EPA Meeting to perform assessments introduced by Legislators, which consumes all of their time right now. So -- and none of the staff that are tasked with this activity are in jeopardy of losing their job.

LEG. KENNEDY:

How many staff are we speaking about, Sarah, approximately?

DIRECTOR LANSDALE:

We are speaking of currently two staff. And I've anticipated pulling an additional three staff to work on this task, to accomplish this in the time.

LEG. KENNEDY:

Again, I will go back to the comments that I made before. I admire your willingness to stand before us and talk about your commitment to do task. But I am going to suggest that I think it would be next to impossible to achieve.

Let me go on. What do you envision would happen with the Environmental Trust Review Board? Because I believe the ETRB is a critical piece associated with how we procure. So if we are -- well, let me ask you. I asked you the question, what will happen with ETRB?

DIRECTOR LANSDALE:

ETRB would continue to function as properties that have an accepted offer, would move forward in the process. So ETRB would function and appraisals will be reviewed by that committee.

LEG. KENNEDY:

And the staff in your unit that are dedicated to those functions with ETRB are going to continue to do those things; the appraisers and some of the other folks?

DIRECTOR LANSDALE:

The majority of staff focused on ETRB is actually from Real Estate, not Planning.

LEG. KENNEDY:

Okay. All right. Tell me a little bit about this compare and contrast. I think I understand the different rating sheets with the different purchase streams, be it quarter-cent money or we used to have multiphase, and way, way, way back, we used to have 12B money. Each of them had some different wrinkles, if you will, to the evaluation sheets. What will this overarching evaluation be in comparison to those very detailed categories in each of those funding streams?

DIRECTOR LANSDALE:

The Planning Department -- I'll answer that question by comparing this proposed process to a process that the Planning Department recently undertook as part of reforms to Chapter 8 where there's now an annual review process for the identification and ranking of farmland properties.

So there we looked at all farmland properties that had been nominated by -- by Legislators and by property owners, and we looked at them in comparison to one another with very specific criteria that had been approved by the Legislature. So for farmland, it's looking at land that is contiguous to

other farmed properties, for an example. So it would be looking at following a similar process whereby we would look at all of the parcels, the 3800 parcels, and break them down into the three pots; the active rec -- recreation, the passive recreation, and then look at ranking the parcels against one another so that we come up with a priority list. No parcel -- every parcel is going to be on the list. It's just going to depend on where it is in the list so that we can begin to make informed strategic decisions about how we use limited County resources to acquire property in the future.

LEG. KENNEDY:

Which we don't yet know; we meaning we who sit around the Legislature here, know what that criteria that the department will use for compare and contrast. We all know what we have to do -- as a matter of fact, my colleague, I think, Legislator Romaine, in the Beagle Property worked actively when there was an initial rating. He had a chance to review it, saw that, in fact, there might have been -- I don't want to call them omissions, but different points that got brought to bear. And, in fact, what had been originally, I guess, a 24 rating, went to a, I don't know, 44 or what have you, because there was a dialog, there was a conversation. There were some points that got brought out that the Legislator knows about the subject property, and there was recognition on the part of the department.

We are being asked to embrace an unknown. And quite frankly, I don't disagree with the sponsor's desire to say, "We need to rethink what we do in a lot of ways," but I can't embrace what's an unknown to me. I'm being asked to vote on something that's totally within the mind and the actions of the department.

DIRECTOR LANSDALE:

So the work product of this effort would be used not as a -- it would be used as a guide by the Legislature just like the ratings are that are currently produced by the Planning Department. It's a guideline, it's not an end-all be-all. The Legislature would still be able to move parcels forward.

LEG. KENNEDY:

Sarah, listen, thank you. I appreciate you explaining this to me. I'm going to yield after just one broader comment. I'll go back to what Legislator Romaine spoke about with the willful diminution of a Legislator's power and authority. This transcends and spans any one of us or all 18 of us should never, never voluntarily vote to reduce what we do as an elected. But I appreciate the dialog. Thank you.

P.O. LINDSAY:

Legislator Spencer.

LEG. SPENCER:

I have a question, Counsel, and also for Sarah. I appreciate it. I've heard a couple of my colleagues speak about this willful diminution. And I just would kind of like a legal opinion. This resolution -- what's your opinion with regards to it limiting our duties, our powers.

MR. NOLAN:

Legislator Romaine did ask my office a couple of weeks ago for an opinion whether or not this was subject to a permissive referendum, and it was my opinion that it was not. I believe that's the County Attorney's opinion as well, that we can pass the resolution, and it's not subject to either a mandatory or permissive referendum.

LEG. SPENCER:

Does it limit our authority, our power, in any way?

MR. NOLAN:

It's not sufficient to require a referendum. I think because there's no case -- we couldn't find any case or opinion right on point. But it was my opinion and also the opinion of County Attorney that it did not rise to the level that would require it be made subject to permissive referendum. A 90-day period where a bill could not be discharged from a committee was not sufficient.

LEG. SPENCER:

My question for Sarah -- thank you for being here. And really, I appreciate what you do. With regards to the number of parcels and the procedure, the 90 days, is that a reasonable number, is it an arbitrary number? Could it be 30 days? Should it be 120 days? I wanted to get a sense in terms of as you look at a property with two staff members, what's the process; do you get 100 done a day, do you get five done a day? How does that work? Can you give me a sense of the flow and the time course and how much time is a reasonable amount of time?

DIRECTOR LANSDALE:

Sure. The number of 90 days is not arbitrary. It was a dialog that I've had with my staff as well as Legislator Hahn to -- and also environmental groups that have offered their assistance in helping us with this task.

So you asked about process. The process would be to look at the existing databases that are available. It would not be visiting each site. We would look at sites -- and many of the sites, for instance, that Legislator Browning spoke of, are part of a larger assemblage where there's a dozen or two dozen sites all near each other. So that process, if it was part of an assemblage, would get the same rating, because they're contiguous parcels and part of a larger assemblage of properties.

So we would look at the Natural Heritage Database, which is an indicator of endangered species on properties and look at whether there was a current rating performed already, we would look at that, and we would look at surrounding properties and characteristics using aerial photography.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Legislator Horsley. I believe Legislator Hahn's intent is clearly a good one; that there are limited funds and clearly far more properties in the hopper than we can ever hope to purchase, so a review is needed.

Your department, Sarah, could start reviewing now. You don't need us to tell you to start going through these properties and to start prioritizing. You can do that. And I believe the department in the past has done things like that. You know, in terms of taking away our ability to submit planning steps, that to me is completely flawed, because we -- if somebody submits a planning steps resolution, we could table that resolution. We have that ability on a case-by-case basis to not approve planning steps. So, you know, that's doesn't make any sense that we would take that away.

My other concern is that there have been planning steps resolutions approved by this body that have been fully vetted that had very high scores, some even have partnerships with towns; towns that have maybe 50% partnerships, towns that have paid money to appraise properties, property owners who have sent in their letters saying they're willing sellers, taken their property off the market for months. I know of one that is at least off the market for almost a year now waiting to go through this process, waiting for, you know, for an offer, and then there's determination by this body

whether it will move forward or not. It's really not fair to those people.

So I think the bill could be actually fixed a little bit. One, is we should set some threshold. If the property has scored high -- let's say -- you know, I think the normal threshold is 25, maybe 35 points or more. Those are clearly priorities. If there's a 50% partner, that, to me, is significant; that they shouldn't be held up for that reason. So, you know, I think aspects of this bill make sense. Some you can do with or without the bill, but I think the bill should be changed to address some of those issues. I would support a tabling. I prefer it to be tabled so it could be changed. I don't know if we will get that opportunity.

The other thing I wanted to ask you about -- actually two questions; one is the Legacy Fund. What is the status of the Legacy Fund? It had \$20 million in it. It would be perfect for 50% partnership -- in fact, it's limited only to 50% partnerships. Is that dead now? That was, I believe, approved by this body. And anything under the Legacy Fund, I don't think should be held up if there's a 50% partner.

MR. ZWIRN:

If I might, Mr. Chairman. The Legacy Fund has been frozen for some time. We have not used that as we didn't want to increase debt service in the County. So we've been using 477 monies in pay-go as opposed to bonding anything. So I don't think -- the position of the County Executive hasn't changed by using their multifaceted or Legacy Funds. In fact, we've made some amendments to bills that were put in.

LEG. SCHNEIDERMAN:

That money was never actually bonded? It's not sitting somewhere bonded for this purpose?

MR. ZWIRN:

There's money that has not been bonded, but there was money that was appropriated to put aside, but it has not been authorized. We're not paying debt service on that fund.

LEG. SCHNEIDERMAN:

Okay. There's no pot of money for the Legacy Fund. That's already --

MR. ZWIRN:

No, but originally, I think it was --

LEG. SCHNEIDERMAN:

I thought there was.

MR. ZWIRN:

Maybe Robert Lipp could remember. It was about \$50 million originally, wasn't it, Robert, 30 or \$50 million?

MR. LIPP:

It was 50, I believe, but I'm not sure. I'll check into it. There's about 20 million left. But the problem is, even though it's authorized, we haven't issued the bonds. If we issue the bonds, then it's General Fund Debt Service.

LEG. SCHNEIDERMAN:

Okay. So it's authorized, but not bonded. Pam, could you answer one question too. And this really builds on what Legislator Calarco was asking. You know, you had given numbers, thousands of properties that were approved for planning steps either through master lists or by this body, but then there was a smaller group of properties where the owners had responded positively to our inquiry in terms of willing sellers. Do we have a number in terms of how many of those properties

where they've indicated a willingness to pursue acquisition through the County?

DIRECTOR GREENE:

Did you mean the ones that were in contract?

LEG. SCHNEIDERMAN:

Not in contract. Those who are -- that are not in contract but said, "Yes, we are interested in selling."

DIRECTOR GREENE:

I didn't speak to that today.

LEG. SCHNEIDERMAN:

Okay. But do you know how many that would be? Are we talking tens or hundreds?

LEG. HAHN:

Are you talking about from the master list?

*(*The following testimony was taken by Donna Catalano
& transcribed by Alison Mahoney - Court Reporters*)*

LEG. SCHNEIDERMAN:

In general, either from the master list or where we have passed a planning steps resolution, sent the owner a letter saying, "Are you interested in talking to the County," and they have said yes.

DIRECTOR GREENE:

So existing interest letters that have been received back.

LEG. SCHNEIDERMAN:

Right, where we're not in contract yet.

DIRECTOR GREENE:

Uh-huh.

LEG. SCHNEIDERMAN:

But we are pursuing, we're appraising it, we're moving forward. We're taking steps to acquire or potentially bring it to this body to discuss acquisition.

DIRECTOR GREENE:

I can provide you with a general number. And I apologize, I don't have the exact number of that broken down. So I would put the general number of the property owners that are waiting in the process for us to proceed with appraisals at about dozen.

LEG. SCHNEIDERMAN:

About a dozen. Well, to me those twelve properties should not be impacted by this legislation, so that's another way to change the bill to make it I think a little better. It's not fair to those owners. We don't have to approve it here at this body, but it's not really fair if they've been waiting in good faith, taking the property off the market to be held up.

DIRECTOR GREENE:

Thank you.

LEG. SCHNEIDERMAN:

Thank you.

D.P.O. HORSLEY:

Thank you, Legislator Schneiderman. Bill -- when Bill left the room a second ago, he said the 90 days might be up before this is over.

*(*Laughter*)*

Legislator D'Amaro.

LEG. D'AMARO:

I just want to make a few points. One, if you're sitting on the EPA Committee, and I'm sure most of us at this point have probably served on there, you get the individual rating. But, you know, let's take, for example, one of the properties Legislator Schneiderman's referencing or Legislator Browning or myself, you know, you have some property in your district and you're concerned about it, you think it should be preserved and that's all legitimate and this Legislature has a history of doing that. Here's the problem; with the limited resources that we have, those properties may have, let's say, a 38 rating, okay. But if we're talking about 3800 properties, or 1200 properties, whatever that number is, a 38 rating may rank 700. You see?

And this is my concern. That when I'm voting on the EPA Committee on whether or not to support an acquisition, because I have such limited resources and I could potentially run out of funding, when I vote on that property it has a rating of 38, I really don't know if there's going to be five more properties coming down the line that are ranked higher when you rank one against the other. So this isn't -- this is an instance where you have to lay aside very -- on a temporary basis all of your legitimate concerns about properties located in your district, which is not an easy thing to do, for 90 days so that when we're deciding whether or not your property should be purchased, where it falls on that priority ranking system. This is actually helping the program, it's helping us, it's giving us more information, making a more informed decision and, frankly, giving us an opportunity to more wisely spend taxpayer money.

LEG. SCHNEIDERMAN:

Second bite at the apple. Lou, thank you. You know, I see this as a second bite at the apple. I mean, these things have gone through the Legislature. Those questions have already been asked. In some cases, you know, one that I'm thinking of, it was vetoed by the County Executive and overridden. So it's really a process that's being protected here. In that one particular case, if it makes it to this body for acquisition --

LEG. D'AMARO:

Jay, the process is not changing.

LEG. SCHNEIDERMAN:

Let me finish, please. I didn't interrupt you. Okay, so if this particular acquisition makes it to this body, you know, for acquisition, it's legitimate to say, "Okay, we've got this review going on. We don't know where it's going to be on the list," and you just table it. Table it, hold it off, that's your right, or don't vote for it. But it's not fair to the property owners to say, "Okay, even though it went through this process, we've decided now we're going to hold it up. We're not" -- you know, you've taken it off for almost a year now, you've taken it off the market and now we're going to hold it up; that doesn't seem fair. Just allow the process that was approved. You know, it could have been defeated last year, we wouldn't be at this point, but it wasn't, it was approved.

LEG. D'AMARO:

Well, just to respond quickly.

D.P.O. HORSLEY:

Yeah, let's not get into it.

LEG. D'AMARO:

We're talking about 90 days and we're talking about spending taxpayer money and being fair to them and spending it as wisely as we can. We're not -- we're not changing the process that's in place, we're just getting more information; that's basically what this does.

D.P.O. HORSLEY:

Okay. Thank you very much. Legislator Calarco.

LEG. CALARCO:

Sarah, I just had another quick question for you. And I think Legislator Kennedy was getting to this, and I may have missed the answer and I apologize if I did.

When you go through and you rerate -- when you rate these properties, are you going to determine which properties in order in which we're going to try to acquire these properties? Are you going to try to get a list of these 1300 properties and say, "Okay, here's how we should pursue these ones through 1300," or are you just going to go through and rate those properties that do not have a rating based upon the current process we have for rating properties?

DIRECTOR LANSDALE:

Similar to the process that we recently undertook for the purchase of development rights for farmland, we developed a preservation priority list, so an actual ranking of properties for the Legislature's consideration.

LEG. CALARCO:

So you're not actually just going through and ranking properties that don't have rankings, you're going to reprioritize all the parcels that have been approved for a planning steps resolution for us to use as a model for moving forward.

DIRECTOR LANSDALE:

It would be a guideline, yes.

LEG. CALARCO:

It would be a guideline that you're going to be -- the Planning Department will use in how they determine to move forward with their actual actions in terms of doing planning steps, in terms of going out and doing appraisals and going out and seeking whether or not we have interested sellers, and interested sellers at the price point that the County is interested in purchasing at.

DIRECTOR LANSDALE:

It would create a preservation priority list that then would be -- we would take our action from the Legislature.

LEG. CALARCO:

No, no. So we're going to have a third step introduced that we're going to have to then approve which properties we want to go forward with in terms of actually pursuing the planning steps process?

DIRECTOR LANSDALE:

My reading of the bill is that there wouldn't be new steps or an additional step added, it would just be more information presented at the time of a planning steps resolution.

LEG. CALARCO:

But you're addressing almost 3000 parcels that are currently in the pipeline and have already had a planning steps approved. So my point is is how is this process going to determine how the department would move forward on those 3000 parcels?

DIRECTOR LANSDALE:

We'll move forward the same way we have. When planning steps resolutions are introduced, we will rate there. What will be different is we will then have more information to present to the Legislature in terms of this particular parcel's ranking on the preservation priority list.

LEG. CALARCO:

So you will equally pursue acquisition of each one of those properties, regardless of the ranking score? And then provide the information to us, at which point when you have a willing seller and you're bringing us an authorization resolution to acquire the property?

DIRECTOR LANSDALE:

Yes. So we will provide the score of the property as well as the rating of the ranking of where it is on the preservation priority list.

LEG. CALARCO:

So I sat here for quite a few meetings and heard that we cannot, under any circumstances, hold up properties where we have made an offer to a seller and the seller has accepted that offer and now you're going to say that you're going to create a ranking list and you're going to come to us and say, "Well, we have an accepted seller on this property and it's authorized, but it ranks really low on where we want to go, so you probably might not want to acquire this one."

DIRECTOR LANSDALE:

We're not ranking the properties that already have accepted offers. That's our read of the legislation.

LEG. CALARCO:

But you're ranking 3000 parcels where they're currently in the pipeline and you're going to determine whether -- where those parcels line up in terms of whether or not they should or should not be continued to be pursued, and then you're going to tell me you're going to continue to pursue those and you're going to get a willing seller on those and then you're going to come to us and you're going to say, "This is a great parcel. This parcel was a 25 and this parcel has a willing seller, but this parcel ranks number 2,850 on our 3000 list, so we really don't think you should buy it." But we're going to go through the process of actually getting that person to a selling point?

MR. ZWIRN:

If I might just jump in, the answer to that is no. Legislator Calarco, this Legislature will make the final determination after they get all the information.

LEG. CALARCO:

I know, we always make the final determination, Ben. But I've sat here and I've heard that we can't tell people that once we get them to a point of an accepted offer, to tell them that we can't tell them to hold on, we might want to review this to see if we really want to purchase this property; this is what I've been told sitting at these meetings. And now we're being told we're going to rerank 3000 parcels, but we're going to continue to pursue the requisitions. Are we reranking these parcels to determine whether or not we're going to continue to pursue those acquisitions, or are we going to do it and just say to the Legislature, "We rank these" -- "We have a parcel that ranks 2,850 on this list, but we have a willing seller and we don't think you should buy the property."

MR. ZWIRN:

I don't think anybody is going to say, "We don't think you should buy the property"; that will be a decision made by the Legislature. But I would think the Legislature would want to know that in the scheme of life, when we only have a certain amount of finite funds, that a piece of property you have ranks two thousand five --

LEG. CALARCO:

I'm very well aware of that, Ben.

MR. ZWIRN:

I'm just saying, it ranks 2500 --

LEG. CALARCO:

I'm very well aware of that.

MR. ZWIRN:

But I'm just saying, you would want to have that information.

LEG. CALARCO:

Here's just another question. We have two parcels, both rank a 44, one is for for passive recreation, it's a very large parcel and very costly, another is for active recreation which was a small parcel and not nearly as costly; how do they rank up? Do they just kind of go in the same spot or are you going to determine a different ranking for those determining how they're going to be used?

DIRECTOR LANSDALE:

They would be ranked according to -- there would be a ranking for open space, and all of the open space parcels would be evaluated against that. And then all of the active recreation parcels would be evaluated against all other active recreation parcels. So there wouldn't be a choice between active recreation or open space.

LEG. CALARCO:

And then we're going to equally divide the pool of money available to us based on those properties? Not yet.

DIRECTOR LANSDALE:

That hasn't been determined.

LEG. CALARCO:

Not yet is what I heard. Okay.

LEG. HAHN:

Not in this Legislature.

LEG. CALARCO:

I think I got the answers I was looking for. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator. It looks like, Ed, it's come around to you again.

LEG. ROMAINE:

I think most people at this late hour have a decision on how they're going to vote. I'm not going to bore them.

D.P.O. HORSLEY:

Okay; no argument. Legislator Barraga.

LEG. BARRAGA:

Sarah, I just have one question. From the capability side of your department, are you absolutely confident that -- you know, I've heard the figure of 3800 parcels, you're talking 90 days, but you're really talking 70 days; that's about, you know, 54 parcels a day where some sort of evaluation or

prioritization has to be done. Do you feel comfortable that your people can perform this task within that period of time?

DIRECTOR LANSDALE:

Yes. I do feel comfortable, as long as we can work with environmental groups to make that happen.

LEG. BARRAGA:

And the other question is if they're devoting a great deal of time to this, what are they no longer going to be doing?

DIRECTOR LANSDALE:

They would be focused 100% on this activity. And the work of preparing for EPA meetings of planning steps and preparing evaluations for all of those parcels would be on hold, so they would be available to do this assessment.

LEG. BARRAGA:

All right. But if 100% of the time is now devoted to this, then what were they doing that they're no longer doing now and will not be able to do because they're doing this?

DIRECTOR LANSDALE:

Preparing for EPA meetings.

LEG. BARRAGA:

And that's what they devote most of their time to now?

DIRECTOR LANSDALE:

Yes.

LEG. BARRAGA:

All right. So what's the down side of not being able to perform that function?

DIRECTOR LANSDALE:

Well, we need the time to -- they can't do both, so there's a choice between either --

LEG. BARRAGA:

So you wouldn't do both; it's either one or the other?

DIRECTOR LANSDALE:

We can't do both at the same time, no. I'm confident we can do the 90 day pause, but I'm not -- I cannot say that we can do -- continue doing planning steps ratings at the same time as doing this reevaluation of 100 parcels within 90 days.

LEG. BARRAGA:

Okay. Thank you.

D.P.O. HORSLEY:

You're good?

LEG. BARRAGA:

Yes.

D.P.O. HORSLEY:

Okay. Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Vice-Chair. I just have to say that the Director believes that her department, division can accomplish, you know, the intentions of this bill. I am inclined and have to believe that, take her for her word. I mean, the sponsor of this bill has good intentions. The public has voted in support of preserving open space and this program. I think it's important as overseers, if I can use that term, of this program, that we manage it in a proper way. And I think having a pause, if we can use that term, is in our -- it's proper in our role as Legislators to ensure that the program is being -- the monies in this program are being used in its most practical use.

I personally have an issue with the rating system that we have. We have a system where we rate properties to 100, and if I can just off the cuff guess, I would probably say the average property that we acquire gets a rating of 30; to me, you know, that's not a very high rating. So it is what it is but, you know, I think that given the limited resources, I think it's important that we evaluate these properties. You know, the Director is saying that her personnel can do it, and I think it's the taxpayers, it's our responsibility to the taxpayers that support this program that we manage it in the best way possible. So I will be supporting this resolution.

D.P.O. HORSLEY:

Legislator Montano.

LEG. MONTANO:

Just very quickly. Would you reiterate your point earlier about environmental groups assisting in this process? How does that work and under what authority does that -- what authority are you using to have non-governmental people working in this capacity? Can you explain that to me?

DIRECTOR LANSDALE:

Sure. From time to time, we do work with -- for instance, I'll bring up the Beagle Club where we received information from several environmental experts and we used their information to update our rating. It was -- their information was --

LEG. MONTANO:

Was this gratuitous or was this requested or was this paid for?

DIRECTOR LANSDALE:

It was not paid for by the County, no.

LEG. MONTANO:

So they just simply volunteered information to you?

DIRECTOR LANSDALE:

Yes. And then we did a field survey to confirm the information that was given to us.

LEG. MONTANO:

So you confirmed the information; in other words, you investigated what they said. But that's different from having them come in and advise you, is it not? In other words, in that case, somebody forwarded information to you which you then acted upon; am I understanding this correctly?

DIRECTOR LANSDALE:

Right. There's a similar process to the Farmland Committee where there's members of the Farmland Committee that have -- that sat around the table with us. They have been -- all members of the Farmland Committee, though, have been approved by the Legislature.

LEG. MONTANO:

That's what I was going to say.

DIRECTOR LANSDALE:

Yes.

LEG. MONTANO:

They are a legally or legitimately constituted committee.

DIRECTOR LANSDALE:

Yes, that's right.

LEG. MONTANO:

This group that you're referring to, and I don't profess to know much about it, but it seems to be an ad-hoc group that you are unilaterally putting together?

DIRECTOR LANSDALE:

It could be a group that -- the group has not been formed yet, so it -- you know, I can take direction from the Legislature on that.

LEG. MONTANO:

So what are the guidelines to be -- first of all, are there any guidelines for the formation of this group that you say hasn't been formed but you propose to put together?

DIRECTOR LANSDALE:

No guidelines have been formed yet.

LEG. MONTANO:

So then I'm somewhat -- I'm somewhat taken aback by the fact that there's the statement made about forming a group that really appears to be either without foundation or unconstituted at least within your own mind at this point; am I correct in that?

DIRECTOR LANSDALE:

Well, it's a detail that needs to be worked out and worked out with the Legislator.

LEG. MONTANO:

And do you have any individuals that you can name that you have decided to seek consultation from or are planning to put on this committee or however you -- first of all, is this a formal committee?

DIRECTOR LANSDALE:

If it's a formal committee, it would have to be approved by the Legislature. So it is --

LEG. MONTANO:

So it's not.

DIRECTOR LANSDALE:

It's not.

LEG. MONTANO:

So how does it work; you call up Joe and say, "Hey, Joe, we want to rerank this. What's your opinion?" I mean, I'm not trying to be facetious, but I am trying to make a point here, and I think you get my point because I can see the look on your face.

DIRECTOR LANSDALE:

Understood, yes.

LEG. MONTANO:

Okay. I don't like that. I don't think that's a good way to perform a governmental function, to be quite honest with you. If it's a legal group that is sanctioned by the Legislature, even though I don't like it and I don't vote for it, I could -- I support the fact that it's legally constituted. But to unilaterally put together an ad hoc group of people that either are self-interested, self-appointed environmentalists or true environmentalists or whatever, that probably doesn't fit well from where I sit. I don't think that's something that -- and I spoke with Legislator Hahn and I don't think that's included in her legislation. So this is something that comes unilaterally from your office and I don't know that that's the intent of what we want to do here, at least not what I want to do here. Can you comment on that.

DIRECTOR LANSDALE:

I understand your comments and your perspective.

LEG. MONTANO:

Thank you. I appreciate that.

D.P.O. HORSLEY:

Okay. For the last word, Ms. Hahn.

LEG. HAHN:

Thank you, Mr. Chair. I want to thank Sarah Lansdale, Pam Greene, Laretta Fischer, the County Executive. You know, I was -- the Presiding Officer appointed me to be Chair of the Environment Committee and I have taken this task to heart. I truly believe that we are facing a crossroads with our Land Preservation Program when we're moving from the accelerated program to pay-go. I truly believe that we need to do an analysis of everything on the master list so that we understand. You know, it was created basically with not a lot of input from the Legislature. We did approve the master list but, you know, I don't believe the County Executive really reached out to us and got our input on master list properties. And so to tell me something's on the master list, um, it's kind of vague exactly what that means.

And so it's very important to me that those properties that are going to come up before us have a rating so we can say, "It rates 49. Wow. You know, everything we've seen recently has been under 30," until the Beagle Club which now has a 34. But, you know, the goals here are dual. Protecting the environment, I truly believe that we need to make sure we're buying the most environmentally sensitive properties first, and in doing that we're protecting taxpayer dollars.

I do think there's a Phase II to all of this. I think our purchasing process over the years, we've kind of, you know, uncovered some stumbling blocks. We don't take the properties -- right now we take the properties one at a time. It's like a deli counter; first-come, first-serve. We're not buying bologna here. So I think we do need to correct the process so that we look at things, kind of pool them together three times a year, twice a year, four times a year, you know, we can discuss that. But I think that we need to look at them in groups so that we're not just saying, you know, each one that comes before us is a yes or a no.

I'm going to continue to pursue these goals. It's sounding very much like people have questions here, and I understand that. But I think that the goals that I have for this legislation are important ones and I'm going to continue to pursue them. But I do just want to thank the department, Ms. Lansdale, Ms. Greene, Ms. Fischer, for all -- and the County Executive for their support. And I do think that there are things that need to be fixed. I do think the scrutiny is all more important now. That, you know, we're going to wind up next year with maybe four and a half million dollars

for the entire year, and if not next year, the end of next year and into the next year. But there's going to come a time when we have a very small pot of money and we have to be very strategic about how we spend it. And so that's what I want to say.

D.P.O. HORSLEY:

Thank you very much, Ms. Hahn. And let me just say you've really brought out an issue that had to be discussed, and we do appreciate, all of us collectively, that you're out front on this. Let us -- we've got a motion to approve, if I can remember it, an hour and a half ago, whatever it was. Is that true?

MR. LAUBE:

That's correct.

D.P.O. HORSLEY:

So there's one motion on there. Are there any other motions?

MR. LAUBE:

There's a motion. There's a second, too.

D.P.O. HORSLEY:

There's a second on the approval.

LEG. KENNEDY:

Do you have a motion to table yet?

D.P.O. HORSLEY:

Not as yet.

LEG. KENNEDY:

Okay. I'll make a motion to table.

D.P.O. HORSLEY:

Is there a second on the motion?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Schneiderman. There's tabling -- yes?

LEG. ROMAINE:

On the motion to table. I've sat here for seven years as a member of the minority and watched the majority refuse to vote against things, simply table it to death. This should have an up or down vote.

So I'm not going to vote for tabling, because I think that the sponsor is entitled to an up or down vote, because we're just kicking the can down the road. And I don't like that, I've never liked the majority just tabling things because they don't want to vote no, don't want to go on the record and kicking the can down the road. I think the sponsor is entitled to an up or down vote.

D.P.O. HORSLEY:

All right. As of now we have a motion to table.

LEG. KENNEDY:

Wayne, on the --

D.P.O. HORSLEY:

Hang on. Legislator Kennedy?

LEG. KENNEDY:

On the motion to table. While Legislator Romaine does speak about fairness and equity to members, and I believe in that from the bottom of my heart, as everybody around this committee knows. I did not make the motion to table just to postpone what may be where this might go.

Some of the Q and A that I had with our Director, Sarah Lansdale, I need to follow up with her directly. If my numbers are correct, 3800 parcels and two staff now with the commitment of three in the future and 68 working days, would speak about somewhere in the neighborhood of 65 to 70 properties per work day, Sarah; that's if everybody came to work and that's if you were able to keep all your staff.

I need to have that conversation with you outside of this context. And quite frankly, I think that we would be embracing an impossibility to vote in the affirmative, and therefore, in deference to the sponsor as well, I make the motion to table. Because quite frankly, there may be a way for us to embrace the concept without necessarily adopting the legislation. So I'm quite comfortable with the motion to table.

D.P.O. HORSLEY:

Okay. Legislator Cilmi.

LEG. CILMI:

Yeah, just very quickly. You know, I've come to respect Legislator Romaine on many levels in the two years that I've been here, and certainly there's no Legislator that, you know, can speak more prophetically and prolifically on the issue of environmental protection than Legislator Romaine. So obviously there's -- clearly there's some debate amongst Legislators on how to best accomplish the worthy goals that Legislator Hahn has put forward. So I would just suggest that Legislator Hahn and Legislator Romaine put their heads together and try and come up with a piece of legislation that -- you know, that satisfies all of our concerns and accomplishes the goals at the same time, which I think are laudable.

D.P.O. HORSLEY:

Okay. We have Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I seconded the tabling, not to stall this bill. I think the intention, as I said, is excellent. I think actually Legislator Hahn has taken a lot of heat for bringing this forward to do something that I think is really noble and important. We have very little money and we need to prioritize.

The only reason I think we should table it is because I don't think the bill is ready yet. There are some real problems, including twelve parcels that are stuck that have acted in good faith that shouldn't really be caught up in this process, and the legitimate issue that I think Legislator Romaine raised about limiting our own ability as Legislators to introduce resolutions. So, you know, I think there should be a vote on the tabling. It's not a perfect bill, I'll decide, if it doesn't go through, if it's not tabled, whether to support it or not, but I think it should be -- I would prefer to vote on a bill that was made better.

D.P.O. HORSLEY:

On a tabling resolution, right. And I will be asking for a roll call vote on the tabling, I think it's something that we're going to need at this point. Roll call vote.

LEG. D'AMARO:

Wayne? Wayne, before you do that, just a quick comment.

D.P.O. HORSLEY:

Okay.

LEG. D'AMARO:

Two quick comments.

D.P.O. HORSLEY:

Sure.

LEG. D'AMARO:

One, many of those properties are already rated. Legislator Kennedy was talking about having the people power to do this, but anything that has planning steps is already rated, so we're just talking about where it falls in this larger scheme of things. And I forget my second point (*laughter*).

D.P.O. HORSLEY:

I'm sure it was a good one though. Okay.

LEG. D'AMARO:

It's something to do with Legislator Schneiderman, but I'll let it go.

*(*Laughter*)*

D.P.O. HORSLEY:

He's a heck of a guy and whatever he says, right? (*Laughter*).

Okay. All right. We have a roll call vote on the tabling motion. Mr. Clerk?

**(THE ROLL WAS CALLED BY RENEE ORTIZ -
CHIEF DEPUTY CLERK OF THE LEGISLATURE)**

LEG. KENNEDY:

Yes to table.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Pass.

LEG. BROWNING:

Yes.

LEG. MURATORE:

No.

LEG. HAHN:

No.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

LEG. ROMAINE:

I'll tip my hat to the majority and vote yes.

MR. LAUBE:

Thirteen.

D.P.O. HORSLEY:

All right. The motion -- the bill has been tabled.

All right. Lets get moving, we've got a lot to go here, guys.

1206-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the P. Procopio, M. Procopio and Gruhill Construction Corp. Property - Patchogue River Wetlands addition Town of Brookhaven (SCTM Nos. 0200-892.00-02.00-030.000, 0200-892.00-02.00-035.000, 0200-892.00-02.00-037.000, 0200-892.00-02.00-031.001, 0200-892.00-02.00-034.000, 0200-892.00-02.00-036.000 and 0200-892.00-02.00-038.000) (County Executive).

MR. ZWIRN:

Mr. Chairman, could we ask for one round of tabling? We'll be ready at the March -- at the April meeting.

LEG. CALARCO:

Motion to table.

LEG. MONTANO:

Second.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

You want to table it. Well, that's even quicker than I thought. There's a motion by Legislator Calarco to table. Seconded by whom? Who was the second? Legislator Nowick. All those in favor? Opposed? Sorry about that.

LEG. MONTANO:

It's all right.

D.P.O. HORSLEY:

I'll get you next time.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1207-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Affenita property – Beaver Dam Creek - Town of Brookhaven (SCTM No. 0200-961.00-03.00-018.000) (County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion to approve. Second? Second by whom? I'm sorry.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Calarco seconds the motion to approve.

LEG. MONTANO:

Question.

D.P.O. HORSLEY:

On the motion?

LEG. MONTANO:

How much, Gail?

LEG. CILMI:

Twelve thousand five hundred dollars, Ric.

D.P.O. HORSLEY:

Do I have an answer on that?

LEG. MONTANO:

Twelve thousand you said?

MR. NOLAN:

Twelve thousand five hundred.

LEG. MONTANO:

What are we buying?

LEG. CILMI:

About a half an acre.

LEG. HAHN:

Beaver Dam.

D.P.O. HORSLEY:

Is that a correct statement, Gail, or are you looking?

MS. VIZZINI:

I'm sorry, I didn't hear question. But yes, that is 12,500, yes.

D.P.O. HORSLEY:

Oh, okay. You had such an earnest look on you, I thought you were looking it up. Okay, it's 12,500. Okay; is that good?

DIRECTOR GREENE:

It's part of an --

LEG. MONTANO:

Yeah. Did Pam want to say something?

DIRECTOR GREENE:

It is part of an assemblage, part of 105 acres already acquired.

D.P.O. HORSLEY:

Okay. All right? We have a motion to approve. All those in favor? Opposed? So moved.

LEG. BARRAGA:

Opposed.

D.P.O. HORSLEY:

Legislator Barraga opposed.

*(*The following testimony was Taken & Transcribed by
Alison Mahoney - Court Reporter*)*

D.P.O. HORSLEY:

1208 --

MR. LAUBE:

Sixteen.

D.P.O. HORSLEY:

Thank you. Authorizing the acquisition of --

LEG. BROWNING:

Cosponsor, Tim.

D.P.O. HORSLEY:

1208-12 - Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the MLD Riverhead LLC, V & F Sasso Associates, LP and Frances Sasso as Trustee and Executrix of the estate of Edmund DeLea property- DeLea Sod Farm II - Town of Riverhead (SCTM No. 0600-017.00-05.00-004.008 p/o) (County Executive).

LEG. ROMAINE:

Motion.

D.P.O. HORSLEY:

Motion to approve. Is there a second on the motion?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. Anything on the motion? Okay. All those in favor? Opposed?

LEG. BARRAGA:

Opposed.

LEG. MONTANO:

Opposed.

LEG. CILMI:

Opposed.

LEG. SCHNEIDERMAN:

How much; do we have that on record?

MR. LAUBE:

Fourteen.

MS. VIZZINI:

Two million, twenty-three thousand.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor?

MS. VIZZINI:

Two million, 59,000 an acre.

LEG. ROMAINE:

Again, would the Clerk please list me as a cosponsor.

D.P.O. HORSLEY:

All right. We're good? Mr. Clerk, we're good?

LEG. MONTANO:

Tim, you got my vote, right?

LEG. BROWNING:

Hold up.

D.P.O. HORSLEY:

Yeah, we're good. 1208.

LEG. BROWNING:

Wait a minute, wait a minute.

LEG. SCHNEIDERMAN:

I think the vote was called premature.

LEG. BROWNING:

Read the resolution. Hold on.

D.P.O. HORSLEY:

We had a vote on this, Kate.

LEG. SCHNEIDERMAN:

I think the vote may have been premature, though.

LEG. BROWNING:

Yeah, I know.

LEG. ROMAINE:

The vote was called, though.

LEG. BROWNING:

Hold on.

LEG. MONTANO:

How can it be premature, you called it.

D.P.O. HORSLEY:

I thought so, too. Okay.

LEG. BROWNING:

It's actually talking about the Mastic-Shirley Conservation Area in one of the WHEREAS clauses.

LEG. ROMAINE:

No.

LEG. BROWNING:

Hold on.

LEG. HAHN:

You're looking at 1209.

LEG. BROWNING:

No, I'm looking at --

D.P.O. HORSLEY:

Yeah, you are. It's 1209 I think, Kate.

LEG. MONTANO:

Yeah, yeah.

LEG. BROWNING:

Hold on.

LEG. MONTANO:

You're a little bit ahead of yourself.

LEG. BROWNING:

1208?

D.P.O. HORSLEY:

Yeah, it's 1208.

LEG. BROWNING:

Oh, hold on. 1210 I'm looking at. Okay, I get -- that's the one that's complicated.

D.P.O. HORSLEY:

Okay. We're good?

LEG. BROWNING:

Yes.

D.P.O. HORSLEY:

All right, the motion has been approved, as I thought before.

1209-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Maratea property - Mastic/Shirley Conservation Area - Town of Brookhaven (SCTM Nos. 0209-033.00-03.00-006.000, f/k/a 0200-983.40-03.00-006.000) (County Executive).

MR. ZWIRN:

Mr. Chairman, could we ask this be tabled just till the next meeting?

D.P.O. HORSLEY:

You can ask, yep.

LEG. D'AMARO:

Also, Mr. Chairman, could I -- Wayne, over here. Could I ask if we're going to table it for a cycle, when we come back next time if you can tell me where this property relates to the other 3800 properties that we have.

*(*Laughter*)*

MR. ZWIRN:

I would be glad to.

(*Laughter*)

D.P.O. HORSLEY:

Okay. We had a motion to table, and I need a second.

LEG. MONTANO:

(Raised hand).

D.P.O. HORSLEY:

Legislator Montano to table. All those --

MR. LAUBE:

Excuse me. Who was the motion to table?

MS. LOMORIELLO:

Ben Zwirn (*laughter*).

MR. LAUBE:

No, I didn't get --

LEG. MONTANO:

What was that, Tim?

D.P.O. HORSLEY:

Who was the motion to table?

MR. LAUBE:

Legislator Zwirn doesn't count.

MR. NOLAN:

Pick anybody.

D.P.O. HORSLEY:

Legislator Gregory. Legislator Gregory motions to table. All those in favor? Opposed? So moved. It's been tabled.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, ***1210-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. Property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000) (County Executive).***

LEG. BROWNING:

Okay. Before we vote, is that one we need to table, too?

MR. NOLAN:

No, we already -- we got them.

D.P.O. HORSLEY:

Tables are in.

LEG. BROWNING:

Okay. I'm looking at it on here --

LEG. MONTANO:

What are you looking at?

LEG. BROWNING:

1210.

LEG. MONTANO:

1210, okay.

LEG. BROWNING:

1210. It says Saw Mill Creek addition, but in the legislation it's talking about the Shirley-Mastic Conservation Area. That's the one I'm looking at.

LEG. HAHN:

Can we bring forward the department?

LEG. BROWNING:

Take a look at it.

LEG. HAHN:

Is this the one where the parking lot --

DIRECTOR GREENE:

Hello. I'm sorry, I'm showing 1210 as being Omni-Ventures Saw Mill Creek addition.

LEG. SCHNEIDERMAN:

The bill itself, though.

D.P.O. HORSLEY:

Look at the WHEREAS clauses.

LEG. BROWNING:

Hold on, I'll find out. The 7th WHEREAS clause.

DIRECTOR GREENE:

Was there an error in the bill?

LEG. BROWNING:

And the 7th and the 8th WHEREAS clause.

DIRECTOR GREENE:

Can you excuse me for a minute?

D.P.O. HORSLEY:

Counsel, could you give us maybe some guidance on this?

MR. NOLAN:

Well, at first I would just -- it references that, and also resolutions having to do with the Master List, I and II. So it may have been part of the Master List, and the fact that it's -- also that it's a WHEREAS clause I don't think is going to effect, you know, the propriety of passing the resolution.

DIRECTOR GREENE:

We're looking at 1210, correct?

LEG. BROWNING:

Yeah. I mean it's in --

DIRECTOR GREENE:

My 7th RESOLVED clause is --

LEG. BROWNING:

Yeah, it's in the WHEREAS, but it's --

DIRECTOR GREENE:

My 7th WHEREAS clause is, "Reputed owner has agreed to remove all debris."

LEG. ROMAINE:

No, no, no, the WHEREAS clause.

LEG. BROWNING:

WHEREAS.

LEG. ROMAINE:

The WHEREAS clauses.

D.P.O. HORSLEY:

Would you like to skip over this while they're looking it up?

LEG. BROWNING:

Sure.

LEG. MONTANO:

Yes.

D.P.O. HORSLEY:

Okay. We're going to skip over 1210.

Let's go to *1213-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Delmonaco property - Forge River addition - Town of Brookhaven (SCTM Nos. 0200-750.00-03.00-032.001, 0200-750.00-03.00-032.002, 0200-750.00-03.00-032.003, 0200-750.00-03.00-032.004, 0200-750.00-03.00-032.005, 0200-750.00-03.00-032.006, 0200-750.00-03.00-032.007, 0200-750.00-03.00-032.008 and 0200-750.00-03.00-033.000) (County Executive).*

LEG. BROWNING:

Motion and cosponsor.

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Motion by Legislator Browning. Second by Legislator Anker.

LEG. SCHNEIDERMAN:

Just the price before we vote on it?

MR. NOLAN:

One hundred seventy-one thousand dollars.

LEG. SCHNEIDERMAN:

Sounds like a deal.

D.P.O. HORSLEY:

Okay?

MS. MAHONEY:

How much?

MR. NOLAN:

One hundred and seventy-one.

D.P.O. HORSLEY:

One hundred and seventy-one thousand dollars, the price.

All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Fifteen (Opposed: Legislators Barraga & Montano- Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1266-12 - Accepting and appropriating 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality for the National Estuary Program (County Executive). Motion? Is there a motion on the table?

LEG. CILMI:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Cilmi. Seconded by Legislator Schneiderman. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1292-12 - Reappointing Edward P. Romaine as a member of the Suffolk County Soil and Water Conservation District (Presiding Officer Lindsay).

LEG. BROWNING:

Do we know him?

LEG. CILMI:

Motion.

LEG. BROWNING:

Make sure he recuses himself.

D.P.O. HORSLEY:

Motion by Legislator Cilmi. Do we have any bipartisan ones? (*Laughter*).

LEG. HAHN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman. All those in favor? Opposed? So moved.

LEG. ROMAINE:

Would the Clerk please list me as a recusal on that?

MR. LAUBE:

Sixteen (Recused: Legislator Romaine - Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1294-12 - Reappointing member to the Council on Environmental Quality (Richard Machtay). I believe that's a Huntington guy. Motion by Legislator Spencer. Seconded by Legislator Stern?

LEG. STERN:

Sure.

D.P.O. HORSLEY:

All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Pam, you want to go back to 1210?

DIRECTOR GREENE:

Sure. Those RESOLVED clauses are referring to past prior planning step -- past prior Master List, but then it does go on to properly identify this parcel by its tax map number and this parcel by its purchase price. So if it's superfluous or if it was done part of several other resolutions which were done at the time, I don't think it's a fatal flaw that's preventing the proper language in this resolution.

D.P.O. HORSLEY:

Okay. Counsel has advised me that we can move this.

LEG. HAHN:

On the motion?

D.P.O. HORSLEY:

On the motion, Kara? Ms. Hahn?

LEG. HAHN:

I just want to make sure that the parking lot is going to be removed at the owner's expense?

DIRECTOR GREENE:

That would be the 7th RESOLVED clause.

LEG. HAHN:

Good. So that got --

DIRECTOR GREENE:

"That the reputed owner has agreed to remove all debris in paved parking area from the property at no cost to Suffolk County before the County acquires the property."

LEG. HAHN:

Excellent. Thank you.

D.P.O. HORSLEY:

Okay. Legislator Cilmi?

LEG. CILMI:

Yeah, thank you. At no cost to the County is what your statement is for this, right?

DIRECTOR GREENE:

Yes.

LEG. CILMI:

How much -- it looks as if we're paying almost \$300,000 per acre for this parcel?

DIRECTOR GREENE:

One point six acres, correct.

LEG. CILMI:

One point six acres at a cost of \$472,000, which based on my math is \$295,000 per acre.

DIRECTOR GREENE:

It is.

LEG. CILMI:

So are we still not paying for the removal of debris in a parking lot, or is that somehow worked into that? What are the comparables in this area? Why are we paying almost \$300,000 an acre for a piece of property?

DIRECTOR GREENE:

It's important to realize that this acquisition was held up for a few years because the sellers were named litigants in litigation against the County of Suffolk, so it was advised not to proceed with moving forward on a acquisition with people who were suing us in adverse to our interests. So upon the completion of that litigation, we then were moving this acquisition forward. So it is -- it may be related to the property values at that time.

LEG. CILMI:

What was the outcome of the lawsuit?

DIRECTOR GREENE:

That I don't know.

LEG. CILMI:

Okay.

DIRECTOR GREENE:

It's been resolved.

LEG. CILMI:

Have we purchased any other properties in this area?

DIRECTOR GREENE:

The Saw Mill Creek addition, we have purchased 96 acres currently in the County holding.

LEG. CILMI:

At what price per acre, approximately, on average?

DIRECTOR GREENE:

I don't have the per average price for all 96 acres. This, again, is part of an assemblage on the Master List of Saw Mill Creek proximity to wetlands.

LEG. CILMI:

I understand. I would suggest that before we approve this resolution, that we look at what the average price per acre has been for the other 90 some-odd acres and ensure that we're not paying a ridiculously high cost per acre for this piece of property.

D.P.O. HORSLEY:

All right. Legislator Romaine.

LEG. ROMAINE:

Yes, I just want to put a couple of things on the record. First of all, this property is on East Main Street in Riverhead, just past Town Hall on the south side of Route 25.

I also want to say that I received a telephone call from an eye doctor that I do visit probably a little bit more than once a year, probably once a year, maybe a little less. And the eye doctor informed me that in the -- I think it's been -- the guy's been waiting, because of litigation, for well over four years, that he entered into a contract with the owner of the property to buy the property to build a medical arts building there. Now, I don't know ethically what -- and I'm looking at George because I don't have a personal relationship with my eye doctor, but I do use him professionally at least once every 12 to 15 months to get an eye exam -- whether I have an obligation to recuse myself. But he did tell me he had a contract to buy, but the contract, interestingly enough -- I think if this guy goes ahead with the sale with the County, that he's allowed -- correct me if I'm wrong, that he's allowed to do that?

LEG. BARRAGA:

No.

*(*Legislator Romaine has a side bar conversation with his Aide*)*

LEG. ROMAINE:

Right, I think the Law Department has to hear from Omni Venture's lawyer because there's an existing contract on this property. But I'm asking, you know, what my role should be in terms of recusal, since this guy is a guy that I go for eye exams for.

*(*Laughter*)*

D.P.O. HORSLEY:

I think we should opine on this.

LEG. ROMAINE:

Hey. You know what? I've been through the ringer with the last guy, I don't need to go through it again.

(*Laughter*)

D.P.O. HORSLEY:

Recuse, Ed.

MR. NOLAN:

I always used to say, you never know what you're going to get asked at a Legislative meeting. But in any case, no, I don't see that there's any problem with you voting. You know, it's off the top, you know, but there's no conflict that I can see.

LEG. ROMAINE:

But there is an existing contract on this property between, I guess, this eye doctor or this eye group, whatever it is, and the owner of this property, so.

MR. NOLAN:

I can't speak to -- Legislator Romaine, I can't speak to that, but I don't think that really impacts --

LEG. ROMAINE:

No, I'm just saying that the --

MR. NOLAN:

You've got a certain issue before you --

LEG. ROMAINE:

If we purchase this, if we vote to purchase this, the Law Department, before the County Executive signs it, should get a clarification from the current owner how binding that contract is.

MR. ZWIRN:

Mr. Chairman, I think it would depend on -- Mr. Romaine, how many fingers am I holding up?

(*Laughter*)

If you want, we can --

LEG. ROMAINE:

They ask that in *My Cousin Vinny*.

LEG. SCHNEIDERMAN:

I think the lines are getting a little blurry here.

MR. ZWIRN:

If you want, we can table this for one --

D.P.O. HORSLEY:

Yeah, why don't -- and there's another issue that I would like to just bring up to Real Estate. Is this part of the downtown? It sounds like they're revitalizing downtown Riverhead and we're going to make a preservation buy here; does that make any sense to you?

DIRECTOR GREENE:

I believe its proximity to the Saw Mill Creek was what declared it environmentally sensitive.

D.P.O. HORSLEY:

Not the fact that it's across from Town Hall and part of the Business District?

LEG. ROMAINE:

No, no, no, it's down from Town Hall. It's at least a quarter to half a mile further east.

D.P.O. HORSLEY:

Well, why are you saying it's across from Town Hall for?

LEG. ROMAINE:

Well, you know, approximately, to try to locate where it is. It's beyond the commercial area of Main Street.

*(*Laughter*)*

D.P.O. HORSLEY:

The veracity of Mr. Romaine's comments *(laughter)*.

LEG. ROMAINE:

Although don't trust my eyes *(laughter)*.

D.P.O. HORSLEY:

Okay. Do we have a motion the table on this?

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Cilmi. Seconded by Legislator Kennedy.

LEG. ANKER:

I just have a quick question.

D.P.O. HORSLEY:

Yes, on the motion.

LEG. ANKER:

Pam, on this resolution, it's dated at 2007. That price of 472,000 is based on 2007 real estate market?

DIRECTOR GREENE:

Yes, it is.

LEG. ANKER:

Okay. Thanks.

D.P.O. HORSLEY:

Okay. We have a motion on the floor to table, which takes precedence over the motion to approve. All those in favor? Opposed? So moved, it's been tabled.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, we're off. We're moving now.

Okay, *Government Operations, Personnel, Housing & Consumer Protection:*

1105-12 - Adopting Local Law No -2012, A Local Law amending Resolution No. 1130-2011 to expand the "Contractors Wall of Shame" to include all professions licensed by Suffolk County (Spencer).

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Spencer. Seconded by Legislator Cilmi. On the motion, is there any -- Legislator Montano.

LEG. MONTANO:

Counsel, could you give me a brief explanation of how this Wall of Shame works?

MR. NOLAN:

Well, you'll recall that last year we passed a law creating a "Contractor's Wall of Shame" for home improvement contractors who were cited, you know, for various things like operating without a license. This proposal would expand the scope of the registry to include individuals from any professional licensed by the County of Suffolk who have engaged in unscrupulous practices.

D.P.O. HORSLEY:

Okay?

LEG. MONTANO:

No, not okay.

D.P.O. HORSLEY:

All right. Legislator Montano, continue on.

LEG. MONTANO:

How does it work in terms of -- is it post-hearing or is it pre-hearing?

LEG. SPENCER:

Post-hearing.

LEG. MONTANO:

I just want to make sure that we're putting people on a list that there's --

MR. NOLAN:

Right. There would have to --

LEG. MONTANO:

-- the due process component that goes with it.

MR. NOLAN:

Right. It would not be based on an accusation, it would be -- there would be actually a process and then they would go on there.

LEG. MONTANO:

Okay.

LEG. SPENCER:

Strictly on judgment.

MR. NOLAN:

But I have to go back to the original law.

LEG. MONTANO:

We have to go back to the original --

MR. NOLAN:

No, I have to go back and look at it.

LEG. MONTANO:

Yeah, I have to look at it, too. Maybe to the sponsor?

D.P.O. HORSLEY:

To the sponsor.

LEG. MONTANO:

Could you explain how someone gets on this list? I mean, from the original law? I know you're expanding it, but what does the original law say?

LEG. SPENCER:

The original law seeks that if there's a contractor that has been cited for violation, operating without a license or other activities where they may have misrepresented or jilted a consumer, if -- once they go through a hearing process, if they're -- after it's been adjudicated, if they're found guilty and --

LEG. MONTANO:

That's the question I have; if there's some kind of administrative or judicial process that's required first before someone can be put on a list?

LEG. SPENCER:

Absolutely.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay?

LEG. MONTANO:

Yeah, good.

D.P.O. HORSLEY:

Any other further -- Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to add to that, Legislator Montano. I had the same concern and I did look at it and it is after an adjudication. So it's really just making information that's already public more public; that's really all it is.

LEG. MONTANO:

Right. I understand.

D.P.O. HORSLEY:

Okay, are we good? All right. We have a motion to approve. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

LEG. GREGORY:

Cosponsor.

D.P.O. HORSLEY:

1279-12 - Confirming appointment of County Commissioner of Consumer Affairs (Robert R. Mequin)(County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by Legislator Gregory?

LEG. GREGORY:

I haven't met him.

D.P.O. HORSLEY:

Okay, he hasn't met him. I know Bob. I'll make the motion to second it. Any comments on the Commissioner? The Commissioner was in front of the committee, correct?

LEG. CALARCO:

Correct.

D.P.O. HORSLEY:

That's what I had heard.

LEG. MONTANO:

If I may?

D.P.O. HORSLEY:

Yes, you may.

LEG. MONTANO:

Isn't it generally custom that a Commissioner would come before the full body?

LEG. D'AMARO:

Yes.

LEG. MONTANO:

Or am I imagining? I see Mr. D'Amaro nodding.

LEG. D'AMARO:

Yeah. Just my experience has been, at this level, usually yes, I would think.

LEG. MONTANO:

Yeah, reappointments don't have to come up.

LEG. D'AMARO:

Right.

LEG. MONTANO:

I know that we appointed someone to the Ethics Committee, it was passed through committee and we asked him to show up, he did.

LEG. SPENCER:

I think we told him not to.

LEG. MONTANO:

So I have not had an opportunity to speak to -- I have no opposition but, you know, procedurally I haven't had an opportunity. I don't think I even know what he looks like.

LEG. D'AMARO:

Well, we just confirmed the new County Attorney the other -- I mean, you know, this is a department head we're talking about here.

LEG. MONTANO:

That's what I'm saying, right, there's a difference.

LEG. CALARCO:

Mr. Meguin did present himself at committee fairly well and the committee had offered to him that he did not to come back, so we will take responsibility for that.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

That being the case, I mean, do you want to stand on this -- this is a precedent.

LEG. NOWICK:

He's right; Ric is right.

LEG. D'AMARO:

Well, you know, this is not a reflection on the candidate for the position. But I think if the full Legislature is going to vote on a Commissioner, I think the Commissioner needs to appear; that's what we've been doing for the six years that I've been here.

D.P.O. HORSLEY:

It is a precedent that we're --

LEG. D'AMARO:

Yeah. So, you know, I think it also helps Mr. Meguin, frankly, to introduce himself to the Legislature.

LEG. CALARCO:

Well, I will -- I'll withdraw my motion and make a motion to table and ask that the County Executive and Mr. Meguin come to the next meeting.

LEG. MONTANO:

Right. And this doesn't affect any status, though. He's still the Acting Commissioner. He's on board right now, is he not? Hello?

LEG. SCHNEIDERMAN:

No, he's not. He's there, I was there the other day.

LEG. MONTANO:

No, I'm saying, he's --

MR. ZWIRN:

No, he hasn't started. He was going to wait --

LEG. SCHNEIDERMAN:

Well, Clifford Coleman, I believe is acting in that capacity, but he has been there every day learning the job.

LEG. MONTANO:

But he's not at Commissioner salary; am I correct?

D.P.O. HORSLEY:

Does he have a -- Ben, what position would he have then?

LEG. MONTANO:

Can we get some answers here?

MR. SCHNEIDER:

Right now he is on board in an interim capacity and is --

LEG. MONTANO:

Can't hear you, Jon.

MR. SCHNEIDER:

Right now he's on board in an interim capacity and is being paid \$30,000.

D.P.O. HORSLEY:

Oh, boy.

LEG. MONTANO:

Is that going to be his salary? Do I have the floor, Mister --

D.P.O. HORSLEY:

Go ahead, Mr. Montano. Feel free.

LEG. MONTANO:

I do. Jon, hi.

MR. SCHNEIDER:

Hi.

D.P.O. HORSLEY:

We're all asking these.

LEG. MONTANO:

I think we're all on the same page. You're saying he's on board making 30,000. Is he getting a waiver?

MR. SCHNEIDER:

No, no. No, I'm sorry, I mixed up something in my head. He's on -- he's presently on board in an interim capacity. He is -- he was previously receiving a pension which he has not -- which he will not receive while he's working in this capacity.

LEG. MONTANO:

So he's going to be receiving a full Commissioner's salary.

MR. SCHNEIDER:

That's correct.

LEG. MONTANO:

So us delaying the vote for a month, in essence, precludes him from drawing that salary for a month; is that correct?

MR. SCHNEIDER:

Yes, that would be correct.

LEG. NOWICK:

He still has his pension.

LEG. MONTANO:

Right, but his pension probably doesn't equal -- his pension plus the 30,000 probably doesn't equal his salary. What's his salary going to be as Commissioner; Gail, do you know?

MS. VIZZINI:

(Shook head no.) That's usually worked out with the County Executive.

LEG. MONTANO:

All right.

LEG. ROMAINE:

(Inaudible).

LEG. MONTANO:

Well, the thing is this, it's really not his fault that he's not here and we understand that. What do you guys want to do?

D.P.O. HORSLEY:

Do you guys have any feelings on this?

LEG. D'AMARO:

I'll offer a motion to table.

D.P.O. HORSLEY:

Yeah, I think that's --

MR. LAUBE:

We already got one.

D.P.O. HORSLEY:

-- responsible. I mean, because it is a precedent.

LEG. D'AMARO:

Well, I think it's also to the candidate's benefit to come here and introduce himself to the Legislature. It's not a reflection on him or his abilities. You know, I want to support him, but I need to meet him before I vote for a Commissioner.

D.P.O. HORSLEY:

Right. Is there a second on the table?

LEG. MURATORE:

Second.

D.P.O. HORSLEY:

Second by Legislator --

MR. LAUBE:

I have a motion by Legislator Calarco to table. I need a second.

D.P.O. HORSLEY:

Oh, we already made it, I'm sorry. Calarco tables, Lou D'Amaro seconds. Okay, so we have the motion to table on the floor.

Tabling takes precedence.

LEG. SCHNEIDERMAN:

On the motion?

D.P.O. HORSLEY:

On the motion.

LEG. SCHNEIDERMAN:

And I guess this is for the Administration. So Clifford Coleman I think is acting in that capacity now. Has he or has he not submitted retirement papers, do you know? And if so, when would that be effective? Because if that's the case, this is somewhat time sensitive.

MR. SCHNEIDER:

No. I mean, to my knowledge, Cliff Coleman has not -- he has not submitted papers. But he's at Weights & Measures.

LEG. SCHNEIDERMAN:

Can we pass over this? Is it possible to come back to it and we can find out?

LEG. MONTANO:

Why don't you call him and see if he can get here in a half an hour.

LEG. SCHNEIDERMAN:

I've been told March 31st is his last day and that's going to be a problem.

D.P.O. HORSLEY:

Okay.

LEG. NOWICK:

Question.

D.P.O. HORSLEY:

Yes, Legislator Nowick.

LEG. NOWICK:

If he --

LEG. MONTANO:

Okay. So that's --

D.P.O. HORSLEY:

Hang on a second, Legislator Nowick has the floor.

LEG. NOWICK:

Whether or not he submitted retirement papers is really not our business. All we need to know is do we want to set a precedence?

LEG. D'AMARO:

Right.

LEG. NOWICK:

And unfortunately, and I do feel badly, but we never approve somebody if it's not a reappointment.

LEG. D'AMARO:

Never.

LEG. NOWICK:

And it's unfortunate that it happened this way. It sounds to me like he's receiving a retirement. Believe me, next week April 3rd or the 1st of April, he's going to be getting a check anyway, so I'm sure he's going to make it until March 1st. It is unfortunate, but if we set a precedence now --

D.P.O. HORSLEY:

I think you're --

LEG. NOWICK:

Next time this comes up, somebody will say, "Well, we did it once before."

LEG. D'AMARO:

Yeah.

LEG. NOWICK:

So that's the only problem.

D.P.O. HORSLEY:

And even if we got a hold of him tonight, would he be able to come down here in time?

MR. ZWIRN:

Let's give it -- if you can pass over this, Mr. Chairman, we'll see if we can -- if he's available, if he's around.

LEG. ROMAINE:

He lives in Southold.

LEG. MONTANO:

Yeah, but we may not be --

MR. ZWIRN:

Well, he lives in Southold, but he may be -- he may be -- you know, he might be in Hauppauge.

D.P.O. HORSLEY:

All right.

MR. ZWIRN:

Who knows?

LEG. MONTANO:

Call him. Call him.

D.P.O. HORSLEY:

Okay. All right, let's pass over it for now. We have a motion to table on the floor.

All right. *Human Services:*

We have a *Discharge Petition, 1234-12 - Directing the Department of Social Services to close the sex offender trailer in Westhampton, Town of Southampton (Schneiderman)*. Do we have any motions?

LEG. SCHNEIDERMAN:

Motion to approve.

D.P.O. HORSLEY:

Motion to approve. Is there a second on the motion?

LEG. D'AMARO:

Motion to table.

D.P.O. HORSLEY:

We have a motion and a second -- motion to table. Legislator Gregory seconds the tabling motion. Is there a second on the approval? Is there a second on the approval?

LEG. ROMAINE:

I'll second it for the purpose of discussion.

D.P.O. HORSLEY:

For the purposes of discussion. Okay, we have a second by Legislator Romaine on the approval. Okay. The motion is before us, let's discuss this issue. Is there anything --

LEG. SCHNEIDERMAN:

We're all familiar with this issue. This trailer, which is the overflow trailer, it's been there for five years now. It is as close to a nearby residence as I am to Legislator D'Amaro. There's roughly 200 houses that border this trailer. There is a senior citizen community, there are a lot of grandchildren there, these people can't sleep at night. This was part of a program that was announced to be -- not burden any community for more than a week or two, these moving trailers. These people need a break. They have been through a lot and they are just begging for some relief. They've done their fair share over the last five years. None of us want this but, you know, it's time to end this trailer. I'd like to see both the trailers ended. This one, though, is so close to people, residences, that it really should be discontinued immediately.

D.P.O. HORSLEY:

Okay. Legislator Montano?

LEG. MONTANO:

Yeah, I'm just trying to find an e-mail. I received a letter from Commissioner Blass on this.

LEG. SCHNEIDERMAN:

Yeah, and he'll tell you that when you close this trailer it's going to end up in your communities.

LEG. MONTANO:

That's not what he said.

LEG. SCHNEIDERMAN:

No.

LEG. MONTANO:

I'm looking for the letter. Do you have the letter?

LEG. SCHNEIDERMAN:

I do, yeah.

LEG. MONTANO:

All right. Could you pull it out or tell me what e-mail it is? Because I saw it earlier. Has everybody -- if I may ask. Has everybody seen the letter from the Commissioner?

LEG. D'AMARO:

I did.

LEG. SCHNEIDERMAN:

He says that, let's see --

LEG. BROWNING:

When did the letter come in?

LEG. SCHNEIDERMAN:

"Consequently, the Department of Social Services will be compelled to adopt one of the following solutions. First is to place the shelter residents at one or more hotels located primarily in western Suffolk County, which would likely be in contradiction of other Suffolk County laws." The second would be to disobey the resolution and, you know, face whatever punitive actions.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

All right. That being the case, we have a motion to table, that takes precedence over the approval resolution. All those in favor of tabling?

LEG. SCHNEIDERMAN:

Opposed.

LEG. ROMAINE:

Opposed.

D.P.O. HORSLEY:

Opposed. Abstain? The motion passes, it's been tabled. Do you got that? Did you get enough?

MS. ORTIZ:

Fifteen (Not Present: Presiding Officer Lindsay).

Parks & Recreation:

D.P.O. HORSLEY:

1199-12 - Appoint Michelle Gegwich as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 8) (Spencer).

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Legislator Spencer, motion to approve. Second on the motion? Is there a second to approval? Legislator Gregory seconds the motion to approve Michele Gegwich. All those in favor? Opposed? So moved.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

1201-12 - Authorizing use of Southaven County Park for the Kara's Hope 5K Run/Walk (Browning). Legislator Browning, do you have a motion?

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion to approve by Legislator Browning.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Seconded by Calarco, Legislator Calarco. All those in favor? Opposed? So moved.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1205-12 - Reappoint member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (Dawn Hopkins) (Presiding Officer Lindsay).

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Kennedy.

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. All those in favor? Opposed? Abstain? So moved.

MS. ORTIZ:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1220-12 - Requesting legislative approval of a contract award for renovation, operation, management, and maintenance of the camp store and snack bar concession at Cedar Point County Park, East Hampton (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman.

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1221-12 - Approving a License Agreement for Joyce Bazoge to reside at Jacob Solomon Smith House, at West Hills County Park, Huntington (County Executive). Huntington guys, anyone want to approve this?

LEG. D'AMARO:

(Raised hand).

D.P.O. HORSLEY:

Legislator D'Amaro, motion to approve.

LEG. STERN:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Stern. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1222-12 - Authorizing a Custodial License Agreement with Old Field Farm Ltd. For Old Field Farm County Park, Setauket (County Executive).

LEG. HAHN:

Motion.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Motion by Legislator Hahn. Seconded by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1223-12 - Approving a License Agreement for Shannon Barr to reside at Southaven County Park, Brookhaven (County Executive).

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning. Seconded by?

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1269-12 - Requesting legislative approval of a contract award for renovation, operation, management, and maintenance of the camp store and snack bar concession at Smith Point County Park, Shirley (County Executive).

LEG. CALARCO:

Motion.

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Second by Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen.

LEG. MONTANO:

Abstention.

D.P.O. HORSLEY:

And abstentions.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1283-12 - Appropriating funds in connection with improvements to the Vanderbilt Museum Planetarium (CP 7437) (Spencer).

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Spencer.

LEG. ANKER:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Anker.

LEG. CILMI:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Yes, thanks, Mr. Chair. Can somebody explain what the improvements exactly are that are covered in this appropriating resolution?

LEG. SPENCER:

I have Lance, the Executive Director, who can explain.

MR. REINHEIMER:

Yes. Thank you. This is \$300,000 to replace the two boilers and to work on the HVAC or the air-conditioned portion of the planetarium. Public Works came in, they assessed the situation. The air handlers and the boilers share the same space. The boilers, in the condition that they're in, with the air handler, there's a potential for the mixing of combustible air or fumes from the burners through the planetarium; with the new technology where you have direct pipeline into the boilers, it prevents that situation.

When they last installed this equipment, it was not the most ideal way to do it, but the building was built in 1970 and there was no way around that. This is critical, really, to the development and the renovations to the planetarium and to our revenue stream.

LEG. CILMI:

What was it that we -- if I recall correctly, Counsel; George? I'm sorry. If I recall correctly, a couple of months ago there was a resolution that required some bonding for the planetarium and Legislator D'Amato suggested that we somehow flip flop a couple of different things and take money off the table for one item that we weren't going to spend and put it in for the projector. What was that exactly, Lance?

MR. REINHEIMER:

That's correct, and I think that was Legislator Barraga's idea and we did that. We struck appropriations previously approved for the same amount of 250,000. It seems like a couple of months ago. I know you see me here from time to time. That was really -- that was last spring when we did that, about a year ago. But you're correct in that regard.

If I may say. I'm aware of the finances of the County; probably more than most general public people being that I did work here in the budget. I'm sensitive to your situation. I'm sensitive to the fact that your -- this will increase bonding. This does increase the General Fund operating costs, it's about \$23,000 a year; I'm aware of that. This is critical. I can't emphasize enough how important this is for the operations of the planetarium which is our major revenue source.

But I also would like to say that this is appropriating funds that are scheduled in the Capital Program. I have a million dollars that is scheduled for another Capital Project in 2012; we're not asking for that money this year. Even though those funds haven't been appropriated, we're not going forward with that project because of the critical financial situation of the County. So I'm very sensitive to your question and I understand where you are.

LEG. CILMI:

I see the Commissioner in back of you. Mr. Anderson, maybe you can speak to us about -- Mr. Reinheimer mentioned something about combustible air being, you know, spread throughout. Could you just -- that's frightening.

COMMISSIONER ANDERSON:

In general terms, the systems that he's speaking of are shot, they really need to be replaced. You know, there is some leakage, these are old systems. We are going -- the County, the museum is going through a lot of effort to upgrade, put a new GoTo projector, replace the roof, do a lot of work on that one -- in that one area, and this really is a necessity. You know, obviously we're going to be bringing people in, we want the building to be heated, we want it to be air-conditioned and the equipment that's out there just can't handle it anymore.

LEG. MONTANO:

A quick question?

D.P.O. HORSLEY:

Uh huh, but Legislator --

LEG. CILMI:

Okay, I'm finished. Thanks.

D.P.O. HORSLEY:

Legislator Kennedy?

LEG. KENNEDY:

Let's talk about what kind of boilers, gas or oil?

MR. REINHEIMER:

It's gas.

COMMISSIONER ANDERSON:

Okay, gas.

LEG. KENNEDY:

Gas boilers. You and you are both very familiar with the NYSERTA Programs and the energy-efficiency grants that are out there. Are we getting the benefit of any kind of assistance with putting this in or is this all on our dime?

COMMISSIONER ANDERSON:

It's all our dime.

LEG. KENNEDY:

Okay. So then I've got to ask the next question, don't I? Did we contact NYSERTA? Did we look to see whether or not we would be eligible for any kind of credit with this? We're doing a great job here. I had them across the street in the Labor Department today doing the energy-efficiency stuff. Did we make that contact?

COMMISSIONER ANDERSON:

I can find out, I don't know.

MR. REINHEIMER:

Well, I was going to say, Javed from Public Works is the person that came and assessed the system. He's our energy expert.

LEG. KENNEDY:

Yes, he is. I saw him today.

MR. REINHEIMER:

Okay. So I'm sure he would pursue any other funding that he can possibly pursue. Timing is critical for this. The planetarium, the renovations started two weeks ago. The star projector is gone, the seats are gone, the carpeting is gone, they're starting construction on the pit. The point is that this can be done in lock step with the renovations.

LEG. KENNEDY:

Can we qualify for installations after the fact with this stuff?
Can we get a NYSERTA credit as against upgrades or improvements that we've done?

COMMISSIONER ANDERSON:

I think what -- I would tend to doubt it. I don't know. But I would expect Javed who, you know, you're familiar with, his expertise --

LEG. KENNEDY:

I am, yes.

COMMISSIONER ANDERSON:

If he saw an opportunity to get funding to put these facilities in, he would have taken advantage of it.

LEG. KENNEDY:

If we approve the Bond today, how long before we'll actually contract the installer and actually get moving along those lines? We have gas lines pulled in there; it's gas-fired now?

MR. REINHEIMER:

Yeah, we converted the whole museum to gas.

LEG. KENNEDY:

Okay.

MR. REINHEIMER:

They're gas boilers there now.

LEG. KENNEDY:

Good.

MR. REINHEIMER:

It's gas, water and air.

LEG. KENNEDY:

Tell me how you would have a week to call somebody to talk to them about whether we have a shot at a credit here.

MR. REINHEIMER:

Okay. As far as contractor goes --

LEG. KENNEDY:

Yeah. I'm begging you, anybody, please.

MR. REINHEIMER:

And I can be corrected, we're using an existing contractor that Public Works has. They've already come in and assessed the boilers, so that portion of the project, replacing those boilers, I believe they have a work plan.

LEG. KENNEDY:

Some sitting on the back of the truck they're going to put in tomorrow?

COMMISSIONER ANDERSON:

No.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

You're right, you would have time to talk to somebody about this.

LEG. KENNEDY:

Good. Okay, fine. Thank you. All right.

D.P.O. HORSLEY:

Yeah, I think they would be able to get a rebate if that's -- that program would be after the fact. Legislator Montano.

LEG. MONTANO:

Hi, Commissioner. Gil, your comments -- I'm sorry. Your comments earlier seemed to imply that not doing this was a health hazard; is that what you're saying? Is this a genuine health hazard or is that fluff so that we can -- to induce to get this done?

COMMISSIONER ANDERSON:

The -- okay, I --

LEG. MONTANO:

It's a serious question.

COMMISSIONER ANDERSON:

No, I'm --

LEG. MONTANO:

I mean, if you're telling me it's a health hazard, that's one thing. If you're telling me, "Well, you know," that's nothing.

COMMISSIONER ANDERSON:

What I'm telling you is the boilers and this equipment that we're speaking of needs to be replaced. And, you know, Lance --

LEG. MONTANO:

It needs to be replaced because it's old.

COMMISSIONER ANDERSON:

It's old, it's not working properly, there is leakage. Is it a health issue? No, I don't believe it's an imminent health issue, but it does, you know --

LEG. MONTANO:

Okay. I got you. Thank you.

D.P.O. HORSLEY:

Okay? All right, we have a motion to approve 1283. All those in favor? Opposed?

LEG. MONTANO:

Opposed.

D.P.O. HORSLEY:

Okay. You'll get the opposed? Brown Schneiderman Hahn Lindsay not present.

MR. LAUBE:

One opposed?

D.P.O. HORSLEY:

One opposed as far as I know. Anyone else? Abstentions?

MR. LAUBE:

Fifteen (Opposed: Legislator Montano - Not Present: Presiding Officer Lindsay & Legislator Schneiderman).

D.P.O. HORSLEY:

Okay. With the pending Bond Resolution, *1283A-12 - Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$300,000 bonds to finance the cost of improvements to the Vanderbilt Museum Planetarium (CP 7437.313)*, may I have the same motion and same second; okay? All those in --

MR. NOLAN:

Roll call.

D.P.O. HORSLEY:

Oh, yes, I'm sorry. Roll call.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. SPENCER:

Yes.

LEG. ANKER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Fifteen.

D.P.O. HORSLEY:

Okay. Next is *1289-12 - Authorizing use of Makamah Preserve in Northport by Northport Running Club (Spencer)*. Legislator Spencer?

LEG. SPENCER:

Motion.

LEG. KENNEDY:

Second.

D.P.O. HORSLEY:

Second by Legislator Kennedy. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Public Safety:

1243-12 - Accepting and appropriating a grant in the amount of \$62,790 from the State of New York Governor's Traffic Safety Committee, to target speeding, aggressive, and distracted driving, with 81.53% support (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by?

LEG. BROWNING:

Second.

D.P.O. HORSLEY:

Legislator Browning. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1244-12 - Accepting and appropriating Federal funding in the amount of \$51,606 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Safe Streets Task Force FFY2012 with 81.53% support (County Executive). Same motion, same second all right?

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

That being the case, we're good? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

You got ahead of me, Mr. Clerk.

1245-12 - Accepting and appropriating Federal funding in the amount of \$30,000 from the Department of Homeland Security, United States Immigration and Customs Enforcement (ICE), for the Suffolk County Police Department's participation in the ICE El Dorado Task Force with 81.53% support (County Executive). Same motion, same second.

LEG. MONTANO:

A quick question.

D.P.O. HORSLEY:

Okay, on the motion.

LEG. MONTANO:

Yeah, can someone just tell me what the Eldorado Task Force is? Does anybody know?

LEG. BROWNING:

I don't remember.

LEG. CILMI:

We had this.

LEG. MONTANO:

This is -- if I may, Ben? We passed this before. This is a reallocation; am I correct?

MR. ZWIRN:

Yes. But I don't know the specifics of the program. If you want me to go --

LEG. MONTANO:

Right, but -- no, no, that's all right. But we have passed this in --

MR. ZWIRN:

Yes.

LEG. MONTANO:

Yeah. Okay, I just forget what the task force was about.

D.P.O. HORSLEY:

Okay?

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

All right? All in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1246-12 - Accepting and appropriating a grant in the amount of \$46,501 from the State of New York Governor's Traffic Safety Committee, to enforce Motor Vehicle Passenger Restraint Regulations with 81.53% support (County Executive). Same motion, same second. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1259-12 - To establish eligibility by the Village of Asharoken for Public Safety Revenue-Sharing Funds In Fiscal Year 2011 (County Executive).

LEG. SPENCER:

Motion.

LEG. BARRAGA:

Can we get an explanation on that?

D.P.O. HORSLEY:

Okay, but let's get a motion on this first. Legislator Spencer motions, seconded by Legislator Schneiderman. On the motion, Legislator Barraga.

LEG. BARRAGA:

Just an explanation.

D.P.O. HORSLEY:

An explanation, please; anybody?

MR. NOLAN:

This has to do with the public safety sales tax revenues, they're distributed to towns and villages. A condition of getting the money is they're supposed to file a verification every year that shows how they spent the money the year before. Asharoken didn't do that timely, this is going to allow them to file it so they can get their share of those monies.

LEG. BARRAGA:

But they've gotten the money in the past when they filed on time, right?

MR. NOLAN:

Sure.

LEG. BARRAGA:

Okay.

D.P.O. HORSLEY:

Okay, we're good? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, *1285-12 - Appropriating funds in connection with improvements to the County Correctional Facility C - 141, Riverhead(CP 3014).*

LEG. BROWNING:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning. A second on the motion? Legislator --

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Legislator Schneiderman.

LEG. MONTANO:

Explanation?

D.P.O. HORSLEY:

That might be in order, okay. Explanation?

LEG. BROWNING:

It's a multiple number of projects that need to be done at the Riverhead Jail. I think if any of you have ever been in there, you could tell it needs a lot of work. Oh, DPW is here; do you have any answers? I know -- I believe there was a list of things that needed to be done. I'm not a hundred percent sure.

D.P.O. HORSLEY:

A lot of work.

LEG. BROWNING:

Yes, it was. I think maybe 40 different items.

D.P.O. HORSLEY:

Oh, that is a lot of work.

MR. ZWIRN:

Yeah, it is a lot. It's mechanical/electrical systems, storm water drainage system, asphalt, paving and drainage, exterior concrete stairs, walkways, curbs; it's a whole host of things. And this is money that was in the budget.

LEG. BROWNING:

It's work that needs to be done.

LEG. ANKER:

We've got the new jail on-line. When is that going to be available, the new jail?

LEG. D'AMARO:

Never.

MR. ZWIRN:

That's in discussions now with the Commission of Corrections.

LEG. ANKER:

As part of the discussion, what will happen with the old jail?
Any ideas with that.

MR. ZWIRN:

It will be used the way it is currently.

LEG. ROMAINE:

We need both.

LEG. ANKER:

You need both, okay. So investing the \$150,000 is still going to benefit because we're going to need it anyways?

MR. ZWIRN:

Yes.

LEG. ANKER:

Okay, thank you.

D.P.O. HORSLEY:

Okay? All those in favor? Opposed? So moved.

All right, we have --

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

-- *1285A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,910,000 bonds to finance the cost of improvements to the County Correctional Facility C-141, Riverhead. (CP 3014.116, .322, .412 and .516) (County Executive), same motion, same second. Roll call on the vote, on the Bond issue.*

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1228-12 - Prohibiting the acceptance of wastewater produced by --

MR. NOLAN:

You skipped one.

MS. LOMORIELLO:

1297.

MR. NOLAN:

1297.

D.P.O. HORSLEY:

Oh, I'm sorry. 1297 -- that's why we need you, George.

1297-12 - *Establishing a Six-Month Pilot Program to optimize use of Shotspotter Technology (Spencer)*. Legislator Spencer?

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion to approve.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator Stern.

LEG. CILMI:

On the motion?

D.P.O. HORSLEY:

On the motion, Legislator Cilmi.

LEG. CILMI:

Can the County Executive's Office speak to us about the -- about how the ShotSpotter technology has been working to date? Where it's been installed, where it hasn't been installed, if there are any

statistics as to how it's been effective, etcetera.

MR. ZWIRN:

I would -- with all due respect, Legislator, I would rather have the Police -- I don't have those statistics with me, but --

LEG. BROWNING:

I could give you -- it has been installed in all of the districts. I know North Bellport, Huntington Station, North Amityville, Wyandanch, Brentwood, Central Islip --

D.P.O. HORSLEY:

They're all up and running.

LEG. BROWNING:

They're all up and running. I can tell you for fact I know it's working, its working in my district. We had an incident in February where there was a shooting that occurred in a home, or should I say at the front door, and the Police showed up. The person was actually shot, grazed, and when the Police showed up, the people said, "How did you know to come here? We didn't call you." They knew exactly where to go, so it's working.

LEG. CILMI:

So Legislator Spencer, could you describe exactly what this bill would do?

LEG. SPENCER:

Certainly. One of the concerns that I have with ShotSpotter is that if someone fires a gun, the information gets delivered to a centralized location and officers are dispatched. And so there is some time involved, even though we get in a location and we can kind of find out exactly where to go, once the officers get to the scene several minutes have passed.

One of the things that, after negotiating with ShotSpotter, I found out that the ShotSpotter system already has software to incorporate cameras. And Huntington Station, our BID, has installed 44 cameras that have zone capabilities, ability to also swivel. And thought is that with ShotSpotter, that same information that goes to the officers to be dispatched can also go to like a camera guidance system. And so every camera that is in the vicinity will get those coordinates and will immediately zoom to the scene. So you're going to see the suspect, their height, their race, what they're wearing, what cars, what directions they're traveling in. And so realizing that if we already have invested in the ShotSpotter technology and we have the infrastructure in place for the cameras, then we're really talking about software to connect the two.

So since I already have both of those elements in Huntington Station, the Legislative Intent here is that to work with the Police Officers where they're not expending any extra, I guess, the officer's time to sit there and monitor a bank of cameras. But when that information comes in, wherever possible, they will go to the cameras and zoom in on the scene and I think it will increase our callers. It will also make help investigations and we're going to get a lot more information instantaneously. And then I'm going to make it very clear with an ad campaign, if you shoot a gun you better smile because we're going to catch you.

*(*Laughter*)*

So that's why I wanted to do that and so this will work.

LEG. CILMI:

Could Budget Review speak to the fiscal impact of this?

MS. VIZZINI:

Yes, I'm just calling it up now.

LEG. MONTANO:

It doesn't say anything on this bill in here.

LEG. SPENCER:

Well, at this particular point for my pilot program, there's no software cost that's involved, it's literally just taking advantage. The BID has provided the laptops, they've provided Internet access to the cameras. So it would be literally the officers making a decision, which we left them the latitude to do, how they're going to monitor this information. So I don't expect --

LEG. CILMI:

So this was done on-line? There's no hard-wire hook-ups between the cameras and the ShotSpotter devices?

LEG. SPENCER:

That's correct. Once we get through the six month pilot program, then the software costs compared to really the hardware and the infrastructure that's already in place, the software costs are nominal. I don't know if I answered your question; you look like I haven't.

LEG. CILMI:

Well, you did. It's just that -- you know, I know the technology is out there, but it's just hard to imagine that you have how many -- so how many cameras would this be?

LEG. SPENCER:

We have 44 cameras. But when we bought the ShotSpotter, with the lease there's already the software included to connect to cameras, it's already there.

LEG. CILMI:

And it happens through an IP address or something, or how does it --

LEG. SPENCER:

It happens -- there's a central camera, I guess, location system where it gets the geographic location from the ShotSpotter and those two are able to communicate with each other. But it does happen wirelessly, it does happen through the Internet.

LEG. CILMI:

Okay.

D.P.O. HORSLEY:

Good?

LEG. CILMI:

Did you have any additional input?

MS. VIZZINI:

Pretty much what Legislator Spencer said is reflected in the fiscal impact statement, that it would -- the pilot would be a joint effort between, you know, ShotSpotter, the Police Department and the BID.

The interesting thing about the pilot project is it will give us an opportunity to determine what, if any, opportunity cost there is for the Police to analyze the management reports that come from the system. And if there's any future staffing needs, that would be something that could only be

determined at a later date.

LEG. CILMI:

Is the PD in favor of this, Legislator Browning? Did they come to --

LEG. BROWNING:

Yes, they were here and they're supportive of it. I know initially they had some concerns about staffing, but that's been resolved and they're definitely on board.

LEG. CILMI:

All right, good. Thank you.

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

All righty. We have a -- by the way, Legislator Spencer, 44 cameras; I was impressed by that, you knew that. That was pretty good.

*(*Laughter*)*

LEG. SPENCER:

Thank you.

D.P.O. HORSLEY:

We have a motion to approve and a second. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Anker).

D.P.O. HORSLEY:

All right, *Public Works & Transportation:*

1228-12 - Prohibiting the acceptance of wastewater produced by hydraulic fracturing at County sewage treatment facilities (Hahn). Legislator Hahn.

LEG. HAHN:

Motion.

D.P.O. HORSLEY:

And I'll second your motion. All those in favor?

LEG. D'AMARO:

Well, wait a minute.

LEG. MONTANO:

Wait a minute.

D.P.O. HORSLEY:

Okay.

LEG. MONTANO:

If I may ask for an explanation?

D.P.O. HORSLEY:

You can ask.

LEG. MONTANO:

Thank you.

D.P.O. HORSLEY:

Legislator Hahn, you want to give it, or how do you want to do this?

LEG. HAHN:

Sure. The State DEC listed on its appendix for the Draft Environmental Impact Statement for Fracking, Bergen Point Sewage Treatment Plant as a potential receiving site for fracturing waste from activities that may, may happen Upstate. And I see Commissioner Anderson here, if he wants to comment, but I'd like to -- there are several reasons why accepting the waste in our sewage treatment plants is not a good idea.

I would argue the first is that our sewage treatment plants are meant to treat primarily nitrogen and really are not set up to handle this concoction of toxic chemicals that are part of hydrofracking wastewater, some of which we don't even know what they are. Our sewage treatment plants, not just -- Bergen Point may empty into the ocean, but if any of our other sewage treatment plants should wind up on this appendix, they empty into the Long Island Sound, some discharge groundwater, affecting our groundwater and our drinking water. And they -- and the plants don't treat for these chemicals, so they will wind up in the sound and in our drinking water and our groundwater.

In addition, the sewage treatment process is a very delicate, biological process, and some of these chemicals could actually harm that process, you know, thereby not even then allowing it to complete the treatment of nitrogen. In addition, any excess capacity we may have I would hope we can use for economic development purposes.

So those, and I'm sure there are others that people will add, are reasons why I don't think we should be accepting this waste in our sewage treatment plants.

D.P.O. HORSLEY:

Gil, did you want to comment on that quickly?

COMMISSIONER ANDERSON:

I thought the Legislator did very well.

D.P.O. HORSLEY:

I did, too. And not to mention that the person who talked about fracking before said there was 800 chemicals, different chemicals, I think was the number he used when he was talking about the chemical waste from the fracking. Legislator Cilmi.

LEG. CILMI:

Thanks, Mr. Chair. Legislator Hahn, the list that you're speaking of, how many other treatment facilities in New York State are there that could accept?

LEG. HAHN:

I don't have an answer. It's many.

LEG. CILMI:

Many?

LEG. HAHN:

I do believe it was many.

COMMISSIONER ANDERSON:

Yeah. I mean, there are numerous, many more Upstate. The likelihood that this --

LEG. CILMI:

Like a dozen, two dozen, 50, 60, a hundred?

COMMISSIONER ANDERSON:

I would -- if I had to hazard a guess, over a hundred. Certainly, it's a long way from where they're doing the work to us.

LEG. CILMI:

So while it's likely that the stuff would never find its way to us, it's prudent to prohibit it from happening.

COMMISSIONER ANDERSON:

Correct.

LEG. CILMI:

Okay. Thank you.

D.P.O. HORSLEY:

Okay, Legislator Cilmi. Someone else wanted to -- Legislator Romaine, that's what it was.

LEG. ROMAINE:

Yes, I believe the number between the fracking sites and the Southwest Sewer District is 324 other sewage treatment plants. The likelihood -- first of all, I have my concerns about fracking. I'm going to vote for this resolution, but I'm also thinking about introducing something about banning nuclear waste in our sewage treatment plants, but that's beside the point.

D.P.O. HORSLEY:

Go get em, Ed. *(Laughter)*

LEG. ROMAINE:

Absolutely *(laughter)*. I would just say it's good to be on --

D.P.O. HORSLEY:

We hate that nuclear waste.

LEG. ROMAINE:

Absolutely.

*(*Laughter*)*

Nuclear waste. But my point is that I understand that Legislator Hahn wants to make a statement about fracking, I have my concerns about it. Do I think that as a practical matter that any of those people involved in fracking way Upstate is going to transport that material to Suffolk County or, more likely, some of the 324 plants between Bergen Point and the fracking sites? I think it's less likely. But you know what? I'll take a belt and suspenders approach.

*(*Laughter*)*

D.P.O. HORSLEY:

Well, that fracking juice is awful. Lou? You want to -- Mr. D'Amaro.

LEG. D'AMARO:

Yeah. Just what happened to drill, baby, drill, though, Ed; you know?

*(*Laughter*)*

It's a very inconsistent position on some levels, I think.

D.P.O. HORSLEY:

It's shocking.

LEG. D'AMARO:

Yeah, it is.

D.P.O. HORSLEY:

Keystone is next.

LEG. D'AMARO:

Well, you know, this goes directly to the dependency of the entire nation on foreign sources of energy. And, you know, I think it's making a statement on whether or not, you know, fracking is certainly something that's controversial. But I don't know that this bill -- is it making a statement you're for it, against it? I'm not really sure. But as long as the Commissioner is here, I just wanted to ask, of these other 300 sites or 100 sites, have we heard that the wastewater from this process is affecting any of those plants in any negative or detrimental way?

COMMISSIONER ANDERSON:

No, not from the DEC specifically. DEC is the one who's mandating it.

LEG. D'AMARO:

So the state of New York has basically said that the sewer treatment facilities can properly receive the wastewater? I mean, they wouldn't permit it if it was going to damage our systems or --

COMMISSIONER ANDERSON:

I think it's the least of all evils I think is what you're faced with. Because, again, in most cases, most treatment facilities are treating the waste biologically and, you know, with all the chemicals and everything else. And again, we go back to a discussion we had last year with monitoring; we're monitoring on the hour, 24/7 to make sure that all the chemicals and all the processes are where they're supposed to be. So now you introduce this vast chemical cocktail, it really does -- it really can impact it. But again, what do you do with it? Do you continue -- you know, without containing it nuclear waste, there's very little options.

LEG. D'AMARO:

Right. So if the County were to somehow accept this, we would certainly continue our monitoring efforts to see whether or not it had a detrimental impact on the sewage treatment facility.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

We would know that.

COMMISSIONER ANDERSON:

Right. But then I think the other question is, especially with regard to -- well, with regard to even our upland treatment plants, we can only treat, you know, carbon, phosphorous, nitrogen; beyond that, those other compounds really just pass through.

LEG. D'AMARO:

Okay. Why would the State DEC, then, permit the County to accept it?

COMMISSIONER ANDERSON:

Again, I think it comes back to what else do you do with it? How else do you treat it? I'm not an expert in it, I don't really pretend to be.

LEG. D'AMARO:

Yeah. It just -- again, it just seems to me that, you know, there's a bigger picture here, a larger picture here that -- you know, we talk about a dependency on foreign sources of energy and this is a way to tap the natural gas reserves in this nation that can really make a dent in our dependency on foreign oil, something that many people are in favor of doing in this country, and maybe bring down the cost of energy, and here we are just shutting the door to part of the process. It's kind of interesting.

D.P.O. HORSLEY:

It is kind of interesting. But I must note that stuff that's going -- that fracking juice that's going to be passed through our plant is going right into my district waters; I'm not appreciative of that. Legislator Kennedy.

LEG. KENNEDY:

You've touched a little bit on this, Commissioner. But my understanding and the reading that I've been able to do with fracking is that all of the energy outfits hold the composition of the chemicals, proprietary. They don't divulge what the full composition is.

Now, when a waste hauler, particularly a commercial waste hauler comes to off-load at our plants, don't they have to divulge what the contents of what they're dumping is?

COMMISSIONER ANDERSON:

Again, to the best of their knowledge, yes, they would have to. But you can't attest --

LEG. KENNEDY:

So by definition, we couldn't take fracking contents because nobody's, you know, attesting to the composition of the contents. The full chemical range and the full spectrum has been hypothesized to be part of this fluid.

COMMISSIONER ANDERSON:

But we have been given guidance by DEC that it can be brought to a treatment plant and, you know, that appears to be some type of waiver.

LEG. KENNEDY:

Well, wait a minute, wait a minute. You've been given guidance?

COMMISSIONER ANDERSON:

Well, we --

LEG. ROMAINE:

(Inaudible).

LEG. CILMI:

We're on the list.

COMMISSIONER ANDERSON:

We've been advised by the DEC that any of these materials can come to any treatment plant within the State.

LEG. KENNEDY:

Fracking fluid or fluid with the contents of A, B, C, D and E chemicals?

COMMISSIONER ANDERSON:

Fracking fluid. You don't know -- I mean, we haven't -- as far as I know -- and again, I'm not an expert on this.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

We haven't received the actual chemical composition of any of this material, other than in a general basis and what can be expected.

LEG. KENNEDY:

Okay. All right. I'll yield. Thank you.

D.P.O. HORSLEY:

Eight hundred chemicals. Okay, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I think this is a good idea and I'm going to support it and cosponsor it. But Gil, as a practical matter now, if fracking fluid were to attempt to come into Bergen Point, it obviously wouldn't be through the sewer system, it would be the scavenger waste facility, so you would have a truck pull up and ask to unload. So how are you going to -- are you going to ask these carters whether they're coming -- whether they're containing sewage or they're containing fracking liquid?

Do you have a way to enforce this?

COMMISSIONER ANDERSON:

You would know -- you would receive a bill of lading -- you know, what they're carrying, where they're coming from.

LEG. D'AMARO:

Absolutely.

COMMISSIONER ANDERSON:

And I would have to guess, although I don't know, that the DEC would advise us that the material was coming. It's not that somebody would show up in the middle of the day and say, "Here we are."

LEG. SCHNEIDERMAN:

All right. So then you would just notify all the workers at Bergen Point that -- and that's our only scavenger waste facility, that's the only place in the County that could bring -- take it, right?

COMMISSIONER ANDERSON:

County-owned, yes.

LEG. SCHNEIDERMAN:

Right, County-owned. So all the workers then would be aware of this and they would have -- they fill out a form, the merchant?

COMMISSIONER ANDERSON:

Yeah, they all have to be registered with us, too, it's not -- it's not just somebody shows up at -- you know, they all have to be registered with the County to dispose of material with us.

LEG. SCHNEIDERMAN:

Do we till typically allow -- let's say it wasn't fracking, let's say it was just septic. Do we allow, let's say, Upstate vendors to bring in septic material, or do we limit it, Bergen Point, only to Suffolk County and Nassau County?

COMMISSIONER ANDERSON:

No, we take -- we would take waste from, you know, Nassau County, the city. Again, they would have to be registered, we would have to be -- -- you know, we would have to be told what the material is, you know, in anticipation of receiving it.

LEG. SCHNEIDERMAN:

All right. So you would then basically -- you would notify them at the time that they attempted to register that that material we're not taking.

COMMISSIONER ANDERSON:

Correct.

LEG. SCHNEIDERMAN:

Okay.

D.P.O. HORSLEY:

Kara, I think you're next.

LEG. HAHN:

Just to clarify, it is not the intent of this legislation to take a position on fracking. But I do -- you know, I do believe that it is up to the industry. If we are going to go with this as an alternative fuel, it is up to the industry to find a way to responsibly get rid of the waste. It cannot be just poured on communities and just left, the companies profiting through the roof and the communities dealing with all of these toxic chemicals. It will be up to the -- it should be up to the industry to find a way to properly deal with the wastewater. Thank you.

D.P.O. HORSLEY:

Okay. I think I lost Doctor -- Dr. Spencer; is he coming in? No luck, huh?

MS. GELLERSTEIN:

No, just go.

LEG. MURATORE:

Let's move the bill.

D.P.O. HORSLEY:

All right. This is where -- no, I'm not going to get into it; this is where Bill yells.

Okay. We have a motion to approve. I don't think we have anything else on this, right? Motion to approve. All those in favor? Opposed? So moved, it's been approved.

MR. LAUBE:

Seventeen. Sixteen (Not Present: Presiding Officer Lindsay & Legislator Spencer).

D.P.O. HORSLEY:

All right. *1235-12 - Authorizing illumination of the H. Lee Dennison Executive Office Building for Ovarian Cancer Awareness (Kennedy).* Legislator Kennedy?

LEG. KENNEDY:

Motion.

D.P.O. HORSLEY:

Legislator Kennedy, motion to approve. Seconded by?

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Legislator D'Amaro. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Spencer).

D.P.O. HORSLEY:

1239-12 - Authorizing execution of agreement by the Administrative Head of SCSD No. 11 – Selden with Selden Plaza Shopping Center (Br-0652.1) for additional capacity (5,806 GPD) (Muratore).

LEG. MURATORE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schnei -- Muratore, I'm sorry. And second by Schneiderman. Anyone on the motion? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen.

D.P.O. HORSLEY:

1240-12 - Authorizing execution of agreement by the --

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Spencer).

D.P.O. HORSLEY:

-- Administrative Head of Suffolk County Sewer District No. 3 Southwest and Melville Plaza - 610 Broadhollow Road (HU-1631) (County Executive).

LEG. D'AMARO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator D'Amaro. I'll second the motion. All those in favor? Opposed? So moved.

1241 --

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Spencer).

D.P.O. HORSLEY:

Thank you. I'm sorry.

1241-12 - Amending the approval (Intro. Res. No. 2260-2010) of an agreement by the Administrative Head of Suffolk County Sewer District No. 7 - Twelve Pines and Intercounty Associates II, LLC (Br-1445) (County Executive).

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. Seconded by?

LEG. SCHNEIDERMAN:

Second.

D.P.O. HORSLEY:

Second by Mr. Schneiderman. All those in favor? Opposed? So moved.

MR. LAUBE:

Sixteen (Not Present: Presiding Officer Lindsay & Legislator Spencer).

D.P.O. HORSLEY:

1274-12 - Appropriating funds in connection with the construction of the Motor Carrier Unit parking lot on CR 13, Crooked Hill Road (CP 5140) (Kennedy). Is this yours, John.

LEG. KENNEDY:

Yes. Motion to approve.

D.P.O. HORSLEY:

Motion to approve by Legislator Kennedy.

LEG. MURATORE:

Second.

D.P.O. HORSLEY:

Seconded by Mr. Muratore. All those in -- whoa, before we vote on that, Legislator Montano.

LEG. MONTANO:

Yeah. John, where is -- where on Crooked Hill Road is this cited for?

LEG. KENNEDY:

It is -- basically it would be --

LEG. MONTANO:

Is it north of the LIE or south of the LIE?

LEG. KENNEDY:

North, north of the LIE, in my district.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay?

LEG. MONTANO:

Yep.

D.P.O. HORSLEY:

We're good? All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. With that, we have a pending Bond Resolution **1274A** (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$650,000 bonds to finance the cost of the construction of the Motor Carrier Unit Parking Lot on CR 13, Crooked Hill Road (CP 5140.310)*), same motion and second. Roll call.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. KENNEDY:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All righty. Doc, I was waiting for you before, by the way. I was waiting for you before and I lost you.

LEG. SPENCER:

I apologize. Adrienne Esposito called me back.

D.P.O. HORSLEY:

Oh, okay. I just wanted to let you know I didn't blow you off.

LEG. SPENCER:

I appreciate that.

D.P.O. HORSLEY:

1280-12 - Accepting and appropriating funds in connection with the Transportation Planning Study of Commack Road. (Co. Exec.)

LEG. STERN:

Motion to approve.

D.P.O. HORSLEY:

Motion by Legislator Stern.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

Second by Legislator D'Amaro. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All righty.

LEG. STERN:

Tim, I think I'm already on.

D.P.O. HORSLEY:

1284-12 - Appropriating funds in connection with renovations to the original portions of the Yaphank Correctional Facility (CP 3009) (County Executive).

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by whom?

MR. NOLAN:

Schneiderman.

D.P.O. HORSLEY:

By Legislator Schneiderman.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Seconded by Legislator Calarco. All those in favor? Opposed?
So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

The Bond, corresponding Bond issue, ***1284A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$875,000 bonds To Finance The Cost Of Renovations To The Original Portions Of The Yaphank Correctional Facility (CP 3009.317 and .513)***, same motion and second. Roll call.

(*Roll called by Mr. Laube - Clerk of the Legislature*)

LEG. SCHNEIDERMAN:

Yes.

LEG. CALARCO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. *1300-12 - Appropriating funds in connection with reconstruction of drainage systems on various County roads (CP 5024)(County Executive).* Motion on that?

MR. NOLAN:

Schneiderman.

D.P.O. HORSLEY:

Schneiderman, Legislator Schneiderman, motion. Seconded by? I'll make the second on the motion. All those in favor? Opposed? Same -- motion is approved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay, *1300A, pending Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$262,500 bonds to finance a part of the cost of the reconstruction of drainage systems on various County Roads (CP 5024.310)*, same motion, same second. Roll call.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

1301-12 - Appropriating funds in connection with strengthening and improving County roads (CP 5014) (County Executive). Motion by Legislator Schneiderman. I'll make the second on that. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you. The corresponding Bond Resolution (***1301A, Bond Resolution of the County of Suffolk, New York, Authorizing the issuance of \$4,500,000 bonds to finance the cost of strengthening and improving County Roads (CP 5014.353)***), same motion, same second. Roll call.

(*Roll called by Mr. Laube - Clerk of the Legislature*)

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

MR. LAUBE:

Hahn? Hahn?

MR. STRAUSS:

Hahn?

MR. LAUBE:
She left the room.

LEG. HAHN:
Yes.

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

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

P.O. LINDSAY:
(Not present).

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:
Okay. *1303-12 - Amending Resolution No. 1264-2010 and amending the 2012 Capital Budget and Program to increase funding in connection with the replacement of Smith Point Bridge over Narrow Bay, Town of Brookhaven (CP 5838) (County Executive).*

LEG. BROWNING:
Motion.

D.P.O. HORSLEY:

Motion by Legislator Browning.

LEG. CALARCO:

Second.

D.P.O. HORSLEY:

Second by Legislator Calarco. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

We have the same motion, same second, 1303A for the pending Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance a part of the cost of planning and engineering in connection with the replacement of Smith Point Bridge over Narrow Bay, Town of Brookhaven (CP 5838.112).***

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. BROWNING:

Yes.

LEG. CALARCO:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Yes.

MR. LAUBE:

Hahn?

LEG. ROMAINE:

Hahn.

LEG. BROWNING:

Hahn.

LEG. CILMI:

Hahn.

"Hahn" yelled in unison by Legislators

LEG. HAHN:

Yes (*laughter*).

LEG. ANKER:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Boy, you guys are brutal.

1304-12 - Amending Resolution Nos. 239-2011 and 673-2011 and amending the 2012 Capital Budget and Program to increase funding in connection with the reconstruction of CR 11, Pulaski Road from Larkfield Road to NYS Route 25A, Towns of Huntington and Smithtown (CP 5095).

LEG. SPENCER:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Spencer. Seconded by -- who was that? Legislator Nowick. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Thank you.

The corresponding Bond issue, *(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,850,000 bonds to finance a part of the cost of the reconstruction of CR 11, Pulaski Road, from Larkfield Road to NYS 25A, in the Towns of Huntington and Smithtown (CP 5095.311), same motion, same second. Roll call.*

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. SPENCER:

Yes.

LEG. NOWICK:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Hahn. I mean yes.

*(*Laughter*)*

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. *1305-12 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the installation of a Closed Loop Signal System on various County Roads (CP 3309)(County Executive)*. Motion by Legislator Schneiderman. I'll second the motion.

LEG. MONTANO:

Question.

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

On the motion.

D.P.O. HORSLEY:

Okay. You want to know what it is?

LEG. SCHNEIDERMAN:

What's the question?

LEG. MONTANO:

Yes. The question is, Robert, how much is this one for?

MR. LIPP:

It's for one and a quarter million, 80% aid, and the other 20% or 4250,000 would be County serial bonds.

LEG. MONTANO:

All right. So when we're done with -- this is our last bond. How much have we bonded today, including the land and development; do you know?

MR. LIPP:

I can get back to you on that.

LEG. MONTANO:

Okay.

D.P.O. HORSLEY:

Okay? We're good.

LEG. MONTANO:

Yep.

D.P.O. HORSLEY:

Okay. We have a motion and a second on the 1305. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Same motion, same second, **1305A**, the pending Bond Resolution (*Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,250,000 bonds to finance a part of the cost of the installation of a closed loop signal system on various County Roads (CP 3309.113)*). Roll call.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. SCHNEIDERMAN:

Yes.

D.P.O. HORSLEY:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. *1171-12 - Designating April as "Month of the Military Child"* -- this is on *Veterans & Seniors*, *"Month of the Military Child" in Suffolk County (Stern)*. Legislator Stern?

LEG. STERN:

Motion.

LEG. SPENCER:

Second.

LEG. ANKER:

Second.

D.P.O. HORSLEY:

Seconded by Legislator -- Stern and --

MR. NOLAN:

Anker.

D.P.O. HORSLEY:

And Anker. All right, you got it? Motion to approve.

LEG. CALARCO:

Renee, cosponsor.

MR. NOLAN:

In favor?

D.P.O. HORSLEY:

In favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

LEG. CILMI:

Cosponsor, please.

LEG. ANKER:

Cosponsor.

LEG. GREGORY:

Renee? Cosponsor.

LEG. MONTANO:

Cosponsor all around.

D.P.O. HORSLEY:

Yeah, everyone. How can we be against the military child? Okay, we're good? We got everybody, we got all our cosponsors?

MR. LAUBE:

Yes.

D.P.O. HORSLEY:

Good. By the way, guys, we have Robert McQuinn coming down here; I hope we don't -- he doesn't get here until we finish.

Ways & Means:

1161-12 - Approving list of Environmental Site Assessment Companies as designated by the Division of Real Property Acquisition and Management (County Executive). Any motion on this?

LEG. MURATORE:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Muratore. I'll second the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right, I think we did 1195 and 11 -- 1257.

We're moving down to ***1293-12*** -- you follow me -- ***To amend Resolution No. 11-2012, designating two (2) alternating newspapers as official newspapers of the County of Suffolk (Presiding Officer Lindsay).*** Is that yours, John?

MR. NOLAN:

Changing an address. Make a motion.

D.P.O. HORSLEY:
Okay. I'll make a --

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Legislator Kennedy makes the motion to approve. I'll second the motion. All those in favor?
Opposed? So moved.

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

LEG. MONTANO:
Do you have an answer to the question?

MR. LIPP:
The overall bonding of serial bonds, excluded Fund 477, is nine point three million.

LEG. MONTANO:
How much?

MR. LIPP:
Nine point three million.

LEG. MONTANO:
Nine point three million. And including fund 477?

MR. LIPP:
That will take a little longer.

LEG. MONTANO:
Approximately.

D.P.O. HORSLEY:
I've got a feeling they'll have to slow us down now to make sure McGuinn is here.

LEG. MONTANO:
Wait a minute.

D.P.O. HORSLEY:
I'm sorry.

LEG. MONTANO:
No, it's all right.

MR. LIPP:
Well, a lot of it was pay-as-you-go. That being said --

LEG. MONTANO:
All right. So we bonded 9.3 million in Capital Projects?

MR. LIPP:
For General Fund purposes.

LEG. MONTANO:

General Fund, okay. And then in terms of open space and --

MR. LIPP:

Well, in terms of Fund 477, I need to work up the numbers still.

LEG. MONTANO:

Well, we had a big one, the 8.5, did we not?

MR. LIPP:

That's correct, but that was pay -- and that was pay-as-you-go, though, it wasn't bonding; it was pay-as-you-go portion. But nevertheless, it's still cash, but nevertheless it's still the Quarter Cent Sales Tax Program.

LEG. MONTANO:

All right. When you get the figure, let me know.

MR. LIPP:

Got you.

D.P.O. HORSLEY:

Okay? Move to vanilla folder.

MR. NOLAN:

Manilla.

D.P.O. HORSLEY:

Manilla; not vanilla, manilla. Hey, it's nice, you know.

Okay. First we have *Home Rule Message No. 10-2012 - Requesting New York Legislature to amend the General Municipal Law, the Vehicle and Traffic Law and the Criminal Procedure Law, in relation to establishing a Traffic and Parking Violations Agency in the County of Suffolk (Assembly Bill A.09539-A and Senate Bill S.5634-C).*

LEG. CALARCO:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Calarco. I'll --

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Okay, second the motion by Legislator Cilmi. Anyone? Everyone good?

LEG. MONTANO:

No.

D.P.O. HORSLEY:

All those in favor? Did you say something, Mr. Montano?

LEG. MONTANO:

Yeah, I did. I just wanted to know who the --

D.P.O. HORSLEY:
Okay. On the motion

LEG. CALARCO:
Ramos; Ramos is --

LEG. MONTANO:
All right, this is the new bill then.

LEG. CALARCO:
Yes.

MR. NOLAN:
Yes.

LEG. MONTANO:
Okay.

D.P.O. HORSLEY:
Okay, we're good?

LEG. MONTANO:
We're good now.

D.P.O. HORSLEY:
All those in favor? Opposed? So moved.

MR. LAUBE:
Seventeen (Not Present: Presiding Officer Lindsay).

LEG. GREGORY:
Cosponsor.

LEG. BROWNING:
Cosponsor.

D.P.O. HORSLEY:
All right. I have Bond number -- Bond Resolution No. ***1136A-2012, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$185,000 bonds to finance the cost of improvements to the Forensic Sciences Medical and Legal Investigative Consolidated Laboratory (CP 1109.315)***. There's a mouthful. Do I have a motion on this?

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy. Second by Legislator Muratore. And that is -- this is a roll -- this is a roll call bond vote, so --

LEG. HAHN:
Hold up. On the motion?

D.P.O. HORSLEY:
Yeah, please. Go ahead, Ms. Hahn.

LEG. HAHN:

Is this for the Medical Examiner's Office?

MR. NOLAN:

We passed the underlying resolution at the last meeting. We did not have the Bond at that time, so this is the accompanying Bond Resolution. We have to pass it; if we want to.

D.P.O. HORSLEY:

If you want to, yes; it's a caveat. Okay, you guys ready? Roll call.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. KENNEDY:

Yes.

LEG. MURATORE:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Very good. Thank you.

Okay, we have a ***Procedural Resolution*** also in that packet, ***No. 7-2012 - To set a public hearing regarding the authorization of a license and the setting of rates for Hampton Jitney, Inc. (Presiding Officer Lindsay).***

LEG. SCHNEIDERMAN:

Motion.

D.P.O. HORSLEY:

Motion by Legislator Schneiderman. Seconded by – Mr. Romaine, you want to second it?

LEG. ROMAINE:

Yeah, absolutely.

D.P.O. HORSLEY:

Okay, he seconds the motion. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

All right. I've been told to go to the red folder.

All right, ***Certificates of Necessity:***

The first Certificate of Necessity for immediate consideration is Resolution No. 2012 -- ***1200-12, I'm sorry, To accelerate the evaluation and remediation of Brownfields in Suffolk County (Cilmi).***

LEG. CILMI:

Motion to approve.

D.P.O. HORSLEY:

Motion by Legislator Cilmi. Seconded by Legislator Kennedy.

LEG. MONTANO:

On the motion?

D.P.O. HORSLEY:

On the motion.

LEG. MONTANO:

Why is this a C of N?

D.P.O. HORSLEY:

Ben, you want to --

MR. ZWIRN:

Yes. As you recall, Legislator Cilmi had legislation regarding Brownfields. We asked him at that time to table those resolutions while we moved forward with the land bank, even though we can take a dual track. This particular bill has been amended. We're working with Legislator Cilmi, with all the Legislators, and trying to get these Brownfields back on the tax rolls, or at least sold and get them cleaned up.

This particular bill that Legislator Cilmi had goes through -- has the Health Department going forward and ranking them and doing a preliminary investigation with respect to the Brownfields that we have in the County. We are working on a dual track. You'll see there's another CN in the packet which we'll ask for your support as the Planning Department goes ahead and asks for a grant to pay for some of the clean-up and the investigative work with the Brownfields of about a quarter of a million dollars. Legislator Cilmi had a separate resolution to take \$250,000 and bond that money to use for that purpose. We've asked him to hold back on that one while we pursue the bond -- the grant money from the State.

This is an effort to work together to exercise that dual track.

We said we would move forward together and I think this is our demonstration that it's a good issue. We're supportive of it no matter which side of the aisle it comes from and this is a sign of good faith. It's a good bill to move forward with the Health Department.

LEG. MONTANO:

Right. No, I understand you and I don't have an issue with it. I'm just trying to understand why the need for a C of N. Is it time sensitive in any way?

MR. ZWIRN:

Well, it -- the timing is good because we're sending up a grant application at the same time. So I think that they make a good companion legislation and -- I don't know if Sara is going to use it as part of her -- as part of the application process, but possibly.

LEG. MONTANO:

I see Dennis next to you; does he want to add anything to this?

MR. ZWIRN:

No. Dennis had a senior moment, it's okay.

*(*Laughter*)*

LEG. MONTANO:

Okay. With all due respect, Ben, I still don't see the need for the C of N other than good will, and that's not --

MR. ZWIRN:

Well, part of it is good will and it's also a good -- it's a good piece of legislation, we supported it in the beginning. Legislator Cilmi was kind enough to amend it slightly so that the Health Department would have a funding source. We think it's something we should get started on irrespective. If we don't get the grant money, we would still go forward with this bill. If we don't get the land bank approved by the State --

LEG. MONTANO:

Right, I don't disagree with you there.

MR. ZWIRN:

We lose a month otherwise.

LEG. MONTANO:

Right. But I'm still trying to get -- wrap my arms around the need for the C of N, that's where -- I'm not sure that you're articulating a real need.

MR. ZWIRN:

Well, I'm just saying, if we don't get the land bank legislation approved by the State, and if this grant application does not come forward, then we're going to move forward with Legislator Cilmi's efforts on IR 1232 which is not before you tonight. But this will have -- IR 1200 will already be passed and policy of the Legislature.

D.P.O. HORSLEY:

Okay. I think you've answered the question.

LEG. MONTANO:

We're going in circles.

D.P.O. HORSLEY:

Is there any further?

LEG. MONTANO:

I got it.

D.P.O. HORSLEY:

Legislator Hahn.

LEG. HAHN:

I'm sorry, because this is, you know, the first time that I'm getting to look at this. So it's telling us that the Department of Health Services is authorized to go on these sites and test to see if contamination is present. But isn't that what we didn't want to do, why we wanted to create the land bank because we didn't want to do this?

MR. ZWIRN:

The land bank would be preferable to this, but if we don't get the land bank, this is an option that the Health Department has and this would be policy set by the Legislature telling them that they want this done.

LEG. HAHN:

So, but --

LEG. CILMI:

No, I don't think that's --

MR. ZWIRN:

Well, let me just say, the Health Department is in favor of this legislation, their only concern back then was funding for this. And the question that we had was they wanted this to be done as a joint effort with 1230 -- IR 1232 which used Capital funds. There was some concern with the Law Department whether we could use Capital funds to fund a project on property that the County did not have title to. There are ways to go about that, maybe with 477 money or grant money, but we're trying to do this on all fronts, going forward on all tax. But the Health Department has the ability to do what Legislator Cilmi is asking them to do in this under the law. They can go on property, they can get a warrant if they do not have the -- if they do not have the permission of the owner.

D.P.O. HORSLEY:

Okay. Maybe Legislator Cilmi might be able to give us an answer as well.

LEG. CILMI:

Yeah, if I may. I don't think -- this isn't a matter of the land bank being preferable to this. I think I envision them, and I'm sure that the Health Department and the County Executive and the Planning Department would envision these going forward on dual tracks. The land bank legislation is a means by which -- it's a mechanism by which we can dispose of these properties, you know, for less than the accumulated back taxes.

This, however, is an effort to sort of look at all these properties, prioritize them in terms of the amount of environmental, you know, problems that may exist on the properties. And it could even be a tool by which the properties get transferred to the land bank; you know, which ones do we transfer first, the ones that don't have the most environmental problems or the ones that do? I mean, this would provide a mechanism for which to decide which properties get transferred to the land bank and which we don't have to.

LEG. HAHN:

But I would -- I mean, I was under the impression that if we do step foot on the property, that somehow we are responsible for the clean-up and the remediation. That was the argument --

LEG. CILMI:

That's not true. We are -- we would be responsible if we were to take title to the property. But the Health Commissioner does have authority under the law to go on to these properties and to test them and to look at them in a somewhat superficial way. They can't drill, you know, drill down deep, but they can go onto the properties and look at them and prioritize to see which ones are better and which ones are worse.

LEG. HAHN:

I like the idea of analyzing and prioritizing, I think there's good intent there. I think I like the intent of the author. But I do want to get an answer from our County Attorney --

LEG. ROMAINE:

Motion to table.

LEG. HAHN:

County Attorney's Office, (*laughter*), just to make sure that by stepping on the property and --

MR. ZWIRN:

The Health Department will be mindful and work with the County Attorney's Office. That is a concern, but it's something that we --

MR. NOLAN:

Dennis, talk.

LEG. CALARCO:

Can we hear from Dennis?

MR. ZWIRN:

Yeah, sure.

MR. BROWN:

Just by doing testing, that fact alone wouldn't trigger liability for the County. Taking title certainly might trigger liability for the County. Operator, as you may know, is a term of art in connection with the brown -- in connection with Superfund sites, circle law and with respect to Brownfields as well. But -- so when we do testing, we want to make sure -- and like I said, operator is a term of art. So if we did enter the property, do some testing but take some type of steps that might be construed as clean-up that could trigger liability. But testing alone, I think if we do it carefully in moderation and also working with the Health Department, we would avoid any liability that could be triggered to the County.

LEG. HAHN:

Okay, that's completely contrary to what I had been told in the past. So I just -- you know, that's why I needed that on the record. I'm very supportive of, you know, prioritizing the clean-up of these properties. But I was under the impression that just stepping foot on the property somehow made us partially liable for the clean-up. So --

MR. BROWN:

Not just stepping foot, but actions with stepping foot could, short of ownership.

LEG. HAHN:

So whoever goes on will be carefully trained (*laughter*).

MR. BROWN:

Very good, yes.

LEG. HAHN:

Please tell me.

MR. BROWN:

Yes.

D.P.O. HORSLEY:

All right, rob Calarco.

LEG. CALARCO:

Dennis, hold on a second. Well, maybe this is not for you, but here's my concern. If we do testing, does that become public information that we have to disclose to any potential bidders on a lien?

MR. BROWN:

The one would address each question on a fact-by-fact basis under the FOIL law, but quite possibly yes.

LEG. CALARCO:

Okay. So we go out, we test a property and we find out it's bad; what's our chances of ever getting rid of that, or is that going to saddle us with the property for good?

MR. BROWN:

The test results alone, is that your question?

LEG. CALARCO:

Well, you go out and you test a property, you find out it's -- the property is bad, it's got a lot of problems, it's going to cost a lot of money to fix up. Are we ever going to find anybody who's going to want to take that or does that mean we're going to get saddled with the property and we're going to have to clean it up at our own expense?

MR. BROWN:

I really can't answer that question.

LEG. CILMI:

If I may?

LEG. CALARCO:

I think I know what the answer is.

LEG. CILMI:

Well, the answer is we transfer the property to the land bank; that's what the answer is.

LEG. CALARCO:

We're not going to do anything with it and it's just going to sit there.

LEG. CILMI:

No, because then we sell it for less than the accumulated back taxes, interest and penalties and we allow the purchaser to clean up the property.

LEG. CALARCO:

(Inaudible).

MR. NOLAN:

You've got to speak into the mic.

D.P.O. HORSLEY:

All right. We've got a list. We've got a list here, guys.

LEG. CALARCO:

If the property is -- if the property is extremely contaminated and we know that, do you think any potential buyer is going to want to buy it even if we give it to them? Probably not.

LEG. CILMI:

If I may, Mr. Chair? If the property is extremely contaminated and we know that, heaven help us if we don't do something about it.

D.P.O. HORSLEY:

Okay?

LEG. CALARCO:

Okay.

D.P.O. HORSLEY:

All right, let's move on. I've got -- are you done, Mr. Calarco?

LEG. CALARCO:

I'm done, yes.

D.P.O. HORSLEY:

Okay. Legislator Stern.

LEG. STERN:

Thank you. Maybe Sarah could answer this. One of the reasons -- I thought one of the compelling reasons for the creation of the land bank was that these properties, if they were placed into the land bank, would have a better chance at qualifying for a Federal or a State aid, grant programs; right? That was a big part of the discussion, wasn't it?

DIRECTOR LANSDALE:

Yes, it was.

LEG. STERN:

All right. So my question then is why would we proceed on this track and allocate resources to do this kind of testing? It sounds to me like it might be premature. We would want to wait until we have those properties placed in the land bank and have them qualified for Federal funding to do the same exact thing. I would think that we would want to make that application go down that road first.

LEG. CILMI:

Again, this is -- this would provide us with a means to decide which properties we transfer and when to the land bank, if the land bank actually is approved. Without that, we're left with a hundred and twenty some odd properties, Sarah?

DIRECTOR LANSDALE:

A hundred and twenty-four.

LEG. CILMI:

A hundred and twenty-four properties of which, you know, we don't know which ones are significantly contaminated, which ones aren't so contaminated. And there may be properties that we have that we're considering Brownfields at the moment, which aren't significantly contaminated at all and we may be able to deal with ourselves without transferring them to the land bank. So why wouldn't we want to go and look at those properties now, begin this process so that when the application is approved, if it's approved, we know which ones to transfer and which ones we don't have to. And, for that matter, which ones may be significantly contaminated, in which case we may have to, you know, refer them to superfund or whatever other means we have.

LEG. STERN:

If I may go back to Ms. Lansdale. Sarah, is there a -- is there a compelling legal or procedural reason why we wouldn't transfer a property to the land bank? I mean, plenty of good cases last time around for doing it. Why wouldn't you do it? And to Legislator Cilmi's point, are there properties that wouldn't be appropriate to place into the land bank? And I would think that if there was Federal funding that could be allocated for exactly this purpose, then that's the kind of thing that we should be looking at first.

DIRECTOR LANSDALE:

Right.

D.P.O. HORSLEY:

Okay?

LEG. STERN:

Okay.

LEG. CILMI:

But that's what would -- hang on a minute. Hang on a minute, Sarah.

D.P.O. HORSLEY:

We have an argument here.

LEG. CILMI:

But that's what we're doing. We have a resolution that we're going to be looking at in a moment for you to apply for a grant; I don't know if it's a Federal grant or if it's a State grant.

DIRECTOR LANSDALE:

It's a State grant.

LEG. CILMI:

It's a State grant, that provides the funding to do exactly what we're talking about doing. This just simply provides the mechanism to do it; is that right?

DIRECTOR LANSDALE:

Right. It provides -- it's a question of providing of when you want to prioritize the transfer -- these properties. Do you want to prioritize them before you transfer them or when they're in the land bank?

LEG. CILMI:

I would say that the Health Department is more equipped to prioritize the properties than the land bank is. So I would say let's move this now, it gives the Health Department a year in which to do this, by that time the land bank application will be done with and hopefully will be approved and we can move forward.

D.P.O. HORSLEY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Well, I've been listening. So the way I see this bill, we're using taxpayer money to test property we don't own. Then we find out it's contaminated and then we do nothing unless the taxpayers want to clean it up; I mean, but they never caused the problem, it's privately held property. Once the County gets into the business of testing properties that have already been identified as Brownfields that we're putting into a land bank precisely to avoid the issues that we're -- some of the issues we're confronting by doing the testing ourselves. So it seems to me there shouldn't be a dual track here.

You know, I'm not sure that the County has liability. I heard Mr. Brown talk about, you know, it would be testing plus something more to have an obligation to clean up, but what about the moral obligation? So you test the property and, as Legislator Calarco says, it's in really bad shape; well, what do we do with that? I mean, now it's contaminating the groundwater. I mean, the land bank was a solution to these very difficult problems, and I don't think we should be using taxpayer money to test properties we don't own.

And I want to ask Sarah, Ms. Lansdale, can the land bank function -- I mean, we've already identified what properties went to the Brownfields auctions. We know what the Brownfields are, we've set up a mechanism through this land bank to deal with that. Can the land bank function without the County Health Department now going on these properties, or in some cases getting a

court order or some kind of order to go on these properties? Can a land bank function without doing this?

DIRECTOR LANSDALE:

It can function. It would be helpful to have as much information as possible before the land bank disposes of these properties, so that at the time of auction, for instance, the County could provide a detailed Phase I Environmental Site Assessment.

LEG. D'AMARO:

Well, but when we passed the land bank legislation we said the Brownfield properties are going into the land bank, right? And now it's up to the land bank to deal with that. I mean, why is the County stepping back in and doing the testing itself? That's something we have never done, because we know that the properties are identified as Brownfields. And in my mind, once our County Health Department tells me that their site is contaminated and that the site needs remediation and that it's contaminating our groundwater, I think it would be a dereliction of our duty not to act at that point. I don't see why we would do this.

I also just have to agree with Legislator Montano. I mean, we're having an extensive debate here about this legislation --

LEG. MONTANO:

Thank you.

LEG. D'AMARO:

-- and we're looking at yet another CN and the justification is, and I'm going to read this, *"Because economic development is a priority of this administration"* -- gee, I hope so -- *"and the remediation of environmentally contaminated properties known as Brownfields will contribute to downtown revitalization, job creation and a cleaner environment."* You know, that's all great and I think every one of us here has that same set of priorities, but I don't think it justifies bypassing, once again, the committee process to have a discussion. I'm not saying I wouldn't support the bill, but we need to talk about this a little bit. We're talking about spending taxpayer money, using the Health Department that has limited resources to begin with, using taxpayer money to test contaminated properties that we've never tested before and then finding out what those results are and then what do we do with it? Those are all issues that need to be explored before I'm prepared to vote for this bill.

D.P.O. HORSLEY:

Okay. Well, that's -- remember, we've got to have a two-thirds vote on this, too, as well. Legislator Montano.

LEG. MONTANO:

Yeah. Actually, I'm just going to make a statement. We have spent a while debating a bill that obviously is comprehensive, coming in on a C of N that doesn't specify -- or can't -- or someone can't articulate a real need, and I feel basically I'm voting on a bill by ambush because I didn't have a chance to study it, to analyze it and to phrase my questions properly.

This is a repeat of the prior Administration's use of CN and I don't want to see this. If there's a need for a bill to come to the floor because it's time sensitive, then I don't have a problem with it. But if it's there for some fluff reasons that "We believe in economic development," as Legislator D'Amaro quoted from the bill, and this other, you know, apple pie nonsense, I don't want to vote on it. I want to send it to committee where it properly belongs unless there's a real need to get this on the floor right now and I don't see it. So I'm not going to say anything more. I just don't think that this is the way we should be conducting our business.

D.P.O. HORSLEY:
All right. Legislator --

LEG. MONTANO:
I don't want to make the motion if I'm not going to get the support. Do you want to make the motion? I mean, it should be committed.
We should discuss this.

D.P.O. HORSLEY:
All right.

LEG. SCHNEIDERMAN:
I'll make a motion to commit, because it's 9:30 and I've got to drive to Montauk after this. It doesn't seem like a CN.

D.P.O. HORSLEY:
All right. Let us -- we still have more -- let's hold on, we still have more people that want to speak.

LEG. MONTANO:
Yeah, but he's allowed to get a second on his motion.

D.P.O. HORSLEY:
All right, I'll go along with that. Is there a second on the motion? Legislator Schneiderman wants to make a motion to commit. Is there a second on the motion? Is there a second to commit?

LEG. ANKER:
Second.

LEG. D'AMARO:
I'll second that.

D.P.O. HORSLEY:
Legislator D'Amaro wants to second the motion to commit. Legislator Anker?

LEG. ANKER:
Okay. Sarah, I have a question. I think you had answered this before, but this has to do with the Superfund site funding. And my greatest concern with this bill is Suffolk County's liability and the risk. We don't have money, we've spent millions of dollars for liability. I'm not clear and I'm not sure if this bill is clear on our liability; that's my first concern.

My second question relating to that is did -- have you looked into getting funding, both Federal and State, for Superfund sites? And with that, do the properties that are on the current list, would they qualify for Superfund sites?

DIRECTOR LANSDALE:
I'm going to defer to the County Attorney's Office with regards to the question that you raised about liability. Dennis?

LEG. SCHNEIDERMAN:
Do we need to debate the bill if it's going to end up in committee?

MR. NOLAN:
We don't know that yet.

LEG. SCHNEIDERMAN:

All right, can we vote on the motion to commit?

LEG. CILMI:

Do we have a second to the motion to commit?

MR. NOLAN:

We do.

D.P.O. HORSLEY:

Yes, we do.

LEG. SCHNEIDERMAN:

We did, yeah.

LEG. ANKER:

I was requesting --

LEG. SCHNEIDERMAN:

I mean, if it's not going to be committed then let's fully debate the bill, but if it's going to be committed then we could debate it in committee and on the floor.

LEG. ANKER:

Right. What I'm asking -- I just want to know --

D.P.O. HORSLEY:

We have people that have asked to -- asked to be heard, so we're going to go through the --

LEG. SCHNEIDERMAN:

I'm asking for the vote.

D.P.O. HORSLEY:

I know you want to leave, Jay.

*(*Laughter*)*

LEG. SCHNEIDERMAN:

I'll stay as long as we need to, but this is not -- to me, this isn't a CN worthy bill.

D.P.O. HORSLEY:

All right.

LEG. SCHNEIDERMAN:

So if we have the head of the committee saying that he'd like to fully vet it --

LEG. MONTANO:

Point of information.

D.P.O. HORSLEY:

If I could have --

LEG. MONTANO:

Point of information?

D.P.O. HORSLEY:
Point of information.

LEG. MONTANO:
We are -- debating the merits of the bill.

D.P.O. HORSLEY:
We are.

LEG. MONTANO:
And we really shouldn't be doing that if there's no reason for a C of N.

D.P.O. HORSLEY:
All right. That is --

LEG. MONTANO:
That's the problem. That's the pickle, the jar that we're in right now.

D.P.O. HORSLEY:
Okay, that is a point of information. But let's go through it -- Dennis, did you want to finish?

LEG. ANKER:
My question --

MR. BROWN:
I'm sorry, you'd have to repeat the question.

LEG. ANKER:
So my question is what is the liability the County has for these sites.

MR. BROWN:
As I stated before, just for entering the site there's no liability. With respect to ownership, there is liability. Operator is an intermediate term; operator is a term of art. We'd have to look at the cases that discuss the facts where a person who is not an operator/who is not an owner but is an operator, and somehow we're saddled with liability because acts he or she did made him an operator and made him liable. So testing in and of itself would probably not create liability under the environmental laws, but testing plus other actions may. And like I said, those other actions as a fact-driven question.

LEG. ANKER:
Would we then be responsible for the remediation of the site?

MR. BROWN:
It's possible if we were found to be an operator, yes.

D.P.O. HORSLEY:
Okay? Legislator Calarco.

LEG. ANKER:
Okay. No, I didn't get the answer, though, from Sarah.

LEG. SCHNEIDERMAN:
Again, if we're going to fully debate this, I'll withdraw my motion to commit. I don't mind if we're fully debating and we'll vote on it, but --

D.P.O. HORSLEY:

Jay, don't go there. We're almost done, relax.

LEG. ANKER:

I had --

D.P.O. HORSLEY:

We have to wait for Mr. Meguin anyway.

LEG. KENNEDY:

No, we don't.

*(*Laughter*)*

LEG. ANKER:

I just asked -- have you checked where a State or a Federal Superfund site did qualify.

DIRECTOR LANSDALE:

So there are a few Federal Superfunds on that list and there are sources of funding, Federal sources of funding to help remediate.

Many times it requires a match by the County.

LEG. ANKER:

So there's -- so if we approve this, does that stop the funding coming in to remediate these sites?

DIRECTOR LANSDALE:

Not at all. Not at all. It actually could help support the County's position to apply for and receive these grants.

LEG. ANKER:

Thank you.

D.P.O. HORSLEY:

Okay. Rob, would you like to have a vote to commit at this point in time, or would you like to continue on?

LEG. CALARCO:

Sure, I'll ask the question on the later CN.

D.P.O. HORSLEY:

There you go, all right. See? We're working together.

We have a motion on the floor to commit and a second. Ready? Let's have a roll call.

MR. NOLAN:

To commit.

D.P.O. HORSLEY:

To commit. Well, we will be.

*(*Roll called by Mr. Laube - Clerk of the Legislature*)*

LEG. SCHNEIDERMAN:

Yes.

LEG. D'AMARO:

Yes.

LEG. ROMAINE:

Yes.

LEG. BROWNING:

No.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No.

LEG. KENNEDY:

No.

LEG. NOWICK:

No.

LEG. GREGORY:

No.

LEG. STERN:

Yes.

LEG. SPENCER:

Yes.

D.P.O. HORSLEY:

This is going to go down. We need two thirds, right?

LEG. MONTANO:

No.

D.P.O. HORSLEY:

To commit, no? We need ten to commit?

LEG. CALARCO:

Two-thirds to pass it.

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

D.P.O. HORSLEY:

Okay. Yes.

P.O. LINDSAY:

(Not present).

MR. LAUBE:

Eleven.

D.P.O. HORSLEY:

This way we don't kill it. All right.

LEG. MONTANO:

Thank you for trying to make a deal.

D.P.O. HORSLEY:

You guys are getting nasty at the end here.

Certificate of Necessity for, let's see, Res -- this is Introductory *Resolution 1330-12 - Authorizing certain technical correction to Adopted Resolution No. 657-2011 (County Executive)*. Ben, you want to tell us what this is; do we have any idea?

MR. ZWIRN:

Legislator Muratore, would you like to do the honors?

LEG. MURATORE:

Sure. I got a call from a constituent this afternoon all in a tither. She's going to lose her commitment on her remortgage if she doesn't get this fixed up. There were some technical errors on Resolution 657-2011; they've been straightened up. And so if we can just get this moved so she can hold on to it and refinance her home and keep it.

D.P.O. HORSLEY:

Okay. I don't understand it, but it sounds good.

MR. ZWIRN:

No, we believe that the homeowner in this case has to -- is refinancing their home and they have a rate until the end of the month. So therefore, we were going to lay this on the table tonight, but Legislator Muratore asked if we could do his constituent a favor so they can get their --

D.P.O. HORSLEY:

Okay. Mr. Muratore, would you like to make a motion on this?

LEG. MURATORE:

I did.

D.P.O. HORSLEY:

You did. You made the motion. Do I have a second on it?

LEG. CALARCO:

I'll second it.

D.P.O. HORSLEY:

Mr. Calarco, in the spirit of cooperation, seconds the motion.

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

All those in favor?

LEG. D'AMARO:

On the motion.

D.P.O. HORSLEY:

Okay. Mr. D'Amaro, on the motion.

*(*Laughter*)*

LEG. D'AMARO:

I just want -- the technical correction being made is to change the name of the individual named in the resolution, the original resolution; is that it?

LEG. MURATORE:

I believe that's it.

LEG. D'AMARO:

Okay. That's all I wanted to know.

D.P.O. HORSLEY:

We're good?

LEG. D'AMARO:

Yes.

D.P.O. HORSLEY:

All right. All those in favor? Opposed? So moved.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

And by the way, Mr. Meguin is in the house, so we're good.

LEG. MONTANO:

Oh, that's what he looks like. Okay.

D.P.O. HORSLEY:

Okay, ***1354-12 - Authorizing the submission of a Brownfield Opportunity Area Grant Application to the New York State Department of State by the Suffolk County Department of Economic Development and Planning (County Executive).***

LEG. HAHN:

Motion.

LEG. D'AMARO:

Second.

D.P.O. HORSLEY:

All right. Does anyone know what this is?

LEG. CALARCO:

On the motion?

MR. ZWIRN:

This is time constraint, that's why we're doing this.

D.P.O. HORSLEY:

What is it?

MR. ZWIRN:

This has to be done by the end -- by March 27th?

DIRECTOR LANSDALE:

By Thursday.

MR. ZWIRN:

By Thursday, so.

LEG. CALARCO:

On the motion, Wayne?

D.P.O. HORSLEY:

On the motion.

LEG. CALARCO:

Just a quick question, Sarah. It was represented to me that this is going to do all the work short of actually stepping on to the property. Are we going on to the properties to do this work?

DIRECTOR LANSDALE:

No, we're not.

LEG. CALARCO:

Okay.

MR. NOLAN:

You have a motion and a second.

D.P.O. HORSLEY:

Okay, we're good?

LEG. MONTANO:

Did we -- did she explain this?

MR. NOLAN:

She did.

D.P.O. HORSLEY:

She did. We have a motion and a second; right, Mr. Clerk?

MR. LAUBE:

That's correct.

D.P.O. HORSLEY:

Right. All those in favor? Opposed? So moved.

LEG. CILMI:

List me as a cosponsor, please.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

D.P.O. HORSLEY:

Okay. We're going back to **1279-12 - Confirming the appointment of County Commissioner of Consumer Affairs (Robert R. Meguin) (County Executive)**. Robert, why don't you come on up here; a.k.a. Bob (*laughter*). Keep it short and sweet, we're getting testy (*laughter*).

LEG. HAHN:

I hope you weren't home by the time they called you (*laughter*).

D.P.O. HORSLEY:

Does anyone have any questions of Mr. Meguin?

"No" said in unison

(*Laughter*)

LEG. ROMAINE:

Yes.

LEG. MONTANO:

Tell us something about yourself.

D.P.O. HORSLEY:

Mr. Romaine?

LEG. ROMAINE:

Bob, were you home?

MR. MEGUIN:

Yes, I was.

LEG. ROMAINE:

And you came all the way back from Southhold?

MR. MEGUIN:

Yes. And I --

LEG. ROMAINE:

That has to be an hour. That's dedication. Thank you.

MR. MEGUIN:

Well, I could also report, I was watching the Connecticut Women's Basketball Team, and Brea Hartley from North Babylon, Connecticut was up by five points when I won -- when I left, 47-42. So --

LEG. ROMAINE:

Right. And you used to work in Babylon.

MR. MEGUIN:

Yes, I did.

LEG. ROMAINE:

Okay.

MR. MEGUIN:

I'm kind of -- well, Brea s from North Babylon, so I'm kind of following Connecticut Women's Basketball tonight.

LEG. ROMAINE:

Good. And Southhold, as you know, is much closer to Connecticut than the rest of the world (*laughter*).

D.P.O. HORSLEY:

Right. Counsel is telling me to shut him off. Legislator D'Amaro.

*(*Laughter*)*

LEG. D'AMARO:

Thank you. Mr. Meguin, welcome. And thank you for coming down on short notice. I know that it was by no fault of your own that you weren't here earlier, so I appreciate you dropping everything and coming here today.

MR. MEGUIN:

Well, I thought maybe I misunderstood, because as I get a little older I --

LEG. D'AMARO:

Okay. Well, it's --

MR. MEGUIN:

-- hear things I don't hear.

LEG. D'AMARO:

As long as it's not consumer complaints that you don't hear, right?

MR. MEGUIN:

No. I can assure you of that.

LEG. D'AMARO:

Well, let me ask you this. You're going -- you're here today asking us to support you to be put in charge of a department of Suffolk County government. Part of doing that is administering the department itself. Can you speak to your background and experience in administering a department such as that.

MR. MEGUIN:

Certainly. My background education-wise, I grew up in Lindenhurst, I graduated from Boston University with a Bachelor of Science and Business Administration with Honors. I was commissioned as a Military Police Officer in the United States Army Military Police Corps. I served briefly on active duty, I then went -- I graduated from St. John's University School of Law in 1974. I was admitted to the practice of law in 1975. I served in the Military Police Reserve Unit located out of Hempstead for about ten years. I graduated -- I'm at a -- I graduated likewise from -- well, let me tell you about my experience professionally; that's my education background.

I served -- on and off, I've been in private practice of law, essentially a general practice of law in a myriad of areas of the law. I've had experience as a Director of Finance for a brief period of time of two years in the Town of Babylon in the mid 70's. I served for approximately 23 years as a Principal Law Clerk to three different Suffolk County Court Judges, principally doing major felony matters upwards of -- I think at one point I counted -- I had been involved in over 80 different homicides of various categories.

Recently, the last six or seven years I've been in private practice of law. I've kind of stepped away from that because I wanted to spend some more time with my youngest daughter who just graduated high school out in Southold where I've lived for over 20 years, and my daughter now attends college.

Insofar as my precise administrative experience, to be able to deal with the Department of Consumer Affairs, which right now we have about 28 personnel -- not nearly enough, but there are 28 people. I've managed people in the private practice of law and also in government as well; and my military experience, likewise, I have management experience.

LEG. D'AMARO:

All right, I appreciate that.

D.P.O. HORSLEY:

That's very good.

LEG. D'AMARO:

And it's very extensive and I thank you for service to the country as well.

MR. MEGUIN:

Thank you.

LEG. D'AMARO:

That's wonderful. So the number of employees, the maximum number of employees that you've supervised, you've had experience doing that in both the public and private sector.

MR. MEGUIN:

Not as many as 27, but -- well, exclusive military, I guess. I don't know if you really manage, manage the troops, so to speak. Not -- I haven't directly managed 27 individuals.

LEG. D'AMARO:

Okay. But you have had experience --

MR. MEGUIN:

Managing people?

LEG. D'AMARO:

-- managing employees.

MR. MEGUIN:

Yes.

LEG. D'AMARO:

Okay. That's --

MR. MEGUIN:

In both public and private.

LEG. D'AMARO:

Let me ask you this, just getting away from the managerial or administrative function. What do you see as the pressing consumer issues, as the Commissioner of the department? What do you think your priorities will be? What do you think are some pressing issues? Are you coming in with any agenda that you'd like to accomplish or put in place?

MR. MEGUIN:

Yeah, I think there are. I have been working in the last week -- frankly, the County is blessed with an individual by the name of Cliff Coleman who is a very incredible asset for the County. He's been a County employee for about 42 years. He is just an absolute wealth of knowledge in terms of -- I don't have the specific agenda, but I think -- I guess the most timely complaint is the disparity on gas prices between cash and credit; we are getting a number of calls on that matter. It's being dealt with as best we can on a consumer level.

I think the biggest issue really is enforcement in terms of licensing in the areas of home improvement. And one of the, frankly, astonishing things I found was that when somebody gets a home improvement license, for example, they may be licensed as a landscaper being able to put retaining walls and that sort of thing, but that license is so generic that that person conceivably could put a dormer on your home and not really have a clue in terms of, you know, geometry that's required to build a dormer. So that's one of the areas I would like to look into. Maybe certifications. It's not geared to try to crank out more money from people. The biggest issue really probably is enforcement. I think we need to have a physical presence out there; A word I used last Thursday was troops on the ground, so to speak. They may not necessarily generate dollars that we can measure; however, people have to be aware that contractors are accountable and that we're out there at least keeping a watchful eye. And likewise, you know, adjudicating complaints as they come about; you know, that's important. The most pressing --

LEG. D'AMARO:

Yeah, that's a large function in that department.

MR. MEGUIN:

Yeah. Oh, absolutely, absolutely.

LEG. D'AMARO:

So that would be one focus for you.

MR. MEGUIN:

Frankly, we need more Investigators, we need more inspectors. I think they're worth their weight in gold in terms of generating additional revenue. But notwithstanding that, it's very, very important that the public know that we're out there looking and trying to make a difference.

LEG. D'AMARO:

Very good. My last question is why do you want to be Commissioner?

MR. MEGUIN:

Well, frankly, I didn't seek the specific position. I wanted to get back into government, I think I can make a difference. My career and attitude and philosophy has always been as a lawyer, there are problems, I try to make a difference and solve problems. This is kind of a very unique area because you have a judicial hat, so to speak, as the Commissioner, you have somewhat of a Legislative aspect because you're asked to comment on proposed legislation, and you have an Executive function as well. So it's really a pretty unique amalgamation of all of the functions of government with the beauty of constituent service in the sense of trying to solve people that have problems that may be powerless themselves to be able to do that.

LEG. D'AMARO:

All right, that's terrific. And all I can say -- I appreciate you answering my questions. As a former graduate -- as a graduate also of St. John's Law School, you do us all proud and I appreciate your willingness to serve.

MR. MEGUIN:

You're welcome.

LEG. D'AMARO:

Thank you, Mr. Chairman.

D.P.O. HORSLEY:

Thank you very much. Legislator Gregory please.

LEG. GREGORY:

Thank you, Mr. Vice-Chair. Mr. Meguin, as a veteran myself, I appreciate your service to our country. Legislator D'Amato had asked my primary question, so -- but I have another question, and it's just really by way of -- I think the greatest asset that the Department of Consumer Affairs can offer our residents is its services. And how do plan on promoting and advertising the services to our consumers here in Suffolk County of your existence and what you can provide to them and what -- how you plan to address that.

MR. MEGUIN:

Well, we were discussing this morning that precise point. One of the things was getting out the 1-800 hotline number that's an anonymous number. I think we should -- I'm told that there used to be posters that publicized that number; I'd like to see -- brought that back in all government buildings, not just County level but at, you know, villages and in towns and whatnot. I'd like to see a speakers program reinstated, particularly geared to senior groups in terms of talking about the problems out there, what things to become aware of. I'd gladly like to be able to be able to speak to, you know, citizen groups and whatnot. And I know some of our employees have expressed that that would be a wonderful thing for them to be able to do, as well as on the contractor side, educating contractors about the Suffolk County ordinance. One of the -- one of the ordinances being you need a written contract with certain minimum disclosure requirements that, you know, people in the trades, you know, they're not attuned to that sort of thing. That's an educational process that should be explored.

And obviously, working with the various advisory boards that have been constituted to be able to improve things. Although we're called a Consumer Affairs Department, you know, we can't neglect the fact that contractors likewise need a lot of assistance and help as well.

LEG. GREGORY:

Okay. Thank you, Sir, for your time. Thank you.

D.P.O. HORSLEY:

Thank you very much, Legislator Gregory. Legislator Montano.

LEG. MONTANO:

Thank you for coming. Sorry to interrupt your game. And really, we understand it was no fault of your own that you weren't here. But a statement was made earlier and I just want to make sure it's accurate. A statement was made, or at least the way I heard it was that you're presently in the department in an acting capacity?

MR. MEGUIN:

I have been since last Tuesday, you know, learning the job, yes.

LEG. MONTANO:

Okay. And a statement was made that you were receiving a pension or you are receiving a pension.

MR. MEGUIN:

Yes, I do.

LEG. MONTANO:

But you will not be receiving the pension, you will instead be receiving a full salary; is that accurate?

MR. MEGUIN:

Correct, my pension gets suspended. My pension gets suspended the way --

LEG. MONTANO:

Once you --

MR. MEGUIN:

Under State Law, correct.

LEG. MONTANO:

Okay. All right. Thank you very much.

D.P.O. HORSLEY:

Legislator Anker.

LEG. ANKER:

Hi. Again, thank you for coming over tonight at the short notice, last minute. I just wanted to make you aware, I recently had a resolution that was passed, it's the scam alert website and I look forward to possibly working together that we can promote those scams and those issues that are out there. So again, very nice for you to come here. Thanks.

MR. MEGUIN:

Absolutely.

D.P.O. HORSLEY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Robert, I'm not on Consumer Protection, but I want to thank you for taking the time to meet with me in your office to discuss my concerns in particular on how we can do a better job enforcing against unlicensed contractors, and you certainly have my support. And I won't belabor the discussion tonight, it's a late hour, but thank you for coming out at late notice and driving here. I appreciate it.

D.P.O. HORSLEY:

Is there anybody else that would like to be heard? Any further questions? Okay. We have a motion by Legislature Calarco. I'll make the second on the motion.

Let me just first say, Bob, before I call the vote; the most important thing, you said that you were a Lindenhurst Bull Dog.

MR. MEGUIN:

(Laughter).

D.P.O. HORSLEY:

I had no idea, that's the first I'd heard that. All in favor? Opposed? So moved. Robert, congratulations.

MR. MEGUIN:

Thank you.

MR. LAUBE:

Seventeen.

Applause

MR. MEGUIN:

Thank you for your time.

LEG. MONTANO:

I think the game's over.

D.P.O. HORSLEY:

Drive safe now, will you?

LEG. MONTANO:

Wayne, before you adjourn? I just want to put on record the memo from --

MR. NOLAN:

We've got the Late Starters.

D.P.O. HORSLEY:

We got Late Starters first.

LEG. MONTANO:

Oh, you got Later Starters? Before you do that, I just want to put on the record, I got the memo from Mr. Lipp. I guess the grand total, Robert, of bonding or -- what did we spend, \$21 million today?

MR. LIPP:

Well, if you include all of the land purchases from Fund 477, both cash, pay-as-you-go, as well as bonding as well as all of the General Fund Serial Bonds, it's a little over \$20 million.

LEG. MONTANO:

I see twenty million nine hundred seventy-one.

MR. LIPP:

Correct.

LEG. MONTANO:

So it's \$21 million, more or less.

MR. LIPP:

Correct. But it's 9.3 for General Fund Serial Bonds.

LEG. MONTANO:

Okay. That's a lot of money for a broke County. Thank you.

D.P.O. HORSLEY:

Okay. Are we set?

LEG. MONTANO:

Yeah, we're set.

D.P.O. HORSLEY:

Okay. I'd like to make a motion to waive the rules and lay on the table the following resolutions:

1343, assigned to Parks & Recreation; 1344, assigned to Economic Development & Energy; 1345, assigned to Public Works & Transportation; 1346 to EPA; 1347 to Ways and Means; 1348 to Ways & Means; 1349 to Government Operations, Personnel, Housing & Consumer Protection; 1350 to Parks & Recreation; 1351 to Economic Development & Energy; 1352, Education & Information Technology; 1353, Economic Development & Energy; 1355, Budget & Finance and set the public hearing for April 24th at 2:30 in Riverhead; 1356, Budget & Finance, public hearing to be set on April 24th, 2:30 in Riverhead; 1357, Government Operations, Personnel, Housing & Consumer Protection, set the public hearing --

MR. NOLAN:

For 2:30.

D.P.O. HORSLEY:

For 2:30 in Riverhead --

MR. NOLAN:

On the 24th.

D.P.O. HORSLEY:

On the 24th; thank you. 1358, Ways & Means; 1359, EPA.

MR. NOLAN:

I need a second.

D.P.O. HORSLEY:

And a second by Legislator Barraga. All in favor? Opposed? So moved.

MR. NOLAN:

We are adjourned.

D.P.O. HORSLEY:

Adjourned.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

You need a motion and a second to adjourn.

D.P.O. HORSLEY:

Motion to adjourn. Second by Legislator Hahn.

MR. LAUBE:

Seventeen (Not Present: Presiding Officer Lindsay).

*(*The meeting was adjourned at 9:59 P.M. *)*

{ } - Denotes Spelled Phonetically