

GENERAL MEETING

ELEVENTH DAY

November 18th, 2014

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**

Taken & Transcribed By:

Alison Mahoney, Lucia Braaten & Gabrielle Severs - Court Stenographers

Transcribed By:

***Lucia Braaten, Alison Mahoney, Gabrielle Severs &
Kim Castiglione - Legislative Secretary***

*(*The meeting was called to order at 9:31 A.M. *)*

P.O. GREGORY:

Good morning, Mr. Clerk. Can you do the roll call?

*(*Roll called by Mr. Richberg - Chief Deputy Clerk*)*

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

Present.

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

(Not Present).

LEG. MARTINEZ:

Here.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

(Not Present).

LEG. SPENCER:

(Not Present:

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

MR. RICHBERG:

Sixteen (Not Present: Legislators)

P.O. GREGORY:

Okay, thank you. If you would all please rise, we'll have the Pledge of Allegiance led by Legislator Muratore.

Salutation

Okay. The ***invocation*** will be given by ***Rabbi Michael Calise*** of the ***Beth Emmanuel Synagogue of Holbrook*** guest of ***Legislator Tom Muratore***.

LEG. MURATORE:

Good morning. It's my privilege and pleasure this morning to introduce our clergy, and he's from our neighborhood here in Holbrook, that being Rabbi Michael Calise.

Rabbi Calise is from a Sephardic Jewish background, disseminating from Turkey relatives. He came to faith in Yahshua as a Messiah of Israel in his early 20s, and immediately sensed a call from Adonah to prepare for full-time ministry. Rabbi Calise has formed biblical training and ordination. He and his wife Carol have been Messianic Rabbis of Beth Emanuel Synagogue in Holbrook for over 20 years. Their children Josiah and Abigail are actively -- also actively serve in their congregation. Rabbi Michael also serves as the head of the National Jewish Fellowship, an organization fostering fellowship among Messianic Rabbis. It is because of his dedication and service to his congregation and the community that Rabbi Michael is offering us his kind words this morning. So Rabbi, if you would come and lead us into prayer and give us some direction.

RABBI CALISE:

Let's pray. Blessed are you, Lord, Our God, King of the Universe, who has kept us alive, sustained us and enabled us to reach this season. Our Father and our King, we come before you today to ask for your wisdom and guidance over these men and women to help them in their deliberations, that they may govern with justice, grace, love and compassion. I ask that you would give them courage to do what is just and right, conscious that you have called in to govern with the divine mandate for the betterment of this community.

God, as the day to give thanks for your abundance and goodness draws near, I ask that you would bless the men and women of this Legislature and their families, that you would keep them in health and strengthen them this day and during this special season as they serve in this capacity. Father, you guide and govern everything with order and love. Look upon this assembly of leaders and fill them with the spirit of your wisdom. May they always act in accordance with your will and their decisions be for the peace and well-being of all. Amen.

Amen Said in Unison

LEG. MURATORE:

Thank you, Rabbi.

P.O. GREGORY:

Thank you. If you would all please remain standing for a *moment of silence* in remembrance of two *members of the Army* from Suffolk County who recently lost their lives: Darian Clark from Ronkonkoma and Paul McAvory from West Islip. Let us also remember all those men and women who put themselves in harm's way every day to protect our country. And if we may also remember Tom Toumey who recently passed, known on the East End who's an ardent advocate of the environment and the Shoreham Nuclear Power Plant Fight, has passed on as well.

Moment of Silence Observed

Also, Mr. Clerk, Legislator Cilmi has an excused absence.

Okay, now we have several presentations or *proclamations* from Legislators, starting off with *Legislator Muratore* who will present a proclamation to *Rabbi Michael Calise* of the *Beth Emmanuel Synagogue in Holbrook*.

LEG. MURATORE:

Rabbi, if you would step up here. Again, you know, we get to say some kind words about the Rabbi. We thank him for coming here today and for leading us spiritually, giving us some direction with our holiday, our holiday celebrates mostly in the United States of America with Thanksgiving coming up. We wish everyone a wonderful holiday season and the other holidays that will be following through. So again, on behalf of the Suffolk County Legislature and all of the people in the 4th Legislative District, Rabbi, we say thank you so much and God bless you.

Applause

My second proclamation, I'm kind of jealous of this young man. He's achieved a milestone that I'm sure a lot of us will hope someday to achieve. And I could call up Mr. *Anthony DuBois, Sr.* Anthony? He's a little stiff from the marathon he ran yesterday, so. Okay? He's taking his time. But like I said, it's my pleasure to speak about Mr. DuBois. He's achieved something that many of us, or I think all of us in the room hopefully will achieve some day, and that is he's a hundred years old. He reached that on September 27th.

Applause

And just think what you've experienced being a hundred years old and accomplishments. His biography goes on and on and on, so I just picked out a couple of highlights. But he was born September 27th, 1914 in Dominica, West Indies; he was the third of 11 children. He served with the French Army from 1939 to 1941, and he served with the Merchant Marines, the United States Merchant Marines from 1942 to 1972; so that's during World War II, that's during Korea and that's during the Vietnam Conflict. In 1953, Anthony proudly became a citizen of this great country, United States of America. Anthony also was an employee of this great County. Anthony worked for the Suffolk County Department of Public Works from 1972 to 1984. He's actually held three -- he's worked for the town and for the County at one time holding three jobs at one time. Anthony married his first wife, Catherine, in 1958. So I guess he was a bachelor for a little while; weren't you, Anthony?

MR. DUBOIS:

Yes.

LEG. MURATORE:

I see that, boy. Together they had a son, Anthony Jr., who was born in 1959, and then he married his second wife, Georgette, in 1992. Together they blend a beautiful family of six children, 12

grandchildren and three great-grandchildren, as well as many nieces and nephews.

So on behalf of everyone here in Suffolk County and everyone in this room, we wish you another hundred.

MR. DUBOIS:
(Laughter)

LEG. MURATORE:
And, you know, I'm kind of jealous because I'm getting close there myself. And you know what I like to do? You know, we don't get too many of a hundred year-old men and women here. What do you say we sing Happy Birthday to Anthony, all right? How's that, okay? On my lead. Ready, one, two, three.

Happy Birthday Sung by Legislature & Audience

Applause

LEG. MURATORE:
Thank you so very much. Thank you, Anthony.

P.O. GREGORY:
And a bigger accomplishment is to have all of us sing in tune.

(*Laughter*)

LEG. MURATORE:
That's great. Thank you so very much. Okay, Anthony?

MR. DUBOIS:
Can I say something?

LEG. MURATORE:
Oh, do you really? You know what? Anthony wants to say a couple of words.

MR. DUBOIS:
I would like to thank everybody for this and God bless you. Long live.

LEG. MURATORE:
Hooray to that.

MR. DUBOIS:
Thank you.

Applause

My friend Joey makes it possible, as we work together for quite a while at the Highway Department. We've been friends from then until now. So I thank you.

LEG. MURATORE:
Thank you, Anthony.

Applause

P.O. GREGORY:

Okay. Next we'll have a presentation from Legislator Kennedy who will present proclamations to Suffolk County Police Officers Kenneth Meyer, Joseph Cantasano and Brian Boudreaux. These officers took part in a dramatic rescue and were named Cops of the Month for July, 2014 by the 4th Precinct.

LEG. KENNEDY:

Good morning, Mr. Presiding Officer, and thank you. And it's my honor as I've had the opportunity over the last ten years to recognize men and women from the Suffolk County Police Office, Police Department. And in this case, I think it's particularly poignant that our Police Officers get the recognition that actually saved the life of a young man who we had an opportunity to meet and who, in fact, actually has gone on and is thriving and doing well academically in school. But when the officers came upon him, when Officers Meyer and Boudreaux and Cantasano -- Cantasano is not with us this morning, is that it?

OFFICER MEYER:

No.

LEG. KENNEDY:

Okay. When they came upon the vehicle by the Smith Haven Mall, they encountered this 15-year old young man who unfortunately was not breathing very well and I guess he was losing color, and it was pretty evident that things were going from bad to worse. And so their instinctive training kicked in, and thankfully we have some of the best trained Police Officers in the nation. And so through their extended CPR and their use of the paddles and shock, this young man was basically brought back to stability, transported to the hospital and today is here with us and very much alive. And I can think of no better thing that anybody in our employee, particularly our Police Officers can do but to save lives. These men save lives. Thank you, gentleman, for what you do.

Applause

And we have a couple of the other folks here to recognize them as well. We have Inspector Murphy here from the 4th, Captain Polumbo, and if they can please come up.

Photograph Taken

P.O. GREGORY:

Next we will hear from Legislator Spencer who will present a proclamation to Lucienne Pereira, a local artist who designed and oversaw the community painting of the mural at Scudder Park in Northport funded by a Suffolk County Community Arts Grant a local business donations.

LEG. SPENCER:

I would like to ask if Lucienne and also Dan Paige would join me at the podium, please.

Good morning. First I'd like to talk about Lucienne who's a native of Brazil and a constituent of mine who resides in Centerport. She is a multi-disciplinary artist who's been working with painting, drawings, sculptures, installation art and community murals. As a muralist, Lucienne has led children, teens and adults to participate in the painting process, regardless of their skills and expertise, and that's really what is very special.

Recently, as you know, Northport has just been an area that's been very hot with regards to Suffolk County on an economic -- on several economic issues. One is that Northport harbors this epicenter of the red tide for the northeast. And I want to commend my colleagues on this Legislature because part of the issue is that Northport, out of their sewer treatment facility, had nitrogen levels that were eighteen, and they were under a Consent Order from the DEC to get them down to ten. After this

General Meeting - 11/18/14

Legislature boldly funded Northport as part of their infrastructure grants, as of August their nitrogen levels were down to six, so it far exceeded the DEC Consent Order and for the first time in the last eight years, there was no red tide in Northport Harbor.

But they went -- you went further by funding the Arts Coalition. And Scudder Park, which is where the renovation is going on, Lucienne, along with the Northport Arts Coalition, led a project to beautify the park and incorporate school-age children and even babies who could come out and participate. And it takes great skill to be able to have a variety of people come together and do a project that looks really, really nice and make everyone feel included, and that's exactly Lucienne has done. She designed more than 140 people, they painted a 6 X 24 mural at Scudder Park depicting fish, shellfish, birds and endangered species, and she did this along with the Northport Arts Coalition who has a common vision for a vibrant hub in arts and humanity.

So it is with great pride that I present these proclamations to Lucienne Pereira, and also the Northport Arts Coalition, the Executive Director Dan Paige. Thank you for really a job well done.

Applause

Photograph Taken

P.O. GREGORY:

Next we'll have Legislator Kara Hahn who will present proclamations to several 6th Grade Art Students from Minnesauke Elementary School for winning Top Honors at the 2014 International Interdependence Hexagon Project Conference.

LEG. HAHN:

Okay. We have many Minnesauke students in the house. Come on up now. Because you're such a big group, come on up, file in here.

Okay, everybody. I am so excited about this. I went to Minnesauke School when I was a little kid, so I am thrilled to be here and have these Minnesauke students here with us, to recognize them for their accomplishment. I'm a Minnesauke Mom as well, my daughter Hope is in 2nd grade. And art students from Minnesauke Elementary School who you see here today won all three top categories in the 2014 International Interdependence Hexagon Project Conference. Students were asked to create art within the infinitely interlocking shape of a hexagon, a metaphor for interconnectedness.

Through this competition, young people throughout the world explored global themes, issues and ideas; and you could see, the students brought their art today. They explored issues such as recycling, renewable energy, acceptance of others, nature and protecting the environment and habitats, and protecting children. Minnesauke -- as I said, Minnesauke won top honors in the three categories, Most {effective} All-Over Interpretation, Most Creative Expression and Most Relevant to Theme. The students were also given two Honorable Mentions and their work was submitted to the competition by their art teacher, Christine Becker. Thank you to Mrs. Becker for teaching our youngsters to explore creative ways of expression, especially of these concepts. Creativity, expression and interconnectedness are so important to our learning.

And I think the youngsters did a fabulous job. We're going to pass around your art in a little bit to the Legislators so that they can see how you were able to express your ideas and your interests in these topics in such a creative manner. And so congratulations to you all. I'm so glad we were able to have you here today to recognize you and to say congratulations. This is such a great job.

Applause

Photograph Taken

LEG. HAHN:

If the parents want to come in.

Applause

P.O. GREGORY:

Okay, that is all the presentations that we have. We will go to **public portion** now.

We have several speakers, the first being Stephen Jones. All speakers will have three minutes.

MR. JONES:

Good morning. My name is Steve Jones, I'm Executive Director of Long Island Maritime Museum. The Long Island Maritime Museum is located in West Sayville and operates under a license agreement with Suffolk County Parks Department, a long-term license agreement. The museum is actually 14 acres, 12 buildings and 75 boats. The boats are the holes in the water into which we pour money, but we have a number of very old and classic boats, two of which are National Historic Landmarks.

So there are a number of benefits, of course, to the dredging which is the subject of IR 1963 today. We're on the list with a number of other DPW projects. It's very important to us. We are using private funds and have raised all the private funds necessary to rebuild marine railway that goes down into the basin so that we can haul boats out like they hauled them out a hundred years ago. One of the boats is the National Historic Landmark Priscilla which is the centerpiece of our sailing program. We have a number of other vessels that come in and out as well.

Another way that we'll -- another benefit to the dredging of the boat basin there is that the Maritime Museum has started up a partnership with SUNY Maritime College to offer a variety of boater safety courses. The one that's mandated by this body will be offered as a boater safety course and having the boat basin right there next to the museum will allow for advanced boater safety courses where people can work inside the museum and the classroom and the library and then go out onto SUNY Maritime boats and go out into the Great South Bay for hands-on demonstrations of boater safety. So these are important aspects.

There's another piece to the project which is going to be bulk heading. The rest of the boat basin, that's already in -- money for most of that is already in the Capital Program. So I think more than likely BRO has already commented on the virtues of dredging with respect to encouraging the boating, encouraging recreation and encouraging the tourism economy of Suffolk County. So we hope you'll agree and that you'll appropriate the money for the dredging. Thank you.

D.P.O. SCHNEIDERMAN:

All right. Thank you, Mr. Jones. Our next speaker is Mark Basic, followed by Pam Farino. Baisch, I'm sorry.

MR. BAISCH:

Good morning. I'm Mark Baisch with Landmark Properties. I'm here today to speak in favor of your consent calendar 1931 on page 10. By way of background, I have split a {peed parcel} in Sound Beach with -- actually, the Board of Zoning Appeals of Brookhaven has allowed me to split the parcel into four lots. I have made two of the lots affordable as part of the split. I don't -- do not have the sanitary flow capability from the property for the affordables, so I'm here today to ask for your support to take two of your sanitary flow credits that have been -- that you have banked from open space purchases and use them on these lots.

General Meeting - 11/18/14

As further information, I am the guy that kind of started the whole homes for returning veterans through Long Island Builders Institute when I gave a piece of property away and built a home on it for the first returning veteran back in 2010, to wit you guys gave me another piece of property, along with LIBI, in 2011 that I built in Ronkonkoma and we gave that -- we sold that home to Ryan Donnelly. And then, of course, I was involved with the homes in Islandia, the six homes in Islandia, and unfortunately that project's a little stalled right now because of the dumping situation. So it's my desire to be able to do this in Sound Beach, and I have the VFW also involved with me and we're heavily recruiting for returning veterans for these homes. These homes will be very similar to the ones I've constructed before, they're all three-bedroom, two-bath, Energy Star, central-air, oak flooring, two-car garages, full basements; nice homes. The same homes that a lot of you have seen that we've handed over to the veterans in the past, basically the same homes.

I'm hoping that if I can get this started in Sound Beach, I have three more parcels in Miller Place that I can do this at and maybe we can get something going with all these sanitary flow credits that are backed up and we can do something good and we can recruit enough veterans that we can get this going while we take care of the other problem at veterans way.

D.P.O. SCHNEIDERMAN:

All right, thank you.

MR. BAISCH:

Thank you.

D.P.O. SCHNEIDERMAN:

Okay. Next up is Pam Farino, followed by Janice Logan.

MS. FARINO:

Good day. My name is Pam Farino and I am from Smithtown. I come before you today to discuss public safety. In his budget document, Supervisor Bellone said, *"The safety of the residents of Suffolk County is of paramount importance to me and my administration. Our philosophy is simple; we must do what we can to prevent crime in the first instance, and implement smart, cost effective policies in handling crimes when they are committed with a goal towards reducing crime in the future."* I'd like to take a moment to discuss that statement.

While our Suffolk Police do a fine job at patrolling our communities and arresting those who have been accused of a crime, the rest of the Suffolk County criminal system is falling down on the job. When repeat felons can be released on ROR, when an attorney can receive multiple adjournments with no reason given, when hand-picked felons are allowed to interview with TV news stations, and when we don't met out uncomfortable sentences to the offenders, we set ourselves up for failure to reduce crime and failure to reduce costs.

Our property crime rate went up overall by 1.8% year-to-date, according to the Department of Justice Crime Arrest and Firearms Report of October 3rd of this year. I can commiserate with the Correction Officers union for wanting to be armed off-duty; they know the dirty little secret, the Judges and the DAs are allowing repeat felons off with alternatives or very light sentences. I say this not because the data shows crime is on its way up, but because my family and I were victims of a burglary. We are not yet three years out from our nightmare, yet the felon that plead guilty to our crime is now on his third felony. And no worries, he stepped it up a notch, he's now committing robberies. He will not be considered a second felony offender because he has still not been sentenced for his second felony that occurred over 14 months ago. That one simple sentence in the New York State Penal Code, 70.06 and 70.10, is the reason so many attorneys keep asking and receiving adjournments, thus putting repeat felons back out on the streets.

I ask you to peruse the web crimes -- the Webcrims website. In doing so, you will see the adjournment pattern that I discuss. While I understand there are limits of our government, our County government, this is what I ask of you. Immediately set a cap for adjournments to all criminal cases. If the County is unable to do this, I urge our lawmakers to bring forth to the State level this issue. It seems as if our permanent sentencing commission and our Criminal Justice Coordinating Council would be a great place to start, although the Commission has not met since 2011 and I can find no past meeting or present meeting dates for the Suffolk County Criminal Justice Coordinating Council.

I would also like our Legislative body to find out what an adjournment costs us per case, per day, and the average adjournments that occur each day in our Suffolk County Criminal Court System. Thank you. These unfettered adjournments are a crime upon us all.

D.P.O. SCHNEIDERMAN:

Okay.

MS. FARINO:

Thank you.

D.P.O. SCHNEIDERMAN:

I'm sorry, no questions, we're in public portion. The next speaker is Janine Logan, followed by Cesar Malaga.

MS. LOGAN:

Good morning, everyone, and thank you for the opportunity to speak this morning. I'm here representing the Long Island Health Collaborative and the Nassau-Suffolk Hospital Council. The Long Island Health Collaborative is coordinated and is an entity of the Nassau-Suffolk Hospital Council, and I'm here to speak in support of the Prescription Parks Program that Legislator Hahn has put forward.

The Long Island Health Collaborative is a diverse group of all of the hospitals on Long Island, the two Suffolk -- the two County Health Departments, numerous community-based organizations, social service organizations, academic institutions and the like. We came about in 2013 as a result of the State's prevention agenda which wants New York State to be the healthiest state in the nation, and in response to some IRS Federal level community reporting benefit requirements. We're a multi -- as I said, a multi-dimensional group, and one of the requirements of the prevention agenda was that we should jointly administer a Community Health Needs Assessment, which we did, the Counties and the hospitals, back in 2013, early part of 2013. What rose to the top was a need to address chronic disease, especially obesity, and the many illnesses related to obesity; cardiovascular disease, hypertension being one of them, certainly diabetes.

So what we've been doing is we've been meeting as large groups, about two-dozen of us, we've been meeting every month for the past almost two years. And we said since we have such diversity, what can we wrap ourselves around that's neutral and that makes sense for everyone. We understood that we had to promote more physical activity and better nutrition. And we felt, well, the activity of walking is something that everyone can do, it doesn't cost anything, it's simple to do, so that's what we did. So we're promoting that about activity because research bears out that even if you're walking slowly, there's a health benefit. So that's what peaked my interest in Legislator Hahn's Prescription Parks Program, and we would like to offer our support of that program and help raise awareness about the need for physical activity, and certainly walking in one of our beautiful County parks is something we would encourage. And I would just hope that that resolution passes and I offer the full support of the Long Island Health Collaborative and the Nassau-Suffolk Hospital Council.

D.P.O. SCHNEIDERMAN:

Thank you, Ms. Logan. Our next speaker is Cesar Malaga. Cesar, you're followed by John Turner.

MR. MALAGA:

Good morning, Legislators. I hope that the Presiding Officer is listening on the other side or wherever he is. I am glad he was elected the Presiding Officer, even though some of our elected officials were against it, but he was here many more times than any of you because I never saw you come to meetings or anything like that. I've been attending meetings here for the last 30 years, so I know some of you.

Now, I spoke here about taxes, you know, your salaries, many other things, and I hope you were able to see back in 12/12, it says here, *Lower Legislators budgets*. Here in the County we have the highest taxes, the highest paid part-time Legislators and the highest paid police offers in the whole entire world, so we cannot keep doing this, you know, forever. Now, I made a study of the Legislators, how much salaries you make, how many Aides you have, some of you have three to four Aides, how much is your pay for the rent of your district office, other miscellaneous expenses.

It took, you know, the County about two months to give me the results; in other words, for the Newsday to publish it, because they have to see, you know, whether it's right. So, you know, I discovered that we have -- we spend on you guys about \$11 million or change, and we don't get much. Now, in Nassau, County Legislators get less than 40,000; in Westchester, less than 50,000, and they do the same job that you guys do here and they do not have, you know, district offices. They do not have Aides like you have here. And another thing is that, you know, there -- there are other areas, Legislators make \$5 a year, and that's, you know, in other states. But here you are overpaid for a part-time job, that's ridiculous.

The article here, *Lower Legislators budget*. It is time you start to consider it. Now, if you don't like to, you know, to be making less than 105,000, 128,000, you know, you quit and let other people who are interested in the town or the village or whatever it is come and take your places. Because as you know, the political system is corrupt. The political system is controlled by the two parties, Republican and Democrats, and they do not like to see any other one to be elected. So my thing is lower the taxes, lower your salaries and lower the police salaries, they make too much.

Okay, the next thing I would like to discuss --

D.P.O. SCHNEIDERMAN:

Thank you. Mr. Malaga, you actually are out of time.

MR. MALAGA:

Well, you have to give me a little more time. The other thing --

D.P.O. SCHNEIDERMAN:

I'll let you two more sentences and then we have other speakers.

MR. MALAGA:

Okay.

D.P.O. SCHNEIDERMAN:

Everybody gets three minutes, sir.

MR. MALAGA:

About getting loans. Why should I be taking the money from the water, the sewer districts to give it to the super -- to the County Executive? He should be able to manage cuts. Now, affordable

housing. Now, many years ago I spoke here --

D.P.O. SCHNEIDERMAN:

Mr. Malaga, I know you have a lot more you want to say, but you are out of your three minutes. So 30 seconds, wrap it up and then we have to move on; okay?

MR. MALAGA:

Okay. Okay, affordable housing. You should not be selling, you know, open space houses to other people. You know, those houses should be used for the affordable housing and for returning servicemen. They need housing. Don't sell it to Suffolk County so that you can spend more money.

Well, since you are not giving me more time, there is nothing else -- there are more items I would like to discuss, but many of the items I have discussed with you guys for many years. Thank you for listening. I hope you, you know, do some of the things I suggest --

D.P.O. SCHNEIDERMAN:

All right, thank you.

MR. MALAGA:

-- like lowering your salaries. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Malaga. Okay. So the next speaker is John Turner, followed by Kimberly Quarty.

MR. TURNER:

Good morning, Deputy Presiding Officer Schneiderman, Presiding Officer Gregory and Members of the Suffolk County Legislature. My name is John Turner and I'm here on behalf of the Town of Brookhaven Supervisor Edward Romaine and the entire Town of Brookhaven Town Board to express the Board's strong support for adoption of Introductory Resolution 1902 which would authorize the acquisition of approximately 170 acres of open space on the west side of the Carmans River in the Hamlet of Yaphank, typically referred to as the Avalon Bay Properties. They are properties that the Town of Brookhaven has committed 50% funding towards. We have done so because that series of properties, pursuant to our open space study regarding the Carmans River Watershed, came out as the highest ranked properties in the entire watershed, given their undeveloped nature, the size of the property and their proximity to the river. And so the Town Board made that significant commitment in partnership with the County 50/50 match on that.

I will note that there's actually another small J-2-piece that is right on Mill Road that was, I think, inadvertently left out, but as part of the overall package that Avalon Bay owned; in fact, the Town of Brookhaven is appraising that property for acquisition alone. So we hope to move forward with that.

Again, we would be in a partnership with you on that. We hope that this will garnish your support. The property has a great deal of environmental value. As I mentioned, it's in the Carmans River Watershed and ranges from between the 0 to 2 year groundwater contributing area in the north -- east part of the property to the 50 to 100 year contributing area in the southwestern part of the property, so water both recharges the aquifer as well as moves rather quickly to recharging and maintaining a pure water quality of the Carmans River.

We estimate about 97 million, almost 100 million gallons of water recharged through this site on an annual basis, approximately 265,000 gallons each and every day. That's, of course, averaged out, it's not raining today, but that would be the average. And the property is really a wonderful property. I hope you do get a chance -- and you heard before, talk about the health benefits of County parks. I have the benefit of hiking and walking in County parks and preserves throughout

the Island. I hope you have an opportunity to get out and actually, if you do consummate the deal, to enjoy this park, its rolling topography, wooded scenery. It's one of the most scenic and beautiful parks -- I'm jumping ahead of myself, but if indeed it's acquired -- that the County park system will be responsible for maintaining.

So again, in conclusion, I just want to express the Town Board and Supervisor Ed Romaine's strong support for the adoption of 1902 today. Thank you.

D.P.O. SCHNEIDERMAN:

Thank you, Mr. Turner. Next up is Kimberly Quarty, and she'll be followed by David Kilmnick.

MS. QUARTY:

Good morning. Kim Quarty with Peconic Land Trust, and I'm here to speak to IR 1830 which draws our attention to existing funds that have not been utilized.

I think we can all agree that it's important to not only find new sources of funding, but to utilize existing funds appropriately and for their intended purpose. Many meaningful programs have been established over the years that have either been completed under budget or programs of which funding had been allocated towards a project that might not have fully materialized. And for the programs that have been completed under budget, it just makes sense to allocate those remaining funds towards reducing pipeline debt.

Remaining funds that exist under other programs, however, should not necessarily be allocated towards debt payment. I'm speaking specifically to the Environmental Legacy Program funds which should be retained for their purpose, for land preservation. There's \$15 million still available in this program that could have a significant impact on land preservation in our County, and I have several projects that I know could utilize these funds. And I don't think we really need to speak to the importance of land preservation and how it could benefit our community as a whole, there's so many factors that could weigh in here. But I'm asking you today to allocate the existing funding for the Environmental Legacy Program for land preservation. That was the intent for this program and these funds should be available for same. Thank you.

D.P.O. SCHNEIDERMAN:

All right. Thank you, Kim. David Kilmnick is next, followed by Andrea Kretchmer.

MR. KILMNICK:

Good morning. My name is David Kilmnick and I'm the Chief Executive Officer of the Long Island Gay, Lesbian, Bisexual & Transgender Services Network, or the Long Island GLBT Network, and I'm here to speak on IR 1945 which is authorizing the planning steps for the implementation of the Suffolk County Affordable Housing Program for our organization in Bay Shore, on our property in Bay Shore. And so I just want to talk with you a little bit about the need for this.

And so the need for LGBT -- lesbian, gay, bisexual, transgender -- senior housing is considerable, especially on Long Island, and particularly for LGBT older adults who have faced a lifetime of stigma and discrimination. Now, the number -- the numbers of seniors are growing on Long Island. The baby-boomer generation is aging and recent statistics point to the Long Island region that is bearing the brunt of this growth. There are proportionately -- according to the U.S. Census in 2003, the population estimates, there are proportionately greater number of older adults on Long Island. Nassau and Suffolk Counties posted higher median ages than that of New York State and the country as a whole. And according to the Long Island Index, Long Island's 55 plus population is growing by more than 2% per year, and more than six times the overall rate of population growth.

General Meeting - 11/18/14

Now, it's important to remember that today's LGBT's seniors and baby-boomers grew up in a very different world from what we live in today. LGBT older adults generally have less family support than heterosexual older adults and find themselves at a financial disadvantage as well. Many of our older adults also tend to have few or no spousal benefits, less help from children, and many have been cut out of their inheritance when family members learned that they were LGBT.

LGBT older adults or LGBT baby-boomers came of age at a time when homophobia and legal discrimination kept people in the closet. If someone found out that you were gay, you could be fired from your job, evicted from your apartment or denied benefits. You could even be declared mentally ill, and all of this was legal to do.

Now, housing is another area that many LGBT older adults are still facing great discrimination. The non-profit Equal Rights Center recently did tests, and this is in the last year, across ten U.S. States and found that in nearly half of the cases, gay, older adults reported discrimination when seeking housing.

Now, when we started SAGE Long Island in 2005, we did focus groups with hundreds of Suffolk LGBT elders, and they told us that they still face prejudice living on their own or in other types of retirement housing. Some LGBT older adults felt the need to return to the closet in order to ensure that they will receive quality care or avoid rejection and violence from fellow residents. And we certainly know that that violence is still well and alive with the recent incidents that our organization and myself personally have faced here in Suffolk County. And while this is not part of the presentation, there's a lot of folks from the Suffolk County Police Department here today and I really would like to give kudos to the job that they're doing investigating this incident and taking it real seriously. So thank you to the Suffolk County Police Department.

But now -- but all of these factors that we're talking about, the discrimination and the hate and the stigma, can force an LGBT older adult into isolation and depression, especially given the greater likelihood of not having children or possible rejection from family and lack of caregivers. And what's telling is that lot of the folks that are running these retirement homes right now or living in these retirement homes grew up in the same age when it was legal to discriminate which makes a lot of these places unsafe.

Now, there are currently four affordable or low-income housing developments that cater to LGBT, or LGBT-friendly retirees in the United States. The first one opened in Hollywood, California in 2007, Minneapolis in 2003, Philadelphia earlier this year and Chicago just opened a few weeks ago. The LGBT and LGBT-Friendly Affording Housing Development in Bay Shore in Suffolk County will be the first in the New York Tri-State area, the fifth in the entire country and the first not located in an urban environment. It will put Suffolk County on the map as leader and pioneer, drive resources, drive a lot of resources to our County we have never seen before, and help so many people and families live their golden years happier and healthier than they would have been able to before. Thank you.

D.P.O. SCHNEIDERMAN:

All right, thank you. Our last speaker is Andrea Kretchmer.

MS. KRETCHMER:

Thank you very much. I'm also going to speak on IR 1945, to authorize planning steps for the senior affordable LGBT development in Bay Shore. I'm a -- my name is Andrea Kretchmer, I'm a Managing Director at Poko Partners, we're developers of affordable housing. We have a particular focus on partnerships with non-profits and community facilities, and in this case we'll be working with LIGLBT Services Network; of course you met David, the founder and Executive Director of the organization. What we'd like to do in Bay Shore is to develop a mixed-use project where the focus

General Meeting - 11/18/14

would be senior affordable LGBT-friendly housing. It will include parking and a community facility where, of course, David and his team will provide the appropriate services.

Poko is active in New York City and then in many of the mid-sized and smaller cities across Connecticut, so this would be our first experience in the County. I appreciate being welcome even before this body given that we haven't been here before, so I want to thank you for that. And of course we've engaged with local partners, the Long Island Housing Partnership. I'm sure a lot of you know Peter Elkowitz, James Britz and Jennifer Appel, so we've met with them and we'll be working with them on the local front.

So I'd like to just thank you one more time for your attention today, your potential financial support and for nurturing the careers of professionals like Jill Rosen-Nikoloff and Joanne Minieri who have been incredibly direct with us as developers, but also extremely clear in what the expectations are for working here and we would love to be a part of it. Thank you.

D.P.O. SCHNEIDERMAN:

Okay, so that's the last yellow card I have. Was there anyone who wished to be heard by the Legislature who did not fill out a yellow card? Okay. Seeing none, Mr. Presiding Officer?

MR. NOLAN:

You need a motion to close public portion.

D.P.O. SCHNEIDERMAN:

Is there a motion to close public portion?

LEG. MURATORE:

(Raised hand).

D.P.O. SCHNEIDERMAN:

Motion by Legislator Muratore.

LEG. BARRAGA:

Second.

D.P.O. SCHNEIDERMAN:

Second by Legislator Barraga. All in favor? Opposed? Abstentions? Okay, public portion is now closed.

MR. RICHBERG:

Thirteen (Not Present: Legislators Browning, Kennedy, Stern & Spencer - Absent: Legislator Cilmi).

P.O. GREGORY:

Okay, if I could have all Legislators to the horseshoe. Do we have any statements or comments from the County Executive's Office? No.

Okay. I make a motion to approve the Consent Calendar.

D.P.O. SCHNEIDERMAN:

Motion.

LEG. BARRAGA:

Second.

P.O. GREGORY:

All right, motion by Legislator Schneiderman, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present: Legislator Trotta - Absent: Legislator Cilmi).

P.O. GREGORY:

We're going to address the veto. So I'm going to make a motion to take Resolution, Budget Amendment No. 4 out of order.

LEG. BROWNING:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay, ***(Veto on) Budget Amendment No. 4 is before us (Proposes to transfer \$115,000 from the Light, Water and Power line in order to purchase 200 guns and holsters for Corrections Officers to be used strictly in an off-duty capacity).*** Is there a motion? Anyone have a motion? Okay. All right, Budget Amendment No. 4 fails for lack of a motion. The veto is sustained.

Okay, let's get to the agenda.

Resolutions Tabled to November 18, 2014

We have ***IR 1324-14 - Directing all County departments and agencies to update multi-line telephone systems to directly dial 911 (Trotta).***

LEG. TROTTA:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Trotta.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1378-14 - Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439) (Spencer).

LEG. SPENCER:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Spencer.

LEG. STERN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay, ***IR 1394-14 - Adopting Local Law No. -2014, A Local Law to warn consumers of the dangers of liquid nicotine (Anker).*** Legislator Anker?

LEG. CALARCO:

Motion to table.

P.O. GREGORY:

Motion to table by Legislator Calarco. Second by Legislator Anker. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 16 -- excuse me, ***1464-14 - Appropriating funds in connection with Improvements to North Fork Preserve (CP 7189)(County Executive).***

D.P.O. SCHNEIDERMAN:

AI?

P.O. GREGORY:

Legislator Krupski?

LEG. KRUPSKI:

Motion to approve.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Motion to approve by Legislator Krupski. Second by Legislator Schneiderman. Okay, on the motion? What does this do? Just remind me, I forget, it's been so long.

LEG. KRUPSKI:

This is just to start the process for planning, for development of the preserve. We will -- the committee, the North Fork Committee, Preserve Committee has been formed, and hopefully we'll have a meeting or two before the end of the year to discuss different aspects, not only the drainage

General Meeting - 11/18/14

on the north end, but also the active recreation plans for the south end of the park. So this is just the first step towards making that, you know, developed into a park with everybody's input.

P.O. GREGORY:

Okay. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

LEG. TROTTA:

Opposed.

MR. RICHBERG:

Fifteen (Opposed: Legislators Kennedy & Trotta - Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 1464A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$100,000 bonds to finance the cost of planning improvements to North Fork Preserve (CP 7189.110), same motion, same second. Roll call.***

*(*Roll was called by Mr. Richberg - Chief Deputy Clerk*)*

LEG. KRUPSKI:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fourteen (Opposed: Legislators Kennedy, Trotta & D'Amaro - Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. All right, ***IR 1746-14 - Approving a Settlement Agreement relating to the Assessment Stabilization Reserve Fund (County Executive)***. I make a motion to approve.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Yeah. Do we have any -- George, can you explain to us where we're at with this matter in relation to the Appellate Division's decision and whether that's relevant to this matter? Just where are we at legally with this whole process.

MR. NOLAN:

I would say it is relevant, the recent court decision, because this claim that we're settling by approving this resolution is the same issue that the Appellate Division just decided, which is could the Legislature, the County amend the Drinking Water Program, return some money from the Assessment Stabilization Reserve Fund to different purpose, for tax stabilization or for sewer

purposes, without a referendum, and the Appellate Division just ruled that we could not do that without a referendum. So the first case, right now we have a decision from the Appellate Division unanimous saying we needed to do a referendum. So the issue that -- the thing that was at issue in this case has really been decided by the Appellate Division, and the various elements of this settlement, the other elements, are really in effect now because of the referendum we did enact, that we did pass a couple of weeks ago, where, you know --

LEG. KENNEDY:

Yes. No, I was aware of the referendum. So then let me go one step further and just make sure that I understand this. At the time that we adopted the resolution back in 2011, it was the prevailing opinion and your opinion that we could do so without the need for a referendum.

MR. NOLAN:

Correct.

LEG. KENNEDY:

And that was based on whatever the prevailing case law was? There was case law from the City, there was -- the quantum of law out there at that point indicated that the act we took was a valid and legal act and we could do so based on what the prevailing law was.

MR. NOLAN:

Correct, that was my opinion and that's how I advised the Legislature.

LEG. KENNEDY:

Okay. So we fast forward and we come to the point where we have this referendum that's done, but at the same time we have the Appellate Division who now gives a decision that basically runs 180 degrees in opposition to what the previous prevailing law was; yes or no?

MR. NOLAN:

Yeah, I think the precedents were on the other side, but they found otherwise. So we're -- you know, we're stuck with that decision.

LEG. KENNEDY:

Well, so then -- okay.

MR. NOLAN:

Unless we take it to appeal.

LEG. KENNEDY:

You know where I'm going with this. So that means, then, that by virtue of this resolution, I would assume that we are electing not to appeal that Appellate Division decision.

MR. NOLAN:

We still have the option to appeal the other decision. This is the other case that related to our action, I guess, in 2013. But like I said, the ref -- we basically put the whole thing to a referendum a couple of weeks ago and our transfers of the money from the Assessment Stabilization Reserve Fund to be used for tax stabilization and all that has been blessed by the voters, okay. So in terms of this particular cases, there's really no reason not to settle this case.

LEG. KENNEDY:

But what is there left to settle then? I guess that's the thing that I don't understand. What's still at issue then?

MR. NOLAN:

There really isn't much at issue. I think the plaintiffs probably could discontinue this case if they wanted to, but other than that, we can agree to settle it. All the elements that are in this particular resolution are basically already in place. So I don't see any reason not to approve this resolution at this time.

LEG. KENNEDY:

Where -- do we have anybody here from the County Attorney's Office?

MR. BRAUN:

Yes, Legislator.

LEG. KENNEDY:

Good morning. How are you, Bob.

MR. BRAUN:

Good morning. How are you?

LEG. KENNEDY:

Good. Do you agree with what George just had to --

MR. BRAUN:

We do.

LEG. KENNEDY:

Okay.

MR. BRAUN:

The resolution to settle the case has been pending before you, the results of the referendum essentially embody the same terms. So --

LEG. KENNEDY:

Why have the resolution then? I mean, what is -- what is there to be gained by having any action? In essence, it's moot.

MR. BRAUN:

Well, because there's a pending lawsuit still out there. It hasn't been discontinued. So by adopting the resolution, we settle the lawsuit with the -- with the plaintiffs and then it goes away. Otherwise, it's up to them to either discontinue or not to discontinue. They've agreed to these terms, we've put the matter before the voters, the voters have ratified essentially the terms of this settlement as well as the actions previously taken.

LEG. KENNEDY:

But let me just make sure that I understand the other piece of this, too. That referendum was very specific as to the movement of Assessment Stabilization Reserve Funds and that only. It was not addressing anything else that might have been adopted by referendum; I don't know, Hotel/Motel Tax or, you know, a sales tax component or anything else we do as far as government goes. It was very specific to --

MR. BRAUN:

It was specific as to the Assessment Stabilization Reserve Fund, yes.

LEG. KENNEDY:

Okay. So the Appellate Division decision now, obviously it appears there's no intention to appeal that and it will stand. And in essence, then, that means regardless of the way that we've raised funds, addressed funds or attempted to govern, anything that we do now is going to have to go forward by referendum.

MR. BRAUN:

Well, first of all, I'm not aware that -- if a decision to appeal or not to appeal has been reached. And as the Legislature's Counsel indicated, we may decide to appeal just on the basis or the fact that we don't want to leave this standing and retain -- and we would like to retain the discretion that we thought we had.

LEG. KENNEDY:

But Bob, what Judge in their right mind would go ahead and entertain that appeal if we just act and basically said, *Take a walk on it*.

MR. BRAUN:

Well, I mean, it would require leave to appeal, I believe, at this point, from the Higher Court.

LEG. KENNEDY:

Say again?

MR. BRAUN:

I believe that if we were to decide to appeal, and I don't know -- don't misunderstand me to say we are.

LEG. KENNEDY:

Hold on. Then let's come back and let's talk about some of the specifics. In order to preserve a right to appeal, you have to go ahead and you have to notice, you have to write.

MR. BRAUN:

Yes.

LEG. KENNEDY:

Have we done that yet?

MR. BRAUN:

As far as I know, we have not. And it's -- we have to seek leave to appeal, because I believe the decision in the Appellate Division was unanimous. So we would have to ask the Court of Appeals if it would entertain a further appeal of this same matter.

LEG. D'AMARO:

What's the deadline?

LEG. KENNEDY:

I would --

LEG. D'AMARO:

John, what's the deadline on this?

LEG. KENNEDY:

Yeah; how long do we have to go ahead and to advise? Typically, what do we have, Lou, it's like 60 days if you're going to appeal out of a trial court in order to notice the Appellate Division? I have

no idea what --

MR. BRAUN:

I think it's 30-days.

LEG. KENNEDY:

Thirty days. And when was the decision from the Appellate Division?

MR. BRAUN:

The day after Election Day.

MR. NOLAN:

(Inaudible).

D.P.O. SCHNEIDERMAN:

Probably.

LEG. KENNEDY:

No, not at all. If the -- well, I would say if this passes, it basically communicates that we have no intent to perfect the appeal. I want to know whether or not the County Executive intends to appeal.

MR. BRAUN:

I can find out, Legislator. I don't know right now.

LEG. KENNEDY:

Okay. Thank you.

LEG. D'AMARO:

May I?

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

I want to just make sure it's clear in my mind. One of the things that -- if we pass this bill today, it codifies, in effect, the decision reached in the first case with respect to whether or not you need a referendum in order to amend the program; is that accurate, George?

MR. NOLAN:

I don't think settling this -- I would say --

LEG. D'AMARO:

All right.

MR. NOLAN:

We earlier passed a law -- we did pass a law a couple of months ago where we amended the Charter and said we could not amend the Drinking Water Program except by another referendum. So we have actually put that in the Charter already, that's done.

LEG. D'AMARO:

So that's already finished.

MR. NOLAN:

Yeah.

LEG. D'AMARO:

So that issue, which was part of the case, the first case, has already been --

MR. NOLAN:

That was part of resolving all the issues with the Pine Barrens Society, was agreeing to put that in the Charter that we would not amend the Drinking Water Program again without a referendum.

LEG. D'AMARO:

Right, but this settlement also approves actions we've taken in the past. So it would preclude -- if we settle here, it would preclude these parties from pursuing those claims. So there are some outstanding claims in this particular settlement that are not resolved.

MR. NOLAN:

The claim in the second case which we're settling is the same issue as was just determined by the Appellate Division, which is do you need a referendum to amend the Drinking Water Program.

LEG. D'AMARO:

Right, but there's no other unresolved issues that would be settled by this settlement?

MR. NOLAN:

The settlement references actions we've already taken, which include amending the Charter to say we're not going to amend Drinking Water again. It talks about the \$29.4 million for the new land acquisition we're going to do in the Capital Program, I believe beginning next year. So these are all actions that have already been taken.

LEG. D'AMARO:

What about the County's authority to borrow, over the next three years, from the Reserve Fund? Has that been -- is that -- has that been decided or finally determined?

MR. NOLAN:

It was approved by the referendum.

LEG. D'AMARO:

That was in the referendum as well.

MR. NOLAN:

Yes, it was.

LEG. D'AMARO:

Uh-huh. So there are no open issues.

MR. NOLAN:

None that I see.

LEG. D'AMARO:

Okay. Thanks.

P.O. GREGORY:

Okay. Anyone else? Okay. Mr. Clerk, we have a motion and a second?

MR. RICHBERG:

Yes.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Opposed.

LEG. TROTTA:

Opposed.

LEG. McCAFFREY:

(Raised hand).

MR. RICHBERG:

Fourteen (Opposed: Legislators Kennedy, Trotta & McCaffrey - Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1830-14 - Reducing Pipeline Debt by authorizing the County Comptroller and County Treasurer to close certain capital projects and transfer funds (County Executive). I'm going to offer a motion to table.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. We're going to make an amendment that the Pipeline Debt Committee is going -- had a meeting, we made an agreement to exclude the Multi-faceted monies and 4.9 million of the Legacy Funds, those are the funds that have not expired of the Legacy Funds. So there will be a forthcoming amendment.

LEG. ANKER:

On the motion.

P.O. GREGORY:

On the motion.

LEG. ANKER:

I just want to say I received a lot of comments through e-mail and phone calls to preserve the money. And again, I just want to state also on the record that a lot of the Legacy Funds have expired and that's one of the reasons why they're not going to be seen as money being saved to preserve open space. But I do want to thank the Debt Reduction Committee for the work and also preserving that money for open space.

P.O. GREGORY:

All right. Legislator Krupski?

LEG. KRUPSKI:

I would like to thank the Pipeline Debt Committee for reconsidering this. This is a -- you know, this is important money in light of -- you know, in light of everything that's going on with water quality, this is money for not only open space, but farmland preservation. It also -- part of this, the Legacy also requires a 50/50 match with either a municipality or another partner, and I think that's an

important component because it allows the local municipalities to take a hard look at their preservation programs and see how they want to operate going forward. So I think it's good to have that kind of partnership and this keeps that money in play. It makes everybody think -- it's not like getting free money, it makes everybody think really hard how they're going to manage it going forward. And I appreciate the effort of the Pipeline Debt Committee to meet again.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

Introductory Resolutions for November 18, 2014

Budget & Finance

P.O. GREGORY:

Okay. ***IR 1896-14 - Tax Anticipation Note Resolution No. -2014, Resolution delegating to the County Comptroller the powers to authorize the issuance of not to exceed \$410,000,000 tax anticipation notes of the County of Suffolk, New York, in anticipation of the collection of taxes levied or to be levied for the Fiscal Year commencing January 1, 2015, and to prescribe the terms, form and contents, and provide for the sale and credit enhancement of such notes (County Executive).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Legislator D'Amaro makes a motion. I'll second.

LEG. KENNEDY:

On the motion?

P.O. GREGORY:

On the motion; who was that, Legislator Kennedy?

LEG. KENNEDY:

Yeah. Mr. Chair, as I did in committee, I'm going to elect to go ahead and recuse and ask the Clerk to go ahead and note my recusal based on the fact that I'll be sitting in a different chair when we've got to resolve this. So I'm going to recuse.

P.O. GREGORY:

Okay. On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

This may be a question for Mr. Lipp. So 410 million in TAN, is that in line with previous years? I know we've done TANs pretty much every year that I've been here, I think every year I've been here. Is that about the same?

MR. LIPP:

It's the same as last year, and the previous year was \$10 million less.

D.P.O. SCHNEIDERMAN:

Okay, but in the same ball park.

MR. LIPP:

Correct.

D.P.O. SCHNEIDERMAN:

Okay. Thank you.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

On the motion. Thank you, Mr. Presiding Officer. During committee we had the opportunity to speak with Comptroller Sawicki and talk about not just the overall dollar amount and the question raised by Legislator Schneiderman, but also the interest rate that we will be charged and what the resulting ongoing payment would be there. The Comptroller was very positive in his explanation of what we're doing and why we're doing it and was very comfortable not only with the overall number, but in particular the interest rate that we were getting. He certainly indicated that we are enjoying a favorable interest rate and recommended that we go forward, and so I will be supporting this resolution.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

If we don't do this, the employees don't get paid; is that correct?

P.O. GREGORY:

It increases, certainly increases the likelihood.

D.P.O. SCHNEIDERMAN:

It's cash flow.

P.O. GREGORY:

It's a cash flow issue.

LEG. TROTТА:

So if we don't do this, the employees of this County basically won't get paid.

LEG. D'AMARO:

Including yourself.

LEG. TROTТА:

Including myself and every other employee. Okay.

P.O. GREGORY:

That's part of it.

LEG. TROTТА:

It would shut down basically the County, though.

P.O. GREGORY:

Again, it's a cash flow issue.

LEG. TROTTA:

Okay. No problem.

P.O. GREGORY:

Money comes in when it's collected, not necessarily when we need it, and this helps bridge that gap.

LEG. KENNEDY:

To that point, Mr. Chair. It's actually a function of the Suffolk County Tax Act, in that the Levy that's going to be realized does not wind up coming over to the County until the latter part of June. So we're front-ending on behalf of every other entity that takes from the tax levy throughout the County of Suffolk. That's really what's at stake here. We're being quite magnanimous.

P.O. GREGORY:

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

MR. RICHBURG:

Sixteen (Recused: Legislator Kennedy - Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 1905-14 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a settlement for a liability case against the County (County Executive).***

LEG. D'AMARO:

Motion.

P.O. GREGORY:

Motion by Legislator D'Amaro. Second by Legislator Stern. On the motion, any questions? All in favor? Opposed? Abstentions?

MR. RICHBURG:

Fifteen (Actual Vote: *Seventeen (Absent: Legislator Cilmi).*)

P.O. GREGORY:

IR 1905A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$1,500,000 bonds to finance the settlement of a general liability case against the County), same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. IR 18 --

LEG. McCAFFREY:

I'm a yes.

P.O. GREGORY:

Oh, I'm sorry.

MR. RICHBERG:

McCaffrey?

LEG. McCAFFREY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

Economic Development

P.O. GREGORY:

IR 1868-14 - To reappoint Lyn Boland as a member of the Suffolk County Citizens Advisory Board for the Art (Hahn). Motion by Legislator Hahn?

LEG. HAHN:

Yes.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1940-14 - Authorizing transfer of development credits to Westhampton Free Library (Schneiderman).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. KENNEDY:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 19 --

LEG. KENNEDY:

Cosponsor on that.

P.O. GREGORY:

IR 1952-14 - Appropriating funds in connection with Jumpstart Suffolk (CP 6424) to the Town of Huntington for Huntington Station (County Executive).

LEG. SPENCER:

Motion.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Motion by Legislator Spencer. Second by Legislator D'Amaro. On the motion?

LEG. KRUPSKI:

On the motion?

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I would just like to say that, you know, here we're spending -- we're bonding and spending money to jump start -- you know, to help a community, and that's why I appreciate what the Pipeline Debt Committee did before and the support of this Legislature, to keep the money in for farmland preservation and open space. Because that doesn't necessarily jump start the economy, but that maintains a very important part of the economy in Suffolk County. I just want to put that in context. So yeah, I would support this.

P.O. GREGORY:

Okay. All right, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. KENNEDY:

Abstain.

MR. RICHBERG:

Sixteen (Abstention: Legislator Kennedy - Absent: Legislator Cilmi).

D.P.O. SCHNEIDERMAN:

I'm here.

P.O. GREGORY:

IR 1952A (Bond Resolution of the County of Suffolk, New York authorizing the issuance of in bonds to finance said County's portion of the cost of the Jumpstart Suffolk Program for the Town of Huntington for Huntington Station (CP 6424.313), same motion, same second.

Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. SPENCER:

Yes.

LEG. D'AMARO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fifteen (Opposed: Legislators Kennedy & Trotta - Absent: Legislator Cilmi).

LEG. D'AMARO:

List me as a cosponsor.

P.O. GREGORY:

Okay. *IR 2011-14 - Accepting and appropriating a grant in the amount of \$1,500,000 from the New York State Energy Research and Development Authority's "Cleaner Greener Communities Phase II Implementation Grants" to fund Bus Rapid Transit (BRT) Development and amending the 2014 Capital Budget and Program in connection with the connect Long Island - CR 97, Nicolls Road (CP 5597) (County Executive).*

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Calarco. On the motion?

LEG. TROTTA:

Yeah.

P.O. GREGORY:

On the motion, Legislator Trotta.

LEG. TROTTA:

Is there someone here from -- who can just go over what this is going to be doing?

DEPUTY COMMISSIONER TYSON:

Good morning, Legislators. So the \$1.5 million that we will be accepting from the State will actually be for several components of BRT on Nicolls Road. In particular, it would be for the construction of stations on the corridor. Also, some traffic signal priority, which is another measure of BRT, in addition to in some particular locations, so it's for some design and some construction elements on Nicolls Road.

LEG. TROTTA:

How much construction?

DEPUTY COMMISSIONER TYSON:

The component -- I would say it's approximately maybe 60% of the \$1.5 million, say, would be for construction.

LEG. TROTTA:

Where is it going to be at? Where are these bus stations going to go?

DEPUTY COMMISSIONER TYSON:

On Nicolls Road, there are presently approximately, say, five stations from Stony Brook down to Patchogue, so there would be one. And again, we started very early on in the process, so the locations are not, you know, definite. There would be one in the vicinity of the Stony Brook Railroad Station; one near Stony Brook University where the hospital and the college are, kind of on both sides; another is envisioned at Suffolk Community College; then you could have one down at the Ronkonkoma Station, and then one in Patchogue as well.

LEG. TROTТА:

And this is for the buses that are going to run.

DEPUTY COMMISSIONER TYSON:

It would be, yes. You know, it would be a faster bus, yes.

LEG. TROTТА:

But we don't have the buses yet.

DEPUTY COMMISSIONER TYSON:

The buses will be acquired, so, you know, as we move through the process. It basically takes about --

LEG. TROTТА:

Have we given up on tram on Nicolls Road?

DEPUTY COMMISSIONER TYSON:

I would say that we are in the alternative analysis part, so we have not given up on it yet, but it is anticipated that it will be a bus service solution.

LEG. TROTТА:

And we're giving up on the tram? No more tram?

DEPUTY COMMISSIONER TYSON:

Not yet, but the answer will probably be clearer soon.

LEG. TROTТА:

I was looking forward to the one on Sunken Meadow. I heard about it and the County Executive's Address, I guess we've given up on it. Okay.

P.O. GREGORY:

All right. Anyone else? Okay. All right, thank you. So we have a motion and a second, right?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 2011A Bond Resolution (Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$1,500,000 bonds to finance planning and design costs for Connect Long Island—CR 97 Nicolls Road (CP 5597.111), same motion, same second. Roll call.***

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. McCAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Sixteen (*Opposed: Legislator Trotta - Absent: Legislator Cilmi*).

Education & Information Technology

P.O. GREGORY:

Okay, *IR 1956-14 - Amending Resolution No. 100-2014, authorizing transfer of surplus County flat panel monitors (Stern).*

LEG. STERN:

Motion.

P.O. GREGORY:

Motion by Legislator Stern. Do I have a second?

LEG. TROTТА:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2007-14 - Accepting and appropriating a grant award from the New York State Department of Economic Development, for an Empire State Development (ESD) Technical Assistance and Training Grant, to establish a new entry level manufacturing training course 89% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. ANKER:

Motion.

P.O. GREGORY:

Motion by -- was that Legislator Hahn? Second by Legislator Anker. On the motion? No, okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi)

Environment, Planning & Agriculture

P.O. GREGORY:

IR 1762-14 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - active recreation/hamlet park/historic and/or cultural park component Bay Village Park parcel - Town of Babylon (SCTM No. 0101-007.00-08.00-007.000) (Presiding Officer Gregory).

I'll make a motion.

LEG. McCAFFREY:

Second.

P.O. GREGORY:

Second by Legislator McCaffrey.

LEG. KENNEDY:

On the motion, Mr. Chair.

P.O. GREGORY:

On the motion?

*(*The following testimony was taken by Lucia Braaten & was transcribed by Kim Castiglione - Legislative Secretary*)*

LEG. KENNEDY:

Just one quick question. This involves that park that's down in the Amityville area, and it's fulfilling, I guess, a commitment that we made probably, what, 15 years ago?

P.O. GREGORY:

Yes.

LEG. KENNEDY:

Okay. It will have the ability to be accessible, though, for residents from throughout the County?

P.O. GREGORY:

Yes.

LEG. KENNEDY:

Okie-doke. Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. Thank you for your support. ***I.R. 1863 - Reappointing Joseph Gergela, III as a member of the Suffolk County Soil and Water Conservation District (Sponsor: Al Krupski).***

LEG. KRUPSKI:

Motion.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1864 - Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Villas at Roanoke, LLC – Town of Riverhead (SCTM No. 0600-017.00-01.00-006.000) (Sponsor: Al Krupski).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. HAHN:

Second.

LEG. BROWNING:

Second.

P.O. GREGORY:

Second by Legislator Hahn.

LEG. BROWNING:

See? Do we sound alike?

P.O. GREGORY:

On the motion? Any questions? Oh, I'm sorry. Second by Legislator Browning.

LEG. KRUPSKI:

She's going to work on her accent.

*(*Laughter*)*

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1889 - Authorizing a new Intermunicipal Agreement in connection with stormwater abatement to West Meadow Creek within the Town of Brookhaven (CP 8240.324) (Sponsor: County Executive).

LEG. KRUPSKI:

(Raised hand).

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

***I.R. 1892 - Appropriating funds for the Water Resource Management program (CP 8237)
(Sponsor: County Executive).***

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

LEG. MURATORE:

(Raised hand).

LEG. HAHN:

Second.

P.O. GREGORY:

Second by Legislator Muratore. Any questions? On the motion, Legislator Muratore -- Trotta.

LEG. TROTТА:

This is just for \$25,000 from the Sewer Assessment Fund; is that what I'm seeing? My question was to the bond. Why are we bonding it if it's coming from the Sewer Assessment Fund?

MR. NOLAN:

It's not, it's Capital Program.

LEG. TROTТА:

What exactly is it going to be doing, does anybody know?

P.O. GREGORY:

What was the question?

LEG. TROTТА:

What is --

D.P.O. SCHNEIDERMAN:

Maybe Mr. Dawydiak can explain it a little bit.

MR. DAWYDIAK:

Good morning, Legislator Trotta, Mr. Presiding Officer, and members of the Legislature. Walter Dawydiak, Director of Environmental Quality.

This is a recurring annual capital project to support implementation of the groundwater model and the Comprehensive Water Resources Management Plan. The last time that we updated this model was 2007. Our plan of recommendation is to upgrade it every five years, so we're a little bit past due. With the completion of our Comprehensive Water Resources Management Plan, this will be an accompanying tool that will model the 30 new wells that have come online since the last plan, as well as the 700 or so pre-existing public water supply wells to give us an idea of what's going on in the aquifer in terms of pumpage, land use, point sources, contributing areas, contaminate prevalence, sensitivity and susceptibility. So there's a lot of ways that we use this on a regular basis. It will be a companion to the rising sea level model. It will be used to support the Septic Upgrade Program to plan public water supply. So the nutshell is that it gives the County and the Health Department the tool to protect water quality moving forward. It's a little overdue and for

\$25,000 our consultant will get this upgraded. We should be good for another five years.

LEG. TROTTA:

What exactly are you spending \$25,000 on, in one sentence?

MR. DAWYDIAK:

What a consultant does is gets data on the new wells. They compile a whole series of new data on stratigraphy, geology, water levels. They model the movement of water through the aquifer as it relates to pumpage. So it's a complicated series of simulations, and the entire County network needs to be modeled as a whole to get an accurate prediction. When you add one or two wells you can fudge it, but just overlaying that well, when you start to get into numbers like 30 or 40 you've changed the aquifer and you need to run the entire model. So what it gives us is an underlying series of databases with a model as an overlay to let us run the aquifer and determine how water and contaminants are moving, in what direction, over what time period and how water supply affects us.

LEG. TROTTA:

Shouldn't the Water Authority be paying for this?

MR. DAWYDIAK:

The Water Authority is paying for part of this. Actually, they paid for half of the Comprehensive Water Resources Management Plan, and they also paid a substantial portion of the supplement. We're in the process of completing the plan by 2014. By December of this year the plan will be completed. At this point they've paid more than half. This is an in-house County tool and this is essentially our share of the equation. The other thing is that the Water Authority doesn't represent the entirety of the public water supply. There is substantial minority, but there are dozens of other water suppliers out there.

LEG. TROTTA:

I'm not concerned about the \$25,000, I'm concerned that we're in such bad shape that we have to bond \$25,000. So, all right.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Yes, thank you. I was going to go to the question about the Water Authority and Walter, yeah, we do have smaller municipal -- I don't think we have any private well companies out there anymore; we might. But like St. James and Smithtown, we have the municipal water districts there. But the Water Authority basically represents roughly about 95% of what the municipal water is that's pumped. And the 30 new wells that have come on are Water Authority wells, right?

MR. DAWYDIAK:

It's substantially over 90%, that's correct. And most, if not all, of those new wells would be Water Authority wells.

LEG. KENNEDY:

You know, my question would be similar to Legislator Trotta's. So look, monitoring and study of the groundwater and the aquifers is an important piece. Your shop does important work, and as a matter of fact, should very well be augmented. The well drillers and some of the other folks that do, you know, that work, tracking the plumes is critical. But the mechanics with this seem to me -- we approved a resolution and then there's a bond that goes with it. That bond now will not go out. We've just missed this fall offering. That bond won't go out until next spring. So when is it that we

got to pony up this 25 grand to the consultant?

MR. DAWYDIAK:

As soon as this money is available to us, we will dispatch the consultant to work on this. This is a companion piece to the Comprehensive Water Resources Management Plan, but the plan itself doesn't depend on completion of this. So in essence, this won't hold the plan up. If the plan gets adopted in January or December it's okay for this work to be done in January. The point is the process is overdue and the Health Department is working without the tools --

LEG. KENNEDY:

Okay. I'm not going to question that seven years since an update is beyond what we should have had done. I agree with you. Mr. Chair, let me go to BRO, if I can, then. Roz, am I getting it right here that if this was approved today, in fact, this would not become part of the actual borrowing until some time in March or April?

MS. GAZES:

It would probably be in the spring borrowing next year, but debt service would not be in the Operating Budget until the following year.

LEG. KENNEDY:

Until the subsequent year, into '16. So why don't we just find the 25,000 in the budget? Why -- I mean, if there's a need to address this, and we're 24 months late, Walter, what are you going to do, scream into the mic? Tom, when you want to talk to me, you can talk to me, but let me finish talking to Walter, okay? Thank you. You're telling me that we don't have 25 grand to address this now?

MR. DAWYDIAK:

I apologize. We have always treated the model as a durable item that qualifies under the Capital Program. It's got the shelf life, the value and the utility that qualifies for capital. It's an item that we have funded over capital in the past and we think it's presumptively eligible. Budget resources are finite. We would love to fund everything without going to capital but --

LEG. KENNEDY:

Yeah, but we're not talking about everything. We're talking about 25,000 for a model. That's all. Okay. Fine. All right. Thanks.

P.O. GREGORY:

Oh, I'm sorry. Legislator Krupski.

LEG. KRUPSKI:

I don't want to -- I don't want to disagree with Legislator Kennedy and Legislator Trotta on the -- on how this is funded because I -- I agree with you, it's -- you need this. It should be funded.

LEG. KENNEDY:

No doubt.

LEG. KRUPSKI:

And it should be paid for and it should be done. I just want to speak on the importance of what's going to be done here, is because really what it affects is land use, ultimately. Inputs into the aquifer need to be measured, need to be quantified, to know what our land use is, how it affects our water quality and water -- in the end water quantity also. So this is important work. How it's funded and how it's done really that's up to the department to try to -- to try to make that happen.

LEG. KENNEDY:

Well, if I can through the Chair, I don't disagree with you at all, Legislator Krupski, and as a matter of fact, we're of the same mind about preservation of the water quality, especially out in your area where you have a fragile aquifer and you have pumping issues on a constant basis. But I think the notion that we're being asked to approve borrowing now that will not result in 25 stinking thousand dollars until next April is somewhat mind-numbing. There's got to be either one of two things. Either we engage the consultant now to address the fact that this is a priority that's been ignored for another two years, making it a seven-year, you know, time frame, or we go into a 2.9 billion dollar Operating Budget in '15 and find 25 grand to address the priority. The issue is not in the underlying substance that's important, it's in the methodology. We don't belong borrowing this, that's all.

P.O. GREGORY:

Okay. We have Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Just real quick, because I think a lot of us are saying the same thing. I actually agree, there's important work to be done and bonding it doesn't seem to make sense unless you don't have an available pot of money. But I believe there is sufficient money in the 477 Fund.

LEG. KENNEDY:

Absolutely.

D.P.O. SCHNEIDERMAN:

In the reserve account to cover this. This is 25,000, there's a \$4 million balance there. It could easily be funded. It fits that Water Quality Program since it's a water quality project. So I don't know that we need to bond this. We could, you know, go to the Water Quality Committee and ask for 25,000 for this and I have a hard time imagining that they would say no. Has that been explored, Tom or Walter?

MR. DAWYDIAK:

Not to my knowledge, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. Legislator Hahn.

LEG. HAHN:

The first word in the title of this resolution is appropriating. I'm pretty sure that means that this was in our Capital Budget. We approved it in our Capital Budget, is that true, Roz?

MS. GAZES:

That's correct.

LEG. HAHN:

So this was in a Capital Budget plan that we made several months ago, if not a year or more ago, to bond for this money. Did we put money in our Operating Budget for this job? No. We have a plan, we have a budget plan, and this is the appropriating resolution to pay for this. This is extraordinarily important. This is from a 35,000-foot view on what the -- this division should be working on. This is incredibly important to our overall understanding and to the continuous understanding of our aquifer, and this model needs to be funded.

We budgeted it this way, and we are now appropriating it. And this is -- you know the time to fight about that could have been then. We passed that Capital Budget and we are now appropriating this money and this is how we are choosing to fund this. So, you know, I really think that this is part of our overall budget model and we should move forward in this manner.

P.O. GREGORY:

Okay. Legislator Krupski. Ditto?

LEG. KRUPSKI:

No, I don't want to jump ahead of my colleague here.

P.O. GREGORY:

Oh, I'm sorry. I didn't see you, Tom. All right. Legislator Muratore.

LEG. MURATORE:

I don't think the question's been answered; why are we bonding it? It's not a question of the importance of it, we all know it's important. I think my colleague's question was why are we bonding it. Is there another way to pay for this? Why are we bonding it? Can you answer that question? Can we pay for this some other way?

LEG. KENNEDY:

Can we ask BRO?

P.O. GREGORY:

All right. Mr. Vaughn.

MR. VAUGHN:

I would concur with what Legislator Hahn has said. This is how we have -- this is the funding mechanism that was in place for this study. I would also add, and the point that I wished to add prior when Mr. Kennedy -- or Legislator Kennedy was asking his question, pardon me, was that we have a number of bonding resolutions today that will probably not go out until early next year, but that -- but as we all know, unless we bond these projects this year, the money for these projects goes away. Now, I'm sure that there are some projects that maybe some individuals would like to see that money go away. In our opinion, this is not one of those projects. We would like to see this adopted as it is, as it stands.

P.O. GREGORY:

Okay. Tom, you done?

LEG. MURATORE:

Yeah, I'm done yes.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

Thank you. So I guess the question then becomes, and Legislator Schneiderman talked about the 477, most of the 477 money has been allocated towards salaries, and I didn't have support on my standalone resolution to free up some of that money from salaries that would have -- that would have been available for this type of water quality work. Then you could have the debate whether this is, in fact, water quality work, bricks and mortar approved water quality or whether this was related to water quality. But that would have been a different discussion.

I've got a question for either of the gentlemen standing here, though, and it goes towards what my colleague was just asking about how we can pay for this without bonding. Is there a way to pay for it without bonding? Would it -- could we put this off for two weeks and find that out and still be able to -- if there's no other mechanism, still be able to approve this at the next meeting without losing the revenue -- the revenue source?

MR. VAUGHN:

Look, Legislator Krupski, if it's the will of this Legislature, of course you can get -- the bonding money for this project does not go away today, it expires at the end of the year and there's still two more meetings. That being said, we would like to see the resolution progress today, but of course you have the option to table it if that's what you choose.

LEG. KRUPSKI:

Well, if you -- if it is a possibility that you could find another way of actually paying for this and not bonding it, I think it would behoove us to table it today and give you the opportunity to try to do that, and then come back to us at the next meeting and say yes, we could pay for it without bonding or no, it's impossible, we need to bond it. I would -- in that scenario I would be happy to support it either way.

MR. VAUGHN:

Legislator Krupski, may I ask, then, or through the Presiding Officer, if maybe we could skip over this until after lunch, maybe give us the lunch break to see if there's an alternative bonding source -- if there's an alternative funding source.

P.O. GREGORY:

Sure. All right. All right, so we'll skip over IR 1892A -- 1892, excuse me.

All right. *I.R. 1902 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – open space component – and the New Suffolk County Drinking Water Protection Program (effective December 1, 2000) – open space component for the Carmans River Watershed - Avalonbay Communities, Inc. Property - Town of Brookhaven – (SCTM Nos. 0200-547.00-01.00-019.000, 0200-578.00-01.00-044.000, 0200-610.00-01.00-022.000, 0200-610.00-01.00-023.000 and 0200-610.00-01.00-024.001) (Sponsor: County Executive).*

LEG. BROWNING:

Motion.

P.O. GREGORY:

That was Legislator Browning; second by Legislator Calarco. Any questions?

LEG. BROWNING:

Actually, that used to be my district when we started the process and now that's changed, so.

P.O. GREGORY:

Okay. On the motion, Legislator Stern.

LEG. STERN:

Yeah, thank you. I just wanted to ask whether there was a town participation in this acquisition?

MR. NOLAN:

It's 50-50.

LEG. STERN:

Thank you.

P.O. GREGORY:

Anybody have the answer to that question? Oh, Director Hahn -- oh, gees.

MR. NOLAN:

Lansdale.

P.O. GREGORY:

Lansdale.

DIRECTOR LANSDALE:

Yes, there's a 50% partnership with the Town of Brookhaven.

LEG. STERN:

Okay. Thank you.

LEG. BROWNING:

Mr. Presiding Officer, can I add that this rated 69? And I don't think in the nine years that I've been here, we have not had a piece of property that's rated that high.

P.O. GREGORY:

Okay. All right. So we have a motion and a second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

LEG. KRUPSKI:

Cosponsor, Tim.

P.O. GREGORY:

All right, great. All right. ***I.R. 1925 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Estate of David Bivona and the Estate of Thomas Bivona property - Dwarf Pine Plains - Pine Barrens Core - Town of Southampton - (SCTM No. 0900-279.00-01.00-002.000) (Sponsor: County Executive).***

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Schneiderman.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1957 - Making a SEORA determination in connection with the proposed 2015 Vector Control Plan of Work (Sponsor: Presiding Officer Gregory).

LEG. SPENCER:

Motion.

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski; I will second. On the motion? On the motion, Legislator Anker.

LEG. ANKER:

Again, dealing with Vector Control, my issue, and it always has been, is the amount of chemicals being used in Vector Control in dealing with the mosquito population. So I'm going to not agree to approve this particular resolution. But I do hope that we can look in future decisions using less chemicals, using different chemicals than what we're used to doing. I've gotten a number of calls from constituents concerned in my district about the amount of chemicals being used and the way it's being applied, the application, you know, from above. There needs to be, number one, better notice and also an alternative to the chemicals being used. I know there's ditches and there's other ways, but with our technology, you know, we've got BNL, we've got Stony Brook, we've got Cold Spring Harbor, you know, and we're dealing with a tiny insect that creates issues. And yes, I understand West Nile can be an issue, but what about the chemical accumulation in the body and what is the affect? Is it causing cancer? My cancer has the highest cancer rate, you know, if not in the country, in Suffolk County. There's a very severe concern, again, with the amount of chemicals being applied in our environment so I will not be supporting this resolution.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

It's always a concern about -- good to be concerned about what's being sprayed in your district or, you know, in Suffolk County for that matter, but to get better answers you should go to CEQ where they make the SEORA determination for us and talk to Vector Control, because they could probably answer a lot of your concerns.

LEG. ANKER:

Can I reply to that?

P.O. GREGORY:

(Nodded yes).

LEG. ANKER:

Okay. So I've actually spoken to Vector Control Commissioner, and you know, basically what he said -- this was probably about three years ago, and even before that, you know, there was some concerns. And basically they're trying to resolve the issue of the nuisance of mosquitoes on Fire Island by spraying. And I understand, not even with the West Nile issue, even though West Nile is absolutely a concern. But what they're doing, they're getting rid of the salt water mosquito where it's the fresh water mosquito that's a concern with West Nile. So with the fresh water concern, we really should be addressing, you know, standing water, and you know, I -- you know, as I walk and jog along in my area there's so much standing water in sewers and some of the things that we can address through, you know, being a municipality or, you know, with the County and the other -- and

the towns.

You know, again, I understand, yes, chemicals, that'll definitely kill the bug, but we need to think creatively and address, you know, really what are the issues, and a huge issue is standing water. You know, education, getting that word out there, talking to the towns and municipalities about, you know, unclogging your drains. That would be huge. So, yes, I understand, but I will be more proactive in dealing with CEO and some of their suggestions with Vector Control.

P.O. GREGORY:

Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

First, I think Vector Control has come a long way in addressing some of those concerns and partly through the advocacy of different environmental organizations. They do do a really good job in administrating this program and evaluating various chemicals. I still have a concern within estuaries of the spraying of Methoprene, particularly on stage one and stage two larvae, the early stages of larvae and how that may be affecting our blue claw crabs, our lobster population, our horseshoe crab population. So I think I'm going to abstain for that reason, because they're using these formulations that mix other larvicides, BT, which is okay, with Methoprene, and they're using it on all stages of larvae. And I think that is in contribution to the general Environmental Impact Statement that was done earlier on the whole plan. So I'm going to abstain on it. But I did want to give some kudos, though, to the department because I think they really have been sensitive on the whole to these environmental issues and have been trying to limit these quantities as best they can. We just have a difference of opinion of Methoprene.

P.O. GREGORY:

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

LEG. ANKER:

Opposed.

D.P.O. SCHNEIDERMAN:

Abstain.

MR. RICHBERG:

Thirteen. (Vote amended to 15/Opposed: Legislator Anker/Absent: Legislator Cilmi).

Government Operations, Personnel, Housing & Consumer Protection

P.O. GREGO

Okay. ***I.R. 1869 - Establishing a Go Green Initiative for County communications (Sponsor: Legislator Lindsay).***

LEG. LINDSAY:

Motion.

P.O. GREGORY:

Motion by Legislator Lindsay; I'll second. Any questions? Does this have the amendment?

MR. NOLAN:

That's a different one.

P.O. GREGORY:

On the motion?

MR. NOLAN:

That's a different one.

P.O. GREGORY:

Okay. On the motion?

LEG. LINDSAY:

I'll get to that when we get to the motion.

P.O. GREGORY:

Okay. All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

All right. ***I.R. 1916 - Approving the reappointment of Michael S. Towers as a member of the Suffolk County Electrical Licensing Board. (Sponsor: County Executive).***

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1917 - Approving the appointment of Douglas S. Callahan as a member of the Suffolk County Electrical Licensing Board (Sponsor: County Executive).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy; I'll second.

D.P.O. SCHNEIDERMAN:

On the motion. First, he did come in front of the committee, I take it. And who -- what position is he replacing, do we know? What person has left to create that opening?

MR. NOLAN:

This has to do with a home appliance position. We abolished the other board and created a position for somebody from the home appliance industry, and this is the representative.

D.P.O. SCHNEIDERMAN:

So it's a new seat at the table?

MR. NOLAN:

Yes.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Legislator Lindsay.

LEG. LINDSAY:

Yeah, he's coming over from that committee. So technically, it's a new appointment, but he's already served on the committee, too, on the Board.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1928 - Appropriating funds for Infrastructure Improvements for Workforce Housing/Incentive Fund (CP 6411) (Sponsor: County Executive). Do I have a motion?

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. HAHN:

Second.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

Second by Legislator Hahn. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Which project is this?

P.O. GREGORY:

It's 1928.

LEG. KENNEDY:

No the reso I understand is 1928, but the workforce housing, where is the project?

LEG. CALARCO:

This is just to appropriate the funds. Legislator Kennedy, this just to appropriate the funds. This doesn't actually go to a specific project. At such time when the specific project comes forward we'll have to approve that resolution.

LEG. KENNEDY:

How much? How much do we have on this?

LEG. CALARCO:

There's 2.5 million in this year.

LEG. KENNEDY:

Okay.

D.P.O. SCHNEIDERMAN:

In this year -- there's a land acquisition piece that's coming up. Maybe Ms. Rosen-Nikoloff wants to address it. If there's any specifics, she's here.

LEG. KENNEDY:

Jill, do we have anything that we're going to do with this by the end of the year, or are we just parking our money.

DIRECTOR ROSEN-NIKOLOFF:

We have several projects in the pipeline. We don't expect to be drawing on these funds right now, but we will hopefully next year.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

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

LEG. KENNEDY:

Abstain.

LEG. TROTTA:

Abstain.

MR. RICHBERG:

Fifteen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1928A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 bonds to finance the cost of infrastructure improvements for Workforce Housing/Incentive Fund (CP 6411.313), the bond resolution. Same motion, same second. Roll call.***

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. CALARCO:

Yes.

LEG. HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Abstain.

LEG. TROTTA:

Abstain.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fifteen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1929 - Appropriating funds for Acquisition of Land for Workforce Housing (CP 8704) (Sponsor: County Executive).***

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco. Second?

LEG. KENNEDY:

How much on this one? Is this the same thing, 2 1/2 mill? Two point five mill?

MR. NOLAN:

Yup.

LEG. KENNEDY:

Okay.

P.O. GREGORY:

Okay.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KENNEDY:

Are we buying any land, or are we just parking this, too, Jill?

DIRECTOR ROSEN-NIKOLOFF:

We're parking it.

LEG. KENNEDY:

Okay.

LEG. KRUPSKI:

Jill, I have a question for you. So when the County does decide and looks at a parcel, what -- are there considerations with working with the Town or the Village, and then what are the parameters do you consider when you look at a parcel and figure that it's suitable?

DIRECTOR ROSEN-NIKOLOFF:

Oh, there are several factors that we look into. The size of the parcel, the number of units, the income limits, other funding sources, environmental issues. There's a whole gamut of things. Green features to the development, yeah.

LEG. KRUPSKI:

Accessibility to infrastructure.

DIRECTOR ROSEN-NIKOLOFF:

Yes, downtown redevelopment.

LEG. KRUPSKI:

Or downtowns?

DIRECTOR ROSEN-NIKOLOFF:

Yes, a whole checklist of items we go through.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

Okay. Legislator Trotta.

LEG. TROTТА:

I'm just having a little trouble getting my hands around this. You want to borrow money to keep it in an account and pay interest on it before you know what you're going to do with it?

DIRECTOR ROSEN-NIKOLOFF:

No, we're appropriating it. We cannot borrow or issue any notes until we have a firm development, at which point I come back to the Legislature and you authorize us to expend the funds.

LEG. TROTТА:

So the bond resolution we're voting on isn't actually being instituted, it's not being --

DIRECTOR ROSEN-NIKOLOFF:

We're appropriating the funds from the 2014 Capital Budget so that when we have projects that need to have money put into, we can draw on those funds.

LEG. TROTТА:

So you're going to borrow the money and it's going to sit in an account somewhere.

LEG. CALARCO:

No.

LEG. TROTТА:

What's going to -- explain this.

P.O. GREGORY:

Rob, it's like me saying I agree to give you 2 1/2 million dollars for housing purposes. So you go out, say okay, I have 2 1/2 million dollars, but you got to come back to me and tell me how you're going to spend it, then we appropriate it.

LEG. TROTТА:

But the appropriate -- the money that we're going to bond, we're going to take possession of that money during the bond. We're going to borrow it, correct, Mr. Lipp?

MR. LIPP:

So this money will not be spent now. For instance, in our review of the Capital Program, we -- there was a list that we had from the department that showed there were like 11 projects sort of in the pipeline, for lack of a better term, that are in different stages of development that will eventually come through. Once one or more of those projects come through, then a resolution will appear and they will then issue the funds after that resolution is adopted.

LEG. TROTТА:

But we will have borrowed that money already.

MR. LIPP:

No, no. So we're just authorizing it right now. We won't -- there won't be any borrowing or issuing of any debt until the project is ready to go.

LEG. CALARCO:

Perhaps the best way to think about this, Legislator Trotta, it's like a credit card. You get authorization from a company that gives you a credit with a credit limit on that card. You don't actually incur any debt on that card until you actually go out and spend the money. So it's not like that -- you know, it's not like that money is sitting there in your account and yet you're incurring interest on it. But at such point in time when we are prepared to move forward with the project and with these workforce housing monies, we never actually give the money out until there is a project that is at construction phase. You know, it's already gone through the whole Town planning processes and the Town's approved it and the project is ready to go. Then we give them the funds for them to do what they're looking to do, but we don't actually borrow the money until we actually spend the money.

LEG. TROTTA:

So our credit card is so maxed out, this is just authorizing a little bit more. Would that be a good analogy?

LEG. D'AMARO:

This is overdraft protection.

LEG. KENNEDY:

Let me go to the Chair, if I can, for a second just to make sure that I understand. I have struggled with this, you know, for ten years. Okay, Robert. So if this resolution gets approved today, the previous one did, this will be then part of what the Comptroller is asked to raise in the spring bond offering?

MR. LIPP:

No. So what happens is when the spring bond or the fall bond offerings occur, usually it's twice a year typically, the Comptroller's Office will check with each of the departments as to what projects are ready to go. And this --

LEG. KENNEDY:

So even though we are approving the potential to borrow 2.5 mill under this capital project, unless Jill is actually engaged with or has an offer to purchase it won't be sought in the spring borrowing? Is that it?

MR. LIPP:

Correct.

LEG. KENNEDY:

Ah. Thank you very much.

LEG. CALARCO:

And that needs to come back to us for a follow-up resolution. As you'll see later in this agenda, there's a resolution to acquire some properties for a project in Huntington. That is the follow-up resolution that actually authorizes us to go out and borrow that -- actually spend the money on that project.

P.O. GREGORY:

Okay. You guys done?

LEG. KENNEDY:

Yeah, we're almost done.

P.O. GREGORY:

You're almost done? Okay. It only took you ten years.

*(*Laughter*)*

LEG. KENNEDY:

There you go. All right.

P.O. GREGORY:

All right. We have a motion and a second?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1928A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 bonds to finance the cost of infrastructure improvements for Workforce Housing/Incentive Fund (CP 6411.313),*** the bond resolution. Same motion, same second. Roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Sixteen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1931 - Authorizing the retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing transfer of Development Rights Program Registry for use in the development of Affordable Housing in Sound Beach (Sponsor: County Executive).*** Motion by --

LEG. ANKER:

Motion.

P.O. GREGORY:

Legislator Anker. Do I have a second?

LEG. HAHN:

(Raised hand).

P.O. GREGORY:

Second by Legislator Hahn. Any questions? On the motion? Okay. All in favor? Opposed?

Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1943 - Establishing the 401(a) Board ("Board") to oversee the 401(a) terminal pay plan for the County of Suffolk (Sponsor: County Executive).

LEG. ANKER:

Tim, cosponsor.

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

Second, Legislator Martinez. On the motion.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I -- who can explain what this is?

LEG. CALARCO:

We discussed this at committee. What this is, is there was a negotiated benefit with a number of our unions to allow them to take their terminal pay when they leave the County's employment and have that put into a pre-tax IRA fund so that they are able to take those monies pre-tax. It goes into this IRA fund and they're able to draw on that later on when they're ready to. This establishes the Board that oversees that IRA fund. It's at no cost to us. We're still expending those monies. What the unions have garnered out of this is a pre-tax way of getting that payment to them instead of taking it as --

LEG. KENNEDY:

Well, it's a significant benefit to the unions, because what it does is it allows those retirees to avoid a tax consequence on separation.

LEG. CALARCO:

That's exactly it.

LEG. KENNEDY:

But here's my question. So then who selects the particular IRA fund that this --

LEG. CALARCO:

There's more that we're creating right now.

LEG. KENNEDY:

How has that been done up to this point?

LEG. CALARCO:

I don't think they've had the benefit up to this point. This is a new benefit. Perhaps Lynne?

MS. BIZZARRO:

Good afternoon. Good morning, actually. Lynne Bizzarro, Chief Deputy County Attorney.

In answer to your question, Legislator Kennedy, actually there was an RFP that was done some time ago, and the RFP Evaluation Committee made a decision regarding the vendor who would be servicing the plan. So that's already been done and right now we're working on negotiating a contract with the company.

LEG. KENNEDY:

Just out to curiosity, I mean, we've always had deferred compensation that's been T. Rowe Price. Who is the vendor selected for this?

MS. BIZZARRO:

Bencore Inc.

LEG. KENNEDY:

Bencore Inc.?

MS. BIZZARRO:

Bencore Inc., is the name of it, right.

LEG. KENNEDY:

And is there a requirement as to how the -- there's got to be requirements as to how the IRA is maintained, what it can invest in.

MS. BIZZARRO:

Absolutely.

LEG. KENNEDY:

Rate of return, all that kind of stuff.

MS. BIZZARRO:

It's relatively simple.

LEG. KENNEDY:

To what extent do we acquire an additional obligation or responsibility in that we are facilitating this accommodation and amenity and have gone through the process? Do we have to guarantee the money?

MS. BIZZARRO:

We do not. And I guess maybe I don't know what you mean by guarantee the money. The money is -- you know, this is all under IRS regulations, rules and regulations, and basically the 401A plan has to be set up with a trust. And there has to be a certain amount of bonding and insurance. The company is going to be defending and indemnifying regarding all of the services that it will be

providing to the County. So this is all structured under the Internal Revenue Code.

LEG. KENNEDY:

How did we come about offering this? What contract did this come out of?

MS. BIZZARRO:

I believe it was initially the PBA contract. There are now three unions that are involved, SOA and Detectives as well.

LEG. KENNEDY:

It's been what, about 18 months? It's taken that long for us to go ahead and put this into place?

MS. BIZZARRO:

I don't know how long it has been, but it was a process. As I said, there was an RFP that had to be done. It's relatively new grounds, at least for Suffolk County it is. You know, the Evaluation Committee had to have an opportunity to really digest all of the proposals, A lot of questions. We had the companies come in. So it's been a vetting process, but we're almost there.

LEG. KENNEDY:

Is it by negotiation that members get the opportunity to elect to use this vehicle or is it now open to all County employees?

MS. BIZZARRO:

It's only open to those three union, those three unions right now.
It may open up more down the road, but right now that's all involved -- that's involved.

LEG. KENNEDY:

And which three is it, Lynne?

MS. BIZZARRO:

SOA, PBA, and the Detectives.

LEG. KENNEDY:

Okay. Thank you.

MS. BIZZARRO:

You're welcome.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1945 - Authorizing planning steps for implementation of Suffolk County Affordable Housing Program (LGBT Network-Bay Shore) (Sponsor: County Executive).***

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn, right?

LEG. CALARCO:

Second.

P.O. GREGORY:

Second by Legislator Martinez.

LEG. BARRAGA:

On the resolution.

P.O. GREGORY:

On the resolution, Legislator Barraga.

LEG. BARRAGA:

Is the Executive Director who spoke this morning, is he still in the audience?

DR. KILMNICK:

Yes.

LEG. BARRAGA:

Would he be willing to come up? Just I have one or two questions to ask him. Good morning.

DR. KILMNICK:

Good morning.

LEG. BARRAGA:

Good morning. I've heard you speak several times with reference to this housing facility. It's primarily LGBT housing. But just for the record, no other particular group is excluded from purchasing a unit in this complex?

DR. KILMNICK:

Correct. It's LGBT friendly, and according to HUD regulations, we cannot do that.

LEG. BARRAGA:

Okay. The other question I have is that you individually have received a death threat. And I've been subjected to that over the years myself as an elected official. When it happens, it's extremely alarming, and I'm sure you're working with the Suffolk County Police Department, but I take it the death threat really had to do with you pursuing this housing complex.

DR. KILMNICK:

Not really. Well, I mean, that was the impetus this time. This was the third time that I've received a death threat in the last 18 months, and it's because there's a lot of prejudice and discrimination, and folks would like to see us stay in the closet and we're not going to. Just like we fight for the rights of our kids not to be bullied and the rights for our seniors, to live their life open and out and be able to really talk about their life, it's not going to stop myself as well to be able to fight for all Suffolk County families in doing the same.

LEG. BARRAGA:

But even, taking into consideration there were three death threats in the last 18 months, the last one based on your own words seems to be attributed to the housing complex that you're pursuing at this time.

DR. KILMNICK:

Not really -- I mean, yes. I mean, that was the incident. The first two death threats were because we were running the Long Island Pride Parade and Festival. So anything that we do that will not keep us in the closet, that will be out, we anticipate this individual or individuals to send us a letter for the death threats. Hopefully they're found before then, but you know, whether it's a death threat against myself or whether it's a death threat against, you know, people of color or the Latino communities, it's all meant to instill fear not only in the individual that's receiving the letter, but in the entire community, and it's our duty to make sure that we go out and fight that so that people do feel safe all across Suffolk County.

LEG. BARRAGA:

Taking the death threat into consideration and the vulnerability of the LGBT group over the years in terms of being victims of crime, let me move over to the question of the residential units themselves from a security perspective. Are any steps being taken by your organization to provide security at the facility, whether it's a gated community or we have security guards? Because I know you'd be working in conjunction with the Suffolk County Police Department, but I'm looking for something over and above that.

DR. KILMNICK:

Sure. I mean, the death threats right now are against our facility in Bay Shore right now, before the housing is being built. So, you know, we have taken additional precautions in making sure that people that come to the facility are supposed to be at the facility, meaning our current community center, and we're going to continue to do so. We have security cameras outside. Unfortunately, we're living in this day and age of terror threats, which this is, you know, this is a terrorist threat to us. We're going to make sure that we do all we can do to provide the safety.

LEG. BARRAGA:

Do you have any idea as to the security measures specifically that you will have at the housing project?

DR. KILMNICK:

Not right now, but I'm sure they will be extensive. But whether -- it's on the same property, so the threats right now are against our property now, and we're going to take, you know, hopefully this person will be found before then, but you know, as a -- representing a community and as part of a community that is, you know, victims of hate violence, certainly you take precautions, but you also fight it through education and through working with others to change the communities that we're working in.

LEG. BARRAGA:

Yeah, I understand your point of view, but there are a certain group of people out there, they take a look at this particular group and they feel they're vulnerable for crime. We can go in there and do what we want. I just want to make sure that the place has the kind of security measures to thwart that kind of action in the future. Based on what you're saying, I'm sure that it does.

DR. KILMNICK:

We will make sure that it does.

LEG. BARRAGA:

Thank you.

DR. KILMNICK:

Thank you.

P.O. GREGORY:

All right. Thank you. Legislator Krupski.

LEG. KRUPSKI:

I have a question for the Director of Affordable Housing. So this is, and I don't sit on this committee, so authorizing planning steps for the implementation. So what does that actually mean? What are you going to do?

DIRECTOR ROSEN-NIKOLOFF:

Upon passage then we can implement the mechanics of this development, meaning appraisals, surveys, environmental, what other preparatory things we need to do to make a determination as to how much we might put into the project, things of that nature.

LEG. KRUPSKI:

But why is it -- see, I don't understand because I'm not on the committee. It's sponsored by LBGT?

DIRECTOR ROSEN-NIKOLOFF:

Well, the LGBT Network, they own one of the two sites that we are looking to aggregate for this development. They will be taking their property and putting it into the overall development and then they will have an on-site community center and they will manage the ultimate development.

LEG. KRUPSKI:

And what's the County's liability? How much money do we put into it and what degree of oversight do we have?

DIRECTOR ROSEN-NIKOLOFF:

Right. So we have not determined how much the County will put into it yet. We have many things to look into, such as, you know, what other funding sources will be in there, how many units we're going to get, all of those things and a development budget. You know, we have to see exactly what the gap is there, and other developments that are in our pipeline, so we have not determined.

LEG. KRUPSKI:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

Health

P.O. GREGORY:

J.R. 1852 - Directing the Department of Health Services and the Division of Planning and Environment to evaluate the health, economic and other impacts of banning personal care products containing microbeads (Sponsor: Kara Hahn).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator -- what was it, Spencer?

LEG. SPENCER:

Yup.

P.O. GREGORY:

On the motion? Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1860 (Declaring August 1st as "Lung Cancer Awareness Day" in Suffolk County (Sponsor: John Kennedy, Jr.). Motion by Legislator Kennedy.

LEG. KENNEDY:

(Raised hand.)

LEG. SPENCER:

Second.

P.O. GREGORY:

Second -- who was that? Legislator Spencer. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1941 - Establishing a Parks Rx Program and Advisory Committee (Sponsor: Kara Hahn).

LEG. HAHN:

Motion.

P.O. GREGORY:

Motion by Legislator Hahn.

LEG. SPENCER:

Second.

P.O. GREGORY:

Second by Legislator Spencer. All in favor? Were there any questions on the motion? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1948 - Approving the reappointment of Ronald J. Gaudreault as a member of the Suffolk County Board of Health (Sponsor: William Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. D'AMARO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 2001 - Approving the appointment of Robin G. Mayr, LMSW to the Suffolk County Disabilities Advisory Board - Group D (Sponsor: Tom Cilmi).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

Human Services

P.O. GREGORY:

J.R. 1937 - To appoint member to the Teen Pregnancy Advisory Board (Lawrence S. Philips)(Sponsor: William Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer, second by Legislator Martinez. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1938 - To appoint member to the Teen Pregnancy Advisory Board (Annette Bernard) (Sponsor: William Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

Motion by Legislator Spencer.

LEG. MARTINEZ:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1939 - To appoint member to the Teen Pregnancy Advisory Board (Robyn Berger-Gaston) (Sponsor: William Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

Parks & Recreation

P.O. GREGORY:

J.R. 1773 - Amending Resolution No. 1142-2011, appropriating funds in connection with reconstruction of spillways in County Parks (CP7099) (Sponsor: County Executive).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1870 - Appointing William Toedter as a member of the Suffolk County North Fork Preserve County Park Advisory Committee (Sponsor: Al Krupski).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

Motion by Legislator Krupski.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen. (Not Present: Legislator Hahn/Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1871 - Appointing Nancy Gilbert as a member of the Suffolk County North Fork Preserve County Park Advisory Committee (Sponsor: Al Krupski).

LEG. KRUPSKI:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Sixteen. (Not Present: Leg. Hahn/Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1872 - Appointing Denise. C. Speizio as a member of the Suffolk County North Fork Preserve County Park Advisory Committee (Sponsor: Al Krupski). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen. (Vote Amended to 17) (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1873 - Appointing Mark Zaweski as a member of the Suffolk County North Fork Preserve County Park Advisory Committee (Sponsor: Al Krupski). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1885 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with construction of a handicapped accessible playground in West Sayville (CP 7157) and rescinding Adopted Resolution Nos. 79 and 80-2011 (Sponsor: William Lindsay III).

P.O. GREGORY:

Motion by Legislator Lindsay.

D.P.O. SCHNEIDERMAN:

Second.

P.O. GREGORY:

Second by Legislator Schneiderman. On the motion?

LEG. SPENCER:

On the motion.

P.O. GREGORY:

Legislator Spencer.

LEG. SPENCER:

What's the motion that you're rescinding, Bill?

LEG. LINDSAY:

The original motion was to build a skate park. It goes back to my predecessor, which was my father, of course, back in 2011. The community made a determination they did not want a skate park, they'd rather have a handicapped accessible park, so we're just removing that proposal and allocating those funds towards a handicapped accessible park.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1885A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of construction of a handicapped accessible playground in West Sayville (CP 7157.110 and .310)*** bond resolution.

Same motion, same second. Roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. LINDSAY:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes. Oh, you got me already.

MR. RICHBERG:

Oh.

P.O. GREGORY:

Voting twice? Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

All right. Seventeen? You called it?

MR. RICHBERG:

Seventeen.

P.O. GREGORY:

Okay. ***I.R. 1919 - Authorizing use of Indian Island County Park by Jayasports for its Indian Island Trail Runs Fundraiser (Sponsor: County Executive).***

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1998 - Reappointing Elizabeth Jean Cambria as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 6)(Sponsor: Legislator Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1999 - Reappointing Jack DeMasi as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 14)(Sponsor: Legislator Spencer). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 2000 - Reappointing Michael Mule as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 7)(Sponsor: Legislator Spencer).

LEG. SPENCER:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 2014 - Reappoint Member to the Suffolk County Board of Trustees of Parks, Recreation, and Conservation (Kathleen Gooding)(Sponsor: Legislator Schneiderman).

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. I understand that we have an answer for I.R. 1892. Go back to page ten.

MR. DAWYDIAK:

Thank you, Mr. Presiding Officer. Walter Dawydiak again. We have consulted with County Exec's Budget Director. There are no offsets that we've been able to identify in the 2014 budget that could get this work done this year. Similarly, nothing is identified as readily available for 2015, either it requires some extreme policy shifting of activities, so we haven't been able to identify an alternative funding source. We request that this be approved. It's important to get this piece of the project done in sync with the plan itself so that all the tools are compatible and available at the same time.

P.O. GREGORY:

Okay. Do we have -- we had a motion, right?

MR. RICHBERG:

We have a motion and a second.

P.O. GREGORY:

1892. Legislator Trotta?

LEG. TROTТА:

Motion to table, because within an hour I think they could look through the budget a little longer and find something. We should give them more time.

LEG. KENNEDY:

Second.

P.O. GREGORY:

Okay. We have a motion to table and a second. Anyone else? All right. Tabling motion goes first. All in favor of tabling? Opposed? Abstentions? Roll call. Let's do a roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. TROTТА:

To table, yes.

MR. RICHBERG:

This is to table.

LEG. TROTТА:

Yes.

LEG. KENNEDY:

Yes.

LEG. KRUPSKI:

No.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

I'm opposed to tabling.

LEG. ANKER:

No.

LEG. CALARCO:

No.

LEG. LINDSAY:

No.

LEG. MARTINEZ:

No.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

No to table.

LEG. D'AMARO:

No.

LEG. SPENCER:

No to table.

D.P.O. SCHNEIDERMAN:

No to table.

P.O. GREGORY:

No.

MR. RICHBERG:

Six.

P.O. GREGORY:

Okay. Motion to approve. Roll call.

D.P.O. SCHNEIDERMAN:

Is there a motion?

P.O. GREGORY:

Yeah.

MR. NOLAN:

Yeah.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Fourteen. Sorry, *fifteen (Absent: Legislator Cilmi)*.

P.O. GREGORY:

Okay. ***I.R. 1892A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$25,000 bonds to finance planning costs associated with upgrading said County's Water Resource Management Program (CP 8237.116)*** bond resolution. Same motion, same second. Roll call.

LEG. TROTТА:

On the motion.

P.O. GREGORY:

On the bond?

LEG. TROTТА:

Yeah. I just think this is a good opportunity for the Legislature to send a message that we are not going to bond \$25,000 that we're going to pay for for the next 20 years. So I will be voting no. And I suggest we should send the message to the taxpayers that we shouldn't be doing this. The County Executive and the rest of us should find a way to pay for this.

P.O. GREGORY:

Okay.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

No.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

No.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

No.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Thirteen (Absent: Legislator Cilmi).

Public Safety

P.O. GREGORY:

J.R. 1901 - Appropriating funds in connection with Countywide system enhancements to the 800 MHz Radio Communications System (CP3241) (Sponsor: County Executive).

LEG. BROWNING:

Motion.

D.P.O. SCHNEIDERMAN:

Motion.

P.O. GREGORY:

Motion by Legislator Browning, second by Legislator Schneiderman. On the motion, Legislator Krupski.

LEG. KRUPSKI:

Thank you. This is something that's going to affect not only the Police District but the whole East End. We did have a meeting in my office with the East End officials. Legislator Schneiderman was present with the Chiefs and the Supervisors and Town officials to make sure that they -- the systems are going to be compatible to make sure they're going to be able to communicate effectively with Suffolk County Police, and it's going to affect also towers and to make sure that the coverage is going to be adequate on the both North and South Forks.

So this is an ongoing process. And I want to thank, you know, the Suffolk County Police for being part of the -- you know, being part of that and being a partnership with the East End towns.

P.O. GREGORY:

Legislator Browning.

LEG. BROWNING:

Yeah, maybe Tom can answer. I know that we had a lot of discussion in Public Safety about it. Do you -- I know that there was a bid went out. Has that been decided since our last meeting? I should rephrase that. The bid for the larger project, because I know this is just appropriating the money and depending on who gets the bid gets this.

MR. VAUGHN:

I do not believe the request for proposal has been satisfied since last Thursday.

LEG. BROWNING:

Okay. Well, I look forward to hearing from you.

MR. VAUGHN:

We did make a commitment during the Public Safety meeting to do so.

LEG. BROWNING:

Okay.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1901A - (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,450,000 bonds to finance a portion of the cost of the County-wide System Enhancements to the 800 MHz Radio Communication System (CP 3241.310 .410 and 510), the Bond Resolution. Same motion, same second. Roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. BROWNING:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1903 - Authorizing the transfer of funds from the Sheriff's Office Prisoners' Commissary Account to the General Fund (Sponsor: County Executive). Motion by Legislator Schneiderman; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent - Legislator Cilmi)

P.O. GREGORY:

J.R. 1909 - Accepting and appropriating grant funding in the amount of \$269,775 from the State of New York Governor's Traffic Safety Committee passed through the Stop-DWI Foundation for the Suffolk County Stop-DWI Program to fund DWI Enforcement Related High Visibility Road Check Patrols with 84.74% support (Sponsor: County Executive).

D.P.O. SCHNEIDERMAN:

Motion.

LEG. BROWNING:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1914 - Accepting and appropriating a grant in the amount of \$20,500 in Federal pass-through funding from the State of New York Governor's Traffic Safety Committee, for the Suffolk County Police Department's Motorcycle Safety Enforcement and Education Program with 78% support (Sponsor: County Executive). Motion by Legislator Browning, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1918 - Approving the temporary replacement for two decommissioned vehicles of the Suffolk County Police Department Fleet through the donation of a 2008 Nissan Altima and a 2010 Nissan Maxima from State Farm Insurance Company through 1-800-Charity Cars (Sponsor: County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning. Second? I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1920 - Requesting Legislature approval of a contract for Remote Payment Services for the Sheriff's Office at the Suffolk County Correctional Facility, Riverhead, New York (Sponsor: County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1930 - Approving a temporary increase in the fleet of the Suffolk County Department of Fire, Rescue and Emergency Services (Sponsor: County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1972 - Accepting and appropriating a grant providing 100% support, in the amount of \$247,973, from the New York City Police Department in conjunction with the Federally Sponsored Securing the Cities Program, and amending the 2014 Capital Budget and Program in connection with the purchase of marine and helicopter equipment (CP 3513) (Sponsor: County Executive).

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

Second by Legislator Muratore. All in favor? On the motion, Legislator Spencer.

LEG. SPENCER:

Go ahead. I'll do the next one.

P.O. GREGORY:

Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1972A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$247,973 bonds to finance the cost of acquisition of marine and helicopter equipment (CP 3513.513) pending Bond Resolution. Same motion, same second. Roll call.

LEG. SPENCER:

On -- if there's 100% support on the grant, why is there a Bond?

P.O. GREGORY:

I think we have to lay it out first and get reimbursed for it.

LEG. SPENCER:

Okay.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1976 - Accepting and appropriating federal funding in the amount of \$45,000 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 77.55% support (Sponsor: County Executive).***

LEG. BROWNING:

Motion.

P.O. GREGORY:

Motion by Legislator Browning.

LEG. MURATORE:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1978 - Accepting and appropriating federal funding in the amount of \$17,375 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the FBI Joint Terrorism Task Force with 77.55% support (Sponsor: County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1979 - Accepting and appropriating federal funding in the amount of \$17,375 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department's participation in the DEA Long Island Task Force with 77.55% support (Sponsor: County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1980 - Accepting and appropriating federal funding in the amount of \$17,375 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department's participation in the Long Island Cyber Crime Task Force (LICCTF) with 77.55% support (Sponsor: County Executive). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1988 - Authorizing use of County facilities by WALK-FM in connection with providing space near the County's Emergency Operations Center (EOC) as an auxiliary broadcasting location during periods of declared, local emergency (Sponsor: County Executive). Motion -- who was that?

LEG. BROWNING:

(Raised hand).

P.O. GREGORY:

Legislator Hahn -- Browning. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 2005 - Accepting and appropriating a grant in the amount of \$133,825 in federal pass-through funding from the State of New York Governor's Traffic Safety Committee to enforce motor vehicle passenger restraint and aggressive and distracted driving regulations with 77.55% support (Sponsor: County Executive). Same motion, same second.

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

P.O. GREGORY:

All right. ***I.R. 1861 - Authorizing illumination of the H. Lee Dennison Executive Office Building in recognition of Lung Cancer Awareness (Sponsor: Legislator Kennedy).***

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. SPENCER:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1874 - Authorizing transfer of surplus County flat screen monitors to RSVP (Sponsor: Legislator Kennedy).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1875 - Authorizing transfer of surplus County flat screen monitors to Smithtown High School East Robotics Team No. 810 (Sponsor: Legislator Kennedy).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

Motion by Legislator Kennedy.

LEG. TROTТА:

(Raised hand).

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1876 - Authorizing transfer of surplus County flat screen monitors to the Farmingville Historical Society (Muratore).

LEG. MURATORE:

Motion.

P.O. GREGORY:

Motion by Legislator Muratore; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1877 - Authorizing transfer of surplus County flat screen monitors to the Girl Scouts of Suffolk County, Inc. (Troop 1846, Centereach) (Sponsor: Legislator Muratore). Motion by Legislator Muratore; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1878 - Authorizing transfer of surplus County flat screen monitors to the Veterans of Foreign Wars Post No. 4927 (Sponsor: Legislator Muratore). Motion by Legislator Muratore; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1879 - Authorizing transfer of surplus County flat screen monitors to Our Savior New American School (Muratore). Motion by Legislator Muratore; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1880 - Authorizing transfer of surplus County flat screen monitors to Centereach Bible Church (Sponsor: Legislator Muratore.) Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

J.R. 1881 - Authorizing transfer of surplus County flat screen monitors to the Lake Ronkonkoma Historical Society (Sponsor: Legislator Muratore). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1882 - Authorizing transfer of surplus County flat screen monitors to the Boys and Girls Club (Sponsor: Legislator Browning). Motion by Legislator Browning.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1883 - Authorizing transfer of surplus County flat screen monitors to Book Buddies (Sponsor: Legislator Martinez). Motion by Legislator Martinez.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1886 - Amending the map of the County Road System to remove a portion of CR 65, Middle Road (Weeks Street/River Avenue/Division Street) from West Avenue to the Village Line in the Village of Patchogue and authorizing the County Executive to execute an agreement with the Village of Patchogue transferring ownership and maintenance of said roadway to the Village of Patchogue (Sponsor: County Executive). Motion by Legislator Calarco; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1887 - Appropriating funds in connection with the rehabilitation of parking lots, sidewalks, drives and curbs at various County facilities (CP 1678)(Sponsor: County Executive).

LEG. CALARCO:

Motion.

P.O. GREGORY:

Motion by Legislator Calarco; I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi)

P.O. GREGORY:

I.R. 1887A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,000,000 bonds to finance the cost of rehabilitation of parking lots, sidewalks, drives and curbs at various County facilities (CP 1678.324) Bond Resolution. Same motion, same second. Roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***I.R. 1888 - Amending Resolution No.1202-2011 to reallocate funds appropriated in connection with improvements to Suffolk County Sewer District No. 3 – Southwest (CP 8108) (Sponsor: County Executive).***

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

I'll make a motion.

LEG. KENNEDY:

On the matter, on the reso.

P.O. GREGORY:

Second by Legislator Mc Caffrey. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you. This is question is to Dr. Lipp. The Southwest Sewer District Fund, Robert, do we have any money in that fund?

MR. LIPP:

Southwest Sewer District has a reserve fund, if that's your question.

LEG. KENNEDY:

Yes.

MR. LIPP:

Yes. And I believe off the top of my head it was like 77 million this year and going up to I think like about 117 million. I don't have a copy of the Operating Budget document, but I think that's about it.

LEG. KENNEDY:

Okay. So then since there is a Bond, I apologize, but I don't know -- how much is involved in this resolution, 1888, that we would be looking to borrow?

MR. LIPP:

Two million.

LEG. KENNEDY:

Two million dollars? But we have 100 -- again, I apologize for continuing to do this, but let me just

make sure I understand. So if we're approving this now, this would be something that would be offered in the Spring borrowing?

MR. LIPP:

No. It's unclear when we would actually borrow it. Typically, we don't borrow until the next year at the very earliest. Sometimes it's a couple of years down the road. And then, of course, there are always these resolutions where they have the five-year rule and things drop out.

LEG. KENNEDY:

Oh sure, sure.

MR. LIPP:

It's not clear exactly when they would go forward with it. It would be a question for, I guess, John Donovan over at DPW.

LEG. KENNEDY:

But it's two million that would be borrowed and there's 117 million in the fund?

MR. LIPP:

This is reallocating, it's not actually appropriating the money. It was already appropriated, it's just reallocating it from one -- from construction to planning. They need more planning money, two million, so the money was already appropriated, so they're moving two million of the construction money back into planning.

LEG. KENNEDY:

Mr. Chair, can I ask Commissioner Anderson to come up to the podium, please?

Good morning, Commissioner. No, well, now it's good afternoon. Good afternoon, Commissioner.

COMMISSIONER ANDERSON:

Good afternoon.

LEG. KENNEDY:

How are you?

COMMISSIONER ANDERSON:

I'm okay. How are you?

LEG. KENNEDY:

Good, good. So what does this resolution do and why are we borrowing the money?

COMMISSIONER ANDERSON:

Okay. This resolution is being requested because over the past year and change we've asked our engineers to work with us to gain grants, which we've been successful at this stage, you've seen the 380 million. And this is work that was done outside of their scope of the work at Bergen Point and we're looking to take this -- reimburse them the \$2 million that it cost us to get their services to develop the grants and, you know, get the funding that we've gotten now. The work that was done by our consultants was not part of their original scope of work.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

So we're asking for these funds to reimburse them for the work that they did in helping us get the grants.

LEG. KENNEDY:

And a lot of that is storm hardening and upgrade and improvements so that it's not going to be, you know, subject to over wash and things like --

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

-- like we had in Nassau.

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

Which is all prudent and good steps for us to take. But so then the question becomes if there's \$117 million balance in there, or will be in '15, why are we borrowing two million? Why don't we just pay them?

COMMISSIONER ANDERSON:

This is part of the overall Bergen Point expansion. So generally, in larger projects, that's a -- if I remember right, that's almost a \$70 million construction project. So those larger projects we don't -- as a matter of routine or policy, we don't borrow directly from the ASRF. Those we will borrow and then the ASRF will help us pay down the debt, the bond debt.

LEG. KENNEDY:

But in this case -- yes, the ASRF is available for us to go ahead and to keep our increases and our sewer districts to that 3% limit and to help fund our capital improvements and the, you know, things we need in order to keep those sewer districts running properly. But Southwest is an entity unto itself, right?

COMMISSIONER ANDERSON:

Right.

LEG. KENNEDY:

Okay. And so that entity unto itself has \$117 million sitting in the bank, if I'm understanding what Dr. Lipp says; is that right?

MR. LIPP:

Next year, with the --

LEG. KENNEDY:

Well, how about right now? What's sitting in there now, Robert?

MR. LIPP:

I believe it's like 77 million. It will go up to the higher amount for next year.

LEG. KENNEDY:

Okay. So why don't we just pay these people? If we have that money -- why don't we avoid the interest cost, and why don't we just fulfill our responsibility for the work performed that we

requested in the first instance? Why are we borrowing -- why are we bonding?

COMMISSIONER ANDERSON:

Again, it goes back to the idea that this is a larger project. We didn't want to drain the ASRF and essentially leave the district vulnerable. This we're looking to reappropriate the funds, I believe, from construction back to design because we have sufficient funding --

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

-- in the project.

LEG. KENNEDY:

All right, Commissioner. I appreciate you coming up to offer me that explanation. I don't know that I got an answer to the underlying question, but as to your part of it, thank you very much. I appreciate that.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

You said they did this planning work already? They did \$2 million worth of work that we haven't paid them for?

COMMISSIONER ANDERSON:

This was work that they did -- yes, planning work that they helped us prepare the grant applications that were submitted to the various Federal groups, State groups that we needed to -- there were a lot of applications, there was a lot of calculations that were needed. Yes, the answer to your question is yes.

LEG. TROTТА:

So we paid a consultant --

COMMISSIONER ANDERSON:

We haven't paid them yet.

LEG. TROTТА:

Well, we owe a consultant \$2 million for filling out grant applications?

COMMISSIONER ANDERSON:

Yes. They were aware of the --

LEG. TROTТА:

Is this based upon a percentage of what they got, or how were they determined at \$2 million.

COMMISSIONER ANDERSON:

It was based on actual time spent on preparing the documentation.

LEG. TROTТА:

Two million dollars to prepare documents?

COMMISSIONER ANDERSON:

I can -- I don't know if it's the full two million. I can get you the exact number. I don't have that with me. I only have the resolution.

LEG. TROTТА:

And we don't have employees that could -- how long did this take to do this?

COMMISSIONER ANDERSON:

These were multiple grants. I know there were eight to ten grants from hazardous mitigation grants. There was the applications that were prepared to DEC and the State Governor's Office of Relief.

LEG. TROTТА:

This all happened since the --

COMMISSIONER ANDERSON:

Since Sandy.

LEG. TROTТА:

Since Sandy?

COMMISSIONER ANDERSON:

Yes.

LEG. TROTТА:

So in a two-year period we spent \$2 million on consultants to fill out forms for grants.

COMMISSIONER ANDERSON:

To help us fill out forms.

LEG. TROTТА:

And we don't have any employees that we could have hired for \$60,000 or \$80,000 to do that?

COMMISSIONER ANDERSON:

Yes.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Commissioner, to pick up on that questioning, what was the return for the two million?

COMMISSIONER ANDERSON:

It was -- in the first place, right away we have a \$380 million grant from New York State for sewerage. There's been some grants being applied towards the final effluent pump station project, which is part of the outfall, and we are working still -- we are still anticipating other various hazardous mitigation grants through FEMA, as well as other State organizations.

LEG. D'AMARO:

So -- excuse me. So obviously you don't get the grant funding unless you apply.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

And when you do apply, you invest a substantial sum, but the return is in the hundreds of millions.

COMMISSIONER ANDERSON:

Correct.

LEG. D'AMARO:

Right?

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

And the grant applications themselves, I'm sure these engineering firms not only help you fill out forms, but I would assume there were submissions that went with the grant applications that they prepared.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Right. And it's done on a time-spent basis.

COMMISSIONER ANDERSON:

Absolutely.

LEG. D'AMARO:

Not a percentage. So I understand that. Why was this cost not anticipated when we originally passed the Capital Budget resolution? Is this grant funding that became available subsequent to setting in stone the planning money as opposed to the construction money?

COMMISSIONER ANDERSON:

Yes, it was.

LEG. D'AMARO:

Okay. So you're just being flexible in adjusting the Capital Budget. When this funding became available, you felt the need to apply and, in fact, we successfully applied.

COMMISSIONER ANDERSON:

Yes.

LEG. D'AMARO:

Okay. Great. Thank you.

COMMISSIONER ANDERSON:

Thank you.

P.O. GREGORY:

Legislator McCaffrey.

LEG. MC CAFFREY:

Thank you. Commissioner, I just want to follow-up with Legislator D'Amaro on some of the points that he made. This is -- we are talking about a substantial amount of money that we have the

potential to get back in these grants, correct?

COMMISSIONER ANDERSON:

Absolutely.

LEG. MC CAFFREY:

And having the expertise that many of these engineering and outside consulting firms have may not be the expertise that we had at that time all at once to get all these grants done in a timely manner, which was required under these ever changing programs that are being rolled out and the money that's available.

COMMISSIONER ANDERSON:

Absolutely.

LEG. MC CAFFREY:

And this is not just for the Southwest Sewer District, this is for a Southwest Sewer District that seems to be expanding over time and we continue to add more areas into the Southwest Sewer District. And from what I understand, there's a potential of almost doubling the size of the -- I'm sorry, doubling the amount of capacity at Southwest, at Bergen Point; is that correct?

COMMISSIONER ANDERSON:

We are right now obviously working on the expansion by ten million gallons. It did cover other areas, one of them being Mastic/Shirley, getting funding to help start to develop those -- that district and treatment plant. It also included Oakdale, North Babylon and Patchogue, the Village of Patchogue as well.

LEG. MC CAFFREY:

So it's very important, based on the expansion of that plant, and also based on the fact that we learned some lessons, or they learned a lot harder lessons in Nassau County about what can happen during these storms and they need to protect those sewer plants.

COMMISSIONER ANDERSON:

Correct. And those were applied for the hazard mitigation grant funds that we were working on.

LEG. MC CAFFREY:

Okay. Thank you.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Okay. Legislator Calarco.

LEG. CALARCO:

Thank you. I was just going to follow-up on Legislator D'Amaro's question, and that's the fact that when we're talking about what we're submitting here, this isn't just filling out standard-issued forms and, you know, doing that basic paperwork, but we're actually hiring people who are engineers have degrees and have specific technical experience, and they're actually doing engineering work and they're actually drawing up these plans and these proposals so that there's actually hard projects on the table being presented to the State that we're saying we want to move forward with. So we're not just paying for somebody to fill out a form.

COMMISSIONER ANDERSON:

Correct. There was a lot of manipulation of data, as well as mapping as well as, you know, just written documentation. These firms that did the work had worked on previous reports for us in moving forward with the projects, so it made all the sense in the world to get their help on these.

LEG. CALARCO:

Okay. Thank you.

COMMISSIONER ANDERSON:

Thank you.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTТА:

I mean, before you spent the \$2 million, did you ever get authorization from someone to spend this money?

COMMISSIONER ANDERSON:

The work under these projects was authorized. The -- the firms all knew that they were taking a risk in helping us prepare the documentation. We felt that these were, to a certain extent, a change order to contract, which is, I believe, within our purview to authorize. It was all within the scope of the districts that they had previously worked on. There was the -- there was always and there always is the risk that if we didn't get the grants, we wouldn't be able to take advantage of their expertise in moving forward. They understand all that. This was our ability to take advantage of a situation of available funding and that's what we did and we authorized them to do the work.

LEG. TROTТА:

I mean, a few minutes ago we couldn't get \$25,000 and now we have two million being spent on something that was two years in the making. I don't know what it is. I don't know if it's -- how many people worked on it. How many companies worked on this?

COMMISSIONER ANDERSON:

There are a number of them that --

LEG. TROTТА:

Is there a work product? Is there like something you could show us?

COMMISSIONER ANDERSON:

Yes, absolutely. I can send you all that work product.

LEG. TROTТА:

When I think of a doctor, and the doctor -- these guys, you know, aren't brain surgeons, and I'd be hard-pressed to see if a guy, you know, a brain surgeon, would make a million dollars a year. I just --

COMMISSIONER ANDERSON:

There were multiple firms. I mean, keep in mind that just in the areas that we were -- we've gotten that 380 million grant, there was the team that worked on the North Babylon expansion; in Mastic, the team that's been working on the development of the report and the plans for Mastic/Shirley. So there --

LEG. TROTТА:

Why can they do it and we can't?

COMMISSIONER ANDERSON:

We could, absolutely could, there's no question about it. But given the timing that we had to turn around and get these applications and this documentation completed by, we could not do that and everything else that we had to do as well.

LEG. TROTТА:

I'd like to see what -- I want to see what they did.

COMMISSIONER ANDERSON:

Sure, absolutely.

LEG. TROTТА:

Thanks.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Commissioner, I appreciate you being here and I want to just make sure that I'm very clear, because I, in all likelihood, am not going to support this resolution, but it has really nothing do with the work that the engineering firms have done. As a matter of fact, from my perspective, I applaud you for going out to go ahead and seek them. But I'll come back to where I started about 20 minutes ago, so I'm going to go to Dr. Lipp again. Dr. Lipp, Southwest Sewer District is its own fund, I believe, right?

MR. LIPP:

Correct.

LEG. KENNEDY:

Fund 404, is that it?

MR. LIPP:

No, Fund 203.

LEG. KENNEDY:

203, okay. All right.

MR. LIPP:

Fund 404 is the ASRF.

LEG. KENNEDY:

Okay. Today there is approximately how much sitting in that fund?

MR. LIPP:

Which fund?

LEG. KENNEDY:

203. You said it's 203.

MR. LIPP:

203 is not the fund that I think you're talking about. So Fund 405, not 404, Southwest.

LEG. KENNEDY:

I was off by a digit. Got to clean that up.

MR. LIPP:

Fund 405 is Southwest's own reserve fund.

LEG. KENNEDY:

And that has how much in it?

MR. LIPP:

I believe, I don't have a copy of the budget document on me, though, I believe it's like 77 million this year. It will be like 117 million, I believe, next year.

LEG. KENNEDY:

Okay. So this authorization would allow for that expenditure next Spring.

COMMISSIONER ANDERSON:

No, the --

LEG. KENNEDY:

Look, I'm not going to get caught up in the cycle and everything like that. My point is we are borrowing \$2 million when we have 77 million cash on hand now and will have 117 next Spring.

MR. LIPP:

My understanding is this is serial bond money, okay. So let's suppose that it will be issued next year, we don't know for sure, but let's say it will be. There'll be debt service on it, which will start the year after, which would be 2016.

LEG. KENNEDY:

Yeah.

MR. LIPP:

It won't tap into the reserve fund. But that money will be there if Southwest needs it to defray other debt service costs in the future; for instance, the outfall pipe.

LEG. KENNEDY:

Got it. Okay. Thank you. Thank you, Commissioner.

P.O. GREGORY:

Okay. Legislator Barraga.

LEG. BARRAGA:

Yeah. A number of years ago, maybe four or five years back, Mr. D'Amaro and myself and Mr. Horsley and several others had public hearings -- and you may have attended, Mr. Anderson at the time -- about the feasibility of expanding the Southwest Sewer District into places like northwest Islip and Deer Park and North Babylon. It's my understanding the \$383 million will provide some sort of sewerage to areas like in Deer Park and North Babylon.

In addition, the money is also being utilized to increase sewerage in three or four other areas in Suffolk County, resulting in an additional 60,000 homes being seweraged, which brings, if I recall correctly, the percentage of sewerage from 38% to 40%. So it's a pretty good investment of two million if you're getting back \$383 million for those types of projects.

The second element is that I'm hopeful that they have 77 million and they go to 117 million, because they need every single penny if that outfall pipe breaks. That thing has been there for 30 years. We talk about it, we know it's not in good shape, and probably the cost factor associated with that would be between 150 to \$200 million, and right now there's no Federal money coming in from Sandy or anybody else. Nassau got their money for the outfall, a brand new one, and we haven't gotten five cents, and yet we sit there and that thing could break at any day, any moment, nobody really knows. I remember sitting here six or seven years ago and seeing pictures of it being frayed at that time. So let the reserve fund just increase because someday we may absolutely need it and need it quickly.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. I was going to make the same point, that although it sounds like a substantial fund that could be available to pay cash and avoid debt, the fact is that as a matter of policy, that fund is probably going to serve a purpose in the future for an extremely large expenditure that we know is coming down the pike. So to Legislator Kennedy, I would ask you to consider that, you know, we have to weigh -- I mean, I don't think anyone would disagree with the fact that it's better to pay cash. But the fact is, we have to consider that not in a vacuum, but of course within the reality that exists, and the reality is that there are substantial expenditures coming down the line.

And I agree with Legislator Barraga, I would rather keep the reserve fund intact and then service -- the debt service will come out of that reserve fund if needed. But nonetheless, we should keep that reserve not only intact, but growing as best we can in anticipation of a large expense.

But Commissioner, I had a different question for you. Just with respect to the amount, because it seems to be making an impression that it's a substantial amount of money to spend in order to secure grants. Part of your responsibility would be to make sure that the time spent was documented and was legitimate, was actually spent. You know the companies that you're dealing with, I do not. And I just want to ask you, has the time spent in working on these applications been established and is it legitimate to your satisfaction?

COMMISSIONER ANDERSON:

Yes, it is.

LEG. D'AMARO:

It is? Okay. That's all I needed to know. Thank you.

P.O. GREGORY:

Legislator Trotta.

LEG. TROTTA:

What are the name of the companies that did the work?

COMMISSIONER ANDERSON:

There were -- excuse me. There were various companies that worked on it. CDM, Camp Dresser McKee. There was work from I believe -- I can get you those names. I don't know all of them off

the top of my head.

LEG. TROTTA:

What was the second one?

COMMISSIONER ANDERSON:

Dvirka. D-V-I-R-K-A and Bartilucci. And then there were a few others that did work, because they were part of teams. So I can get you the names. I'll get you that along with the documentation that you requested.

LEG. TROTTA:

Thanks.

COMMISSIONER ANDERSON:

You're welcome.

P.O. GREGORY:

Legislator Krupski.

LEG. KRUPSKI:

I think there's some good points being raised here, and I know, and I really appreciate and am impressed with how complicated it is to run these large sewage treatment plants, and the amount of money that's spent on consultants trying to figure things out, the amount of money that needs to be spent to update the infrastructure and keep these plants operating, you know, to an optimum level. And then to do the monitoring, of course, for the effluent to see how well the treatment's going. And then all the land use questions that have been brought up; as far as if the plant expands here how does that affect land use in the surrounding communities?

So the point I'm making here is it's a lot more efficient budgetary-wise to preserve land, and then you don't have to worry about the sewers, you don't have to worry about what companies you're hiring to do the analysis, you don't have to worry about the land use there. If you preserve the land you've got -- you're a lot more financially secure in the future.

P.O. GREGORY:

All right, John. We've got to wrap this up for lunch.

LEG. KENNEDY:

Yeah, let me wrap this up. So I should then, Commissioner, defer to my colleagues who actually are elected from the Southwest Sewer District, and I'll be happy to do that. But then I'll just leave you with one last question. So when is the RFP to replace the outfall pipe going to be in place? Because, as my colleague, Legislator Barraga says, he says seven years, I'd say it's probably been ten years. Ten years we've been talking about it and hasta la vista, I'll be out of here. When's it going to be?

COMMISSIONER ANDERSON:

I believe -- I'd have to check the Capital Program. I think right now we're -- we're in the process, as I said earlier, of expanding and improving the final effluent pump station, which is the first part of the project, the actual pipe. I'd have to defer -- I don't know if Dr. Lipp knows, but the Capital Program I think has it beginning either '15 or '16. It's going to be a three-year project.

LEG. KENNEDY:

Okay.

COMMISSIONER ANDERSON:

Just to verify one point. I believe we started talking about this, at least my involvement was in either '06 or '07 when the question --

LEG. KENNEDY:

Your predecessor was talking about it, too.

COMMISSIONER ANDERSON:

Yeah. When the straps -- they first started hearing the straps breaking and that whole --

LEG. KENNEDY:

Yeah. Okay.

COMMISSIONER ANDERSON:

-- process.

P.O. GREGORY:

Okay. All right, so we have a motion and a second.

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen. (Not Present: Legislator Hahn/Absent: Legislator Cilmi)

P.O. GREGORY:

Okay. ***I.R. 1888A (Bond Resolution of the County of Suffolk, New York amending Bond Resolution No. 1203-2011, adopted on December 20, 2011 authorizing the issuance of \$35,000,000 bonds to finance the cost of increase and improvement of facilities of Suffolk County Sewer District No. 3 – Southwest – Outfall (Final Effluent Pump Station) (CP 8108)*** the Bond Resolution. Same motion, same second. Roll call.

(Roll Called by Mr. Richberg, Chief Deputy Clerk)

P.O. GREGORY:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:
(Not Present).

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. LINDSAY:
Yes.

LEG. MARTINEZ:
Yes.

LEG. CILMI:
(Absent).

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. TROTTA:
No.

LEG. STERN:
Yes.

LEG. D'AMARO:
Yes.

LEG. SPENCER:
Yes.

D.P.O. SCHNEIDERMAN:
Yes.

LEG. TROTTA:
Can I change my vote?

LEG. KENNEDY:
Let him change his vote.

P.O. GREGORY:
Okay. We're going to recess for lunch.

MR. RICHBERG:
Fifteen. (Vote amended to 16/Not Present: Legislator Hahn/Absent: Legislator Cilmi).

P.O. GREGORY:
All right. See you back at 2:30.

General Meeting - 11/18/14

MR. RICHBERG:

*** (Vote on 1888A Amended) Sixteen (Not Present: Legislator Hahn/Absent: Legislator Cilmi).*

*(*Adjourned for lunch at 12:32 P.M. *)*

*(*The meeting was called back to order at 2:31 P.M. *)*

P.O. GREGORY:

Okay, good afternoon. We are back. Mr. Clerk, can you do the roll call?

*(*Roll was called by Mr. Richberg - Chief Deputy Clerk *)*

LEG. KRUPSKI:

Here.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. HAHN:

(Not Present).

LEG. ANKER:

Here.

LEG. CALARCO:

Present.

LEG. LINDSAY:

Here.

LEG. MARTINEZ:

Here.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. TROTTA:

Here.

LEG. McCAFFREY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. SPENCER:

Here.

D.P.O. SCHNEIDERMAN:

Here.

P.O. GREGORY:

Here.

LEG. HAHN:

Here.

MR. RICHBERG:

Seventeen. Sixteen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. All right, we have several **Public Hearings**, the first of which is ***(Public Hearing on) IR 1636-14 - Adopting Local Law No. -2014, A Local Law to increase transparency and fairness of the County's property leasing process (Schneiderman)***. I do not have any cards. But is there anyone in the audience that would like to speak on this matter? Please come forward. Okay, seeing none, where is -- Jay, 1636?

D.P.O. SCHNEIDERMAN:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1658-14 - Adopting Local Law No. -2014, A Charter Law to strengthen and streamline lobbyist registration and reporting requirement (Lindsay). I do not have any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward at this moment. Okay. Legislator Lindsay?

LEG. LINDSAY:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Lindsay. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1736-14 - Adopting Local Law No. -2014, A Local Law to ban the sale of personal care products containing microbeads in Suffolk County (Hahn). I do not have any cards on this matter as well. Is there anyone in the audience that would like to speak on

this matter? Please come forward. Okay.

LEG. HAHN:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Hahn. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1759-14 - Adopting Local Law No. -2014, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman). I don't have any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward. I know you guys are out there for something, not to say happy birthday, my birthday is in February.

(*Laughter*)

Legislator Schneiderman?

D.P.O. SCHNEIDERMAN:

Motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1802-14 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 9 - College Park (CP 8163)(County Executive). I do not have any cards for this matter. Is there anyone in the audience that would like to speak on it? Please come forward. Not having any, Mr. Vaughn?

MR. VAUGHN:

We'd ask that you please close the public hearing.

LEG. CALARCO:

Motion to close.

P.O. GREGORY:

Okay. Motion to close by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1803-14 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 10 -

Stony Brook (CP 8175) (County Executive). I do not have any cards for this public hearing. Is there anyone in the audience that would like to speak on this matter? Please come forward. Seeing none --

LEG. CALARCO:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Calarco. I will second it. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1804-14 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 14 - Parkland (CP 8151) (County Executive). I don't have any cards for this matter as well. Is there anyone in the audience that would like to speak on this matter? Please come forward. Having seeing none, motion to close by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1805-14 - Calling for a public hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 5 - Strathmore Huntington (CP 8115) (County Executive). I don't have any cards for this public hearing as well. Is there anyone in the audience that would like to speak on this matter? Please come forward. Seeing none, I make a motion to close.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1809-14 - Calling for a public hearing for the purpose of modifying the plan of service for Suffolk County Sewer District No. 18 - Hauppauge Industrial (CP 8126) (County Executive). I don't have any cards for this public hearing as well. Is there anyone in the audience that would like to speak on this matter? Please come forward. Okay, having seeing none, I'll make a motion to close. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1853-14 - Adopting Local Law No. -2014, A Local Law to strengthen requirements for nonprofit veterans organizations soliciting donations in Suffolk County (Spencer). I don't have any cards for this public hearing as well. Is there anyone in the audience that would like to speak on this matter? Please come forward. Okay. Legislator Spencer?

LEG. SPENCER:

Motion to recess.

P.O. GREGORY:

Motion to recess. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1854-14 - Adopting Local Law No. -2014, A Local Law to amend the County's Human Rights Law and Resolution No. 683-2014, A Local Law to amend, update and reorganize Chapter 528 of the Suffolk County Code to incorporate changes adopted by the State and to facilitate continuing advancements and modifications of the law in the future (Stern). I don't have any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward. Okay. Legislator Stern?

LEG. STERN:

Motion to close.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hering on) IR 1859-14 - Adopting Local Law No. -2014, A Local Law to prohibit the use of unauthorized tracking devices (Browning). Ah, here we go. I have two cards, the first of which is Colleen Merlo.

MS. MERLO:

Lucky me. It took a while to get there, but I got the first card.

P.O. GREGORY:

And as you know, just a reminder, you have three minutes, Colleen.

MS. MERLO:

Good afternoon. My name is Colleen Merlo and I am the Executive Director of the Suffolk County Coalition Against Domestic Violence.

While GPS tracking devices may not have been developed with the intention of malice or harm, they are regularly utilized in cases of intimate partner abuse to monitor, intimidate and to hunt down their victims. At times this technology has led to tragic, even deadly consequences, and in truth, some of the developers are even pitching them as devices that can help you keep tabs on your partner.

The Suffolk County Coalition Against Domestic Violence is in support of legislation that would ban the unauthorized, covert surveillance of Suffolk County residents with a tracking device, bill 1859. This will enhance the County's ability to keep victims of stalking and domestic violence safe. Every year over 6.6 million people are victims of stalking in the United States. Stalking describes various behaviors, including monitoring the whereabouts of someone, monitoring computer activity and telephone calls. People who engage in stalking seem to appear everywhere the victim is and know details of conversations and activities that they simply should not or would not know without such a device. These behaviors are extremely frightening and present a severe safety issue for the victim, and with technological advances and lowering costs, they are becoming more and more available.

The majority of stalking victims are stalked by someone that is known to them. Sixty-six percent of female victims and 41% of male victims are stalked by a current or former intimate partner. The ever-growing use of GPS devices on cars and cell phones of victims is making it that much easier for an abusive partner to track the victim down in an attempt to control, intimidate, terrorize, harm, and in the case of Jackie {Waninski}, a western Seneca woman, can result in death.

We here at the Suffolk County Coalition Against Domestic Violence work with victims every day who are experiencing many forms of abuse at the hands of an intimate partner, and many victims that we interact with also have stalking as part of the victimization. We have had several cases where an abusive partner has utilized GPS technology to locate a victim and exert power and control. GPS tracking is a safety issue. If someone is threatening to harm or kill a partner or their children and a victim cannot remove herself from the locust of control, deadly consequences will continue to result.

It further places the anonymity of domestic violence shelters at risk if someone seeking shelter is unknowingly being monitored by such a device and staff do not immediately identify that the person is being stalked with GPS technology. Confidentiality and safety are at the utmost concern for domestic violence shelters, so it's a major concern for us. Stalking is clearly illegal, but there are no Federal laws that bar the application or GPS tracking, or that prohibit businesses from selling them. This law will help make one powerful tool in stalking illegal as well.

For these reasons, Suffolk County Coalition Against Domestic Violence fully supports Resolution 1859 and we commend Legislator Browning and the entire Suffolk County Legislature for joining us in ensuring that all residents of Suffolk County have the protections under the law. Thank you.

LEG. SPENCER:

I have question.

P.O. GREGORY:

Thank you, Colleen. Legislator Spencer has a question for you.

LEG. SPENCER:

Colleen, thank you. And I think what you are advocating for is very admirable and I support that. I have a question with regards to -- in certain situations, for instance, with this proposed legislation, the proposed technology, for instance, where parents who have children that could be potentially lost or taken out of their possession or abducted, where there is consideration of where -- like children under 10, there could be tracking devices that would be made available that could protect a lost child.

I guess my concern when I look at this particular legislation, I wish there was some way we could distinguish where there would be an appropriate use. Because you couldn't necessarily have to have the consent of a minor if you were a concerned parent. So how do we stop the technology from placing us more in danger, but also prevent us from having a very important use; do you have any thoughts about that?

MS. MERLO:

Well, I agree with you wholeheartedly, we certainly want to protect everyone, and children especially. I think the way that this legislation is being introduced does that. Because if a person owns that cell phone or that car or whatever else the GPS tracking device is placed on, it's not unauthorized; they own that, so they can place a GPS tracking device. So for children it's a protection. For us as domestic violence agencies, we still have to educate people to know that if your partner purchased your cell phone, it's not illegal. If they purchased your car, it still won't be illegal for them to place that GPS tracking device. That's my understanding.

LEG. SPENCER:

Thank you.

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Yeah, thank you, Mr. Presiding Officer. Along those lines, and following up on what Dr. Spencer had asked, if there was a situation where a car was purchased for a minor, the minor now being the owner of the car, does this still apply? I mean, under the law, a child who is still considered a minor -- again, under the law -- wouldn't have the authority to give that kind of consent in the first place. So do you see that really being an issue, or is that already provided for under the law that someone who's still considered a minor legally is not of the age of consent in the first place?

MS. MERLO:

I believe that it's already provided for under the law.

LEG. STERN:

Thank you.

P.O. GREGORY:

Okay. Legislator Browning, you had a question?

LEG. BROWNING:

Yeah. I know I'm not supposed to discuss the bill but, Colleen, thank you for coming. I am going to recess it this time around. I know we've only got a couple of weeks and I've been working on this bill with John Busweiler, he's a Detective Investigator with the Police Department, so in case of any needed changes. But again, I noticed you mentioned cell phones, and actually I did speak with him with regards to cell phones, so the bill does not include cell phones. It's the GPS tracker can be placed on a car which, again, if you are a parent, it does not prohibit you from putting the tracker on the car for your children. If you own the vehicle, it does not prohibit you. And again, that's something that we are trying to figure out, and maybe you can reach out to me later because sometimes the domestic violence victim is driving a car that's registered to the abuser. It does not prohibit that person from being able to put the GPS under the vehicle, because he or she, the car is registered to them, they have that right. So I'd like to do some follow-up conversation with you on it.

As far as cell phones are concerned, it's more complicated. So I didn't want to complicate it. If there's something that we can do on the cell phones, we'll certainly look at that, but at this point in time, that's the one issue that I'm -- I don't know that I'm going to be able to close up that loophole. But as far as our children are concerned, yes, you're still going to be able to do it. If you own a company and you want to put a GPS tracker on your vehicles that you own; yes, you can still do that.

I appreciate you coming in, because I know we've had the conversation where you've had domestic violence victims being tracked and not knowing how their abuser knew what they were doing and where they were going. So I think this is a good start. Thank you.

MS. MERLO:

Thank you.

P.O. GREGORY:

Colleen, I have a question. So obviously the issue with children, the lines get a little blurred. You know, as a concerned parent -- we've had people come here and said their 16-year old son is addicted to drugs and been in rehab several times and maybe you want to put a tracking device on their car to make sure they're not in inappropriate areas, or whatever the case may be. The line's a little blurry there.

Domestic violence, obviously more understanding, you know, you're talking about adults. But would this prohibit -- say someone has a stay-away order, right; are they -- technically, they're not within 50 feet, but they're monitoring your whereabouts, they're tracking you. Would that eliminate that? Would that kind of comply? How does that.

MS. MERLO:

I think it will depend on who owns the vehicle at that point. I also think it will give more teeth to stay-away orders, because certainly if it's a stay-away order and this person is tracking and monitoring them, I think we'll be able to enforce that under the law.

P.O. GREGORY:

And it's kind of a passive in the sense that, you know, you've got to look under your car to check a device. You've got to know what it looks like, you've got to get under the car, you know, and find it. There's no way of knowing whether you're being tracked.

MS. MERLO:

Right. I mean, the truth of the matter is we know, when a victim comes to talk to us, pretty quickly that they're being monitored because they feel like they're being paranoid, they're going crazy, *How can this person possibly know where I've been and what I'm doing when they shouldn't know what I'm doing?*

P.O. GREGORY:

Right.

MS. MERLO:

But again, it's an education piece. No law is really perfect. We have to educate victims, so we'll have to continue to do that. Because the truth of the matter is if you find a GPS monitoring device, what's your first reaction? I'm going to remove that.

P.O. GREGORY:

Right.

MS. MERLO:

But we know that's very dangerous for victims of domestic violence, so.

P.O. GREGORY:

Yeah. No, I think it's excellent what the Legislator is trying to do and I'm glad you're working with her. Thank you for coming here today.

MS. MERLO:

Thank you.

P.O. GREGORY:

All right. Our next speaker is Ruth Reynolds.

MS. REYNOLDS:

Good afternoon. I'm Ruth Reynolds.

P.O. GREGORY:

Please press the button, the green light should come on.

MS. REYNOLDS:

Thank you. How's that?

P.O. GREGORY:

Good.

MS. REYNOLDS:

Okay. I'm Ruth Reynolds, I'm Director of Advocacy with VIBS, Family Violence and Rape Crisis Center, and I'm here today to show our support for this resolution of Legislator Browning's.

With current technology such as GPS devices, cell phone apps and computers becoming more sophisticated and available every day, in addition to the positive effects of such technology, it also becomes easier to track and stalk someone and more challenging for victims of domestic violence to remain safe. It has become a fairly common occurrence for us to hear from our clients that their daily activities are known by their abuser, even when they have a stay-away order of protection and are living separately from each other.

One of our clients discovered a GPS tracking device on her car when she had an oil change and the mechanic told her about it. Another client was informed by a person who witnessed the abuser placing the GPS under her car in a parking lot. Another client discovered that her abuser had placed an app on her cell phone that allowed him to receive copies of all texts that she received. We believe that this is -- we're very supportive of any legislation that works to keep up pace with technology and with the, I want to say, negative use of technology. And again, we thank the Legislator and the Legislature for considering this legislation. Thank you.

P.O. GREGORY:

Thank you. Any questions? No? Okay. Thank you very much.

That is all the cards I have for IR 1859. Is there anyone else in the audience that would like to speak on this matter? Please come forward. Okay. Seeing none, Legislator Browning?

LEG. BROWNING:

Like I said, based on some of the conversation, I'm going to hold it open for one cycle.

P.O. GREGORY:

Okay.

LEG. BROWNING:

And so motion to recess.

P.O. GREGORY:

Motion to recess by Legislator Browning.

LEG. HAHN:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay, **(Public Hearing on) IR 1867-14 - Adopting Local Law No. -2014, A Charter Law to modify charter commission requirements (Browning)**. I don't have any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward. Okay. Seeing none, Legislator Browning? 1867.

LEG. HAHN:

Charter Commission.

LEG. BROWNING:

Motion to close.

LEG. KRUPSKI:

Second.

P.O. GREGORY:

Motion to close by Legislator Browning. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay.

MR. RICHBERG:

Sixteen (Not Present: Legislator Anker - Absent: Legislator Cilmi).

P.O. GREGORY:

(Public Hearing on) IR 1934-14 - Calling a public hearing for the purpose of considering the proposed establishment of Suffolk County Sewer District No. 26 – Melville Huntington (County Executive).

I think I have an idea why guys are here. All right.

(*Laughter*)

There are several cards. All right. The first card I have is for Denise Coyle; and on deck, Ira Adler. Again, each speaker will have three minutes.

MS. COYLE:

Good afternoon, Presiding Officer Gregory, fellow Legislators. My name is Denise Coyle and I am the CEO and General Counsel of Benjamin Companies, one of the owners, developers and sponsors of The Greens. As owner, we entered into an agreement dated May 15th, 2002, with Suffolk County. The agreement provided that we, as owner, would, at our cost and expense, build, operate and maintain sewage treatment facility which would provide sewer services to not only 1,144 Greens residents, but also to the adjoining development known as Country Pointe, as well as to four other unrelated properties.

Pursuant to the agreement, this sewer plant, once completed, would be offered, irrevocably, free-of-charge to Suffolk County for dedication. The agreement clearly contemplated and stated that this plant would ultimately be transferred to Suffolk County. Based on this agreement, all of the governing legal documents drafted for The Greens Development, including offering plan, disclosed this intention. Every homeowner who bought in The Greens was on notice this sewage treatment plant would ultimately be transferred to Suffolk County to be added to their vast portfolio of County-owned and operated sewer treatment plants. There was no mention whatsoever of The Greens' HOA ever having any responsibility or liability for this plant.

The Greens sewer plant was completed and operational in 2002. For the past 12 years, we as owner have operated and maintained this plant. Approximately two years ago, I met with Suffolk County officials and asked that pursuant to our agreement of 2002, they take dedication of this plant. Suffolk County agreed to do so. Since then, the County and my team have worked together in good faith to transfer title and operation of this plant. We have met with County officials almost weekly to ensure a smooth and seamless transfer. As owners, we have met every obligation under this agreement. The agreement provided that all transfer costs would be borne by the owner. To date we have spent over \$100,000. In addition, at transfer, we have agreed to pay the sum of 425,000, as requested by Suffolk County to be used as reserves -- reserve funds, excuse me.

The County, for its part, has also gone a long way in this process. They've inspected the plant and acknowledged that it is in excellent condition and requires no Capital improvements at this time. Moreover, Suffolk County Sewer Agency has recommended that the County establish a sewer district. We are now in the last stages of this transfer and certain members of the HOA Board, with their attorney Richard Hamburger, all of whom have known about this transfer for a year-and-a-half, are just now asking the County and stepping up and asking the County to stop. These Board members and their attorney claim that they legally can take over this sewer plant with a simple majority vote of the HOA Board without the consent of the homeowners. You will hear from Ira Adler, the attorney and the author of all The Greens legal documents. He will explain why, in his opinion, the HOA Board has no such legal authority.

The County has estimated that once it takes over the operations, it will only have to increase the cost to each homeowner by approximately \$17.50 a month. The HOA Board can make all the promises about cost savings and profits --

P.O. GREGORY:

Ms. Coyle?

MS. COYLE:

-- but the financial exposure of The Greens residents is very real and very unlimited. Those risks will be addressed by Gene Wishod, an expert who is here and will speak on the area of the STPs.

In closing, whether or not the HOA Board makes a misjudgment is not my concern. My concern is that the process of transferring this plant to Suffolk County, which started a year-and-a-half ago, not be delayed or derailed. I ask that the County fulfill its obligations under this 2002 agreement and

move forward in accepting dedication of this plant. Thank you.

P.O. GREGORY:

Thank you. Okay. Ira Adler; and on deck, Paul DiPietro.

MR. DI PIETRO:

I will pass.

P.O. GREGORY:

Okay. Then on deck is Allen Serper. All right, Mr. Adler.

MR. ADLER:

Good afternoon. My name is Ira Adler, I'm a partner in Certilman, Balin, Adler & Hyman. We prepared the offering plans for The Greens condos 1 to 5. I'm fully aware of what they say and I want to state here that the offering plans to not give the Board the power, in my estimation, to go ahead and acquire the sewage treatment plant.

An offering plan is a document required by the General Business Law of the State of New York. It is filed with the Department of Law, the Attorney General's Office, and it gives each prospective purchaser an idea of what they're going to be buying and the details of that purchase. The offering plan for The Greens states specifically that the sewage in the community will flow into an on-site sewage treatment facility to be constructed by the sponsor which will be dedicated to an agency of Suffolk County. All the homeowners who purchase at The Greens and their mortgagees relied on the information that the plant would be taken over eventually by an entity of the County, and if it was not -- and if that is not done, it can have material adverse impacts to homeowners and to their mortgagees. For example, if they acquired it and it's a multi-million dollar plant, any Capital improvements or repairs that had to be performed would require an assessment against these same homeowners. Okay? The Board does not have the background to run a sewer treatment plant. I understand they're saying they would hire somebody, but they do not have the expertise that the County, you know, has in running a sewage treatment plant.

The Counsel for the Board cited certain things in the offering plan that they're attempting to rely on as to why the Board can do this without a two-thirds vote of the homeowners to amend the declaration. Okay? The association common areas, however, are defined in the offering plan as *only the gatehouse parcel*, okay. The attorney for the Board, Mr. Hamburger, stated that the Certificate of Incorporation gives them the right to acquire parcels, but it also refers to *acquire parcels forming the common properties*, which again are defined solely as the gatehouse. As Denise Coyle stated earlier, the sponsor entered into an agreement with the County to offer the property for dedication, the STP for dedication, and we believe that that's the correct way to do it.

This is not a situation where it's a small sewage treatment plant for a small little ent -- small, little condo, condominium project. There's over a thousand units in The Greens, the adjacent Country Pointe has 72 units. In addition, there are four or five -- there are four additional projects that tie in and use that sewage treatment plant. The governing documents of the association state that the HOA was formed to maintain the common areas of the -- of the overall Greens project, okay. By going into and acquiring the STP, they in effect would be going into a separate business, that of running an STP, not only for the benefit of The Greens, but for the benefit of four and five -- five other projects in the surrounding area.

P.O. GREGORY:

Mr. Adler, your time is up, but I have a question for you.

MR. ADLER:

Yes, Sir.

P.O. GREGORY:

I've had an opportunity to look at several of the documents that are pertaining to this particular issue. So your argument is first establish, you established the right to turn over the STP to the County at some point, I think at 10-year, at the 10-year mark or later, whatever, but there was established agreement that that could be a possibility. So the HOA is stating that, *We don't want you to turn it over to the County, we want to maintain it.* But you're stating, under the language of their research, that they don't have the ability based on whatever statutes or law -- that they could take over certain structures like you had mentioned, I guess the gatehouse but not the infrastructure of the STP itself. So there's some basic, very basic legal questions as to what rights are available to your party, as well as to the HOA, right? And there's been some back and forth between the HOA and your party as to what is -- who has a legal right to proceed and in what fashion.

MR. ADLER:

I don't feel they have the unilateral right to do it without going back for a two-thirds vote of the homeowners, of the members of the association. Because the declaration of CNRs and the bylaws, in my estimation, do not give them the specific right to do this. I've been practicing in this area for over 40 years, our firm has probably done 90% of the offering plans of condos, HOAs on the Island, Upstate, New York, the city, what have you. I have never seen a significant acquisition of this sort be attempted by a board without going back. In my estimation, it would be a breach of their duty of care and it would be beyond the business judgment rule that this board has.

P.O. GREGORY:

So your argument is they don't have the legal authority, nor as what you mentioned before, they don't really have the expertise in this field to even manage and maintain the STP.

MR. ADLER:

Exactly.

P.O. GREGORY:

Okay. We have several people that have questions. Legislator Stern and then Legislator Barraga.

LEG. STERN:

Thank you, Mr. Presiding Officer. And thank you, Mr. Adler, for being here. I appreciate your experience, not just with these types of matters in general, but the language in this case in particular.

Before it was described that the potential turnover of the STP to the County was obligatory. I heard you say that in the documentation that you had cited, that as a part of the process and as a part of the language that's incorporated into the plan, that there was -- the provision is that the owner has the ability to offer the transfer, offer the ownership of the sewage treatment plant to Suffolk County, but that's not necessarily an obligation on the part of the County to accept it. And I was wondering if you could explain the difference, because you phrased it in terms of an offer to transfer --

MR. ADLER:

It was an offer.

LEG. STERN:

-- but before it was phrased as an obligation on the part of the County; I'm hoping you can clarify.

MR. ADLER:

As you're aware, it's always an offer of dedication. The County can ask for certain things to be done before they accept dedication, they could decide not to accept dedication, but it is an offer of dedication.

LEG. STERN:

All right. So then you would characterize it simply as an offer, but not an obligation, not a legal obligation on the part of Suffolk County to accept.

MR. ADLER:

Well, the agreement they entered into, and Mr. Wishod can answer it better than I, stated that they would built it, they would operate it, and then the turnover would be requested of the County at that point pursuant to the agreement.

LEG. STERN:

Okay, very good. Thank you.

P.O. GREGORY:

Okay, Legislator Barraga.

MR. ADLER:

Thank you.

LEG. BARRAGA:

No, don't go away. Let me take this from the standpoint of say I am a unit owner in The Greens; what am I paying right now, the way the system stands right now? Am I paying anything for the STP?

MR. ADLER:

Yes, they are. I don't have the number, I think it's two hundred something a month. That is not my expertise.

LEG. BARRAGA:

Is that what they're paying now, the residents, they're paying two hundred something a month?

UNKNOWN AUDIENCE MEMBER:

No.

MR. ADLER:

No, a year.

LEG. BARRAGA:

A year. All right. Now, if the County turns it over it's \$17 a month, so that would be about the same amount of money, about \$225 a year?

MR. ADLER:

I do not have those numbers. I was not asked to speak about the details. We could put someone else up --

LEG. BARRAGA:

Well, I -- who has the numbers?

MR. ADLER:

They're paying \$270 per year right now.

LEG. BARRAGA:

Right now. And if the County takes it over, how much do they pay then?

MR. ADLER:

This thing says \$479.

LEG. BARRAGA:

And if the Homeowners Association were to take it over, what would they pay then?

MR. ADLER:

I have no idea. It's not on the list.

LEG. BARRAGA:

Does anybody have any idea? Why does the Homeowners Association want to take this over then?

UNKNOWN AUDIENCE MEMBER:

I don't think they want to.

MR. ADLER:

I think there's a small number of members of the Board of Directors of the HOA that are looking to do this. From my understanding, this was not a policy that's adopted in a resolution form of the entire Board. I know there are homeowners at The Greens that are not in favor of this and it's a small group that are looking to push this through.

LEG. BARRAGA:

The only reason I ask, I see 45 or 50 people here, and I'm asking going down the road, there must be a big fiscal difference, depending upon who's controlling this.

MR. ADLER:

But it's not only what they'll be paying a month, which could be more if it goes to the County, but what their obligations are should this thing fail, okay? I mean, we're talking a lot of money. There would have to be a special assessment under the bylaws that these people --

LEG. BARRAGA:

You mean for maintenance, repair, that type of thing?

MR. ADLER:

Yes, maintain it.

LEG. BARRAGA:

Is that their concern?

MR. ADLER:

And they would have to be handling five other projects that are not part of The Greens and they would have input and they would have, you know, the aggravation that goes with that.

LEG. BARRAGA:

But if that's transferred to the County and we take it over, that's our responsibility then, right?

MR. ADLER:

Exactly.

LEG. BARRAGA:

And if the Homeowners Association gets it, it's their responsibility.

MR. ADLER:

Yes.

LEG. BARRAGA:

It seems to me they're better off with the County taking it over.

MR. ADLER:

It seems to me also.

LEG. BARRAGA:

All right, thank you.

P.O. GREGORY:

Okay. Legislator Kennedy.

LEG. KENNEDY:

Thank you. Mr. Adler, one more, please, Sir?

MR. ADLER:

Okay, no problem.

LEG. KENNEDY:

Okay. So I just want to follow-up a little bit on your conversation with Legislator Stern, in that we've had a similar situation here in the 12th Legislative District where it's taken ten years to have the County take over the sewage treatment plant. But it's my understanding, and since you were there at the outset, in order for the Health Department to approve the plan and the configuration and development as it was proposed, it was the developer SBJ Associates, is that the developer?

MR. ADLER:

Yes.

LEG. KENNEDY:

Okay. So the developer, SBJ Associates, built the sewage treatment plant, which is -- for a thousand units, what is it? It's probably about three hundred, 400,000 gallon-per-day plant, somewhere in that neighborhood?

UNKNOWN AUDIENCE MEMBER:

Half a million.

LEG. KENNEDY:

Is that right; half a million? Okay. In any event, in any event, so SBJ built it and the Health Department made that approval to construct, subject to the fact that at some point in the future, SBJ would transfer ownership to the County of Suffolk; not might. We have the ability to assess the status of the plant at the time that the transfer is contemplated, but that's not permissive; at least that's my understanding. Is that -- how was it when it was the consent, the approval to construct was laid out?

MR. ADLER:

That's an issue -- Mr. Wishod may be able to address that. I was not privy to what transpired with the sewer agreement.

LEG. KENNEDY:

Well, he's the sewer king, so he'll talk to us (*laughter*). Okay, thank you.

P.O. GREGORY:

Okay, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Mr. Adler, hello.

MR. ADLER:

Lou.

LEG. D'AMARO:

Nice to see you. So you're really here to talk about whether or not the Homeowners Association has the -- or has been empowered or has the authority to take title to this facility under the offering plan, under the disclosures that were made in the offering plan, under the declaration, under the bylaws.

MR. ADLER:

Correct.

LEG. D'AMARO:

And it's your opinion, based on the fact that your firm offered these documents, that it's not contemplated and, in fact, the Homeowners Association does not have the authority to take title to the plant; is that correct?

MR. ADLER:

It is my opinion that the way the plan and the documents are today, they do not have -- the Board does not have the unilateral right to acquire it. That if they wanted that right, they would have to go back, amend the CNRs and amend the bylaws, go back and get a two-thirds vote of the members which are the 1,144 homeowners at The Greens.

LEG. D'AMARO:

So it's not as if there's a legal prohibition, it's really just a matter of following procedure to amend documents with proper votes if the Association decides that it wanted to take title to this plant.

MR. ADLER:

Right. Normally in this situation, every condo, every homeowners association -- this is a little unique because of the size of it.

LEG. D'AMARO:

Right.

MR. ADLER:

But there are other projects on the Island we've done that also have multiple condos with an umbrella association. Normally the Board will give input to the homeowners on a situation, on an issue of the magnitude that this is, acquiring a sewage plant that not only is used for The Greens, but is used for five other projects in the vicinity. And this is not something that, in my estimation, should be done.

LEG. D'AMARO:

Okay. So I understand that. So you represent the owner of the plant?

MR. ADLER:

Yes.

LEG. D'AMARO:

Do you care who takes title?

MR. ADLER:

Yes, we care.

LEG. D'AMARO:

Tell me why.

MR. ADLER:

There's been some issues between the homeowners and the board; the homeowners, the board and my client. We would want the County to take it over. If the County at some point in time says, *We don't want it*, and gave it to the Board, that's fine, but we don't want the responsibility of giving it to the Board at this particular time.

We want to give it to the County as per our sewer agreement of 2002.

LEG. D'AMARO:

Well, from the County's perspective -- and I don't know what's happening on the Board or the homeowners association, so just bear with me. My understanding is there are some that are in favor of the County taking the dedication of the plant and others who may be opposed, right? But from a County perspective, what do you think is in the best interest of the County as far as whether or not we would accept title?

MR. ADLER:

The County's in the business of providing these types of services. This is not the first STP that the County would be taking over. I mean, that's what government's about. We --

LEG. D'AMARO:

Right, but the County would be absorbing the cost of running and maintaining the facility.

MR. ADLER:

Well, the County, obviously, would be able to charge whatever the appropriate rates are to the homeowners, but they would have the responsibility to have the -- the County has the expertise, they're running I don't know how many sewage treatment facilities at this point, they're the proper party to own this and maintain it.

LEG. D'AMARO:

Yeah, I'm not saying the County doesn't have the expertise to do it. But if you have a willing association that wants to do it, why would we burden the County system more?

MR. ADLER:

Well, I'm not sure you have a willing association. You have --

LEG. D'AMARO:

I'm not either.

MR. ADLER:

Okay. There are some people on the Board that are looking to acquire it, for whatever reason.

LEG. D'AMARO:

Right.

MR. ADLER:

You know, I don't know. I mean, they'll tell you that they can do it cheaper, and I'm stating here that this Board has no expertise --

LEG. D'AMARO:

Yeah, that's not really --

MR. ADLER:

-- running a sewage treatment plant.

LEG. D'AMARO:

That's not my concern. My concern is what's in the best interest of the County, and also what's in the best interest of these homeowners.

MR. ADLER:

I think it would be in the best interest of the County. We have a sewage treatment plant that not only operates for the benefit of The Greens, 1,144 homes, has 72 at Country Pointe, I don't even know how many there are in the other adjacent projects.

LEG. D'AMARO:

Right.

MR. ADLER:

You know, the County is here to protect its citizens and I think they would be doing a service by acquiring it and having this thing maintained --

LEG. D'AMARO:

Okay.

MR. ADLER:

-- you know, properly.

LEG. D'AMARO:

So your client would be unwilling to convey the plant to the association, should they decide to go that route.

MR. ADLER:

Yes.

LEG. D'AMARO:

Okay. All right, thanks for answering my questions.

MR. ADLER:

No problem.

LEG. D'AMARO:

I appreciate it.

P.O. GREGORY:

Okay. That's it, Mr. Adler. Thank you.

MR. ADLER:

Thank you.

P.O. GREGORY:

Okay. Mr. Allen Serper; and then on deck is Eugene Wishod.
Mr. Serper.

MR. SERPER:

Yes. What I have to say today is very simple. I'm pressing the green button? What I have to say is very simple. I don't feel that there's any reason for the owners/Greens participants, 1,150 or so residents, to take over this plant. It's not our interest, we're not in the business of doing that sort of thing, and we should leave it -- it's a function of the County to do this. I mean, in all other ways. And it would only cost us, I understand according to this thing, \$17.50 per month per home. That's a bargain.

There's all sorts of things you can do, those who are against it. You can -- as I always say, you can do all sorts of things. You can drill a hole in your knee and fill it up with lead, but there's no point in doing that. And so I feel that it's the interest -- not only in the interest of the County, it is, I think, the purpose of the County to take over the sewage treatment plant, because this is always a function of a County, not of an individual unit. And that's all I have to say.

P.O. GREGORY:

Thank you, Sir. Okay, Mr. Wishod; and then on deck, Russell Mohr.

MR. WISHOD:

Good afternoon. My name is Eugene L. Wishod, I'm Special Counsel to The Greens at Half Hollow, LLC, which now owns and operates the plant.

Legislator Kennedy, I believe; thank you for your coronation as *sewer king*. I would only tell you when I said that to my wife, she said, *What does that make me?*

(*Laughter*)

And I really didn't know how to answer that question. But I have indeed been in the sewer business since 1972 when Levitt & Sons came back to Long Island and built the Strathmore at Stony Brook Community. And they were required at that time to have half the units serviced by a sewage treatment plant, which they would have to build. You know, over the years we graduated to the point where now a developer has to dedicate the plant to the County free-of-charge.

I'd like to direct my attention to why are we opposed to the HOA taking it over. The answer to that is we want finality. When we turn the plant over to the County, we know we're turning it over to people who have the expertise to run it. We do not have that confidence. And we would anticipate that if we turned over the plant, which we're unwilling to do, to the HOA, we could well be faced with litigation by a group of homeowners or others contesting that. That's not finality; sending it to the district, which is what we all plan to do, is finality. We're out of it, we've been working a year-and-a-half with the County to do all the complex steps necessary to form a sewer district.

I have represented several HOAs who operate sewage treatment plants, and in many cases it's been a disaster. I've been called to bail them out for a variety of problems due to their lack of expertise and their miscalculations, and that's not something that we want to face here. The only reason that

General Meeting - 11/18/14

we've been given as to why the plant ought to go to the HOA rather than to the County is it would be cheaper. I've heard no other reason. Cheaper? It's \$17.50 a month more than the homeowners would pay under County ownership than they would if they ran it themselves. To me, it boggles the mind that to trade the expertise of Suffolk County and the Department of Public Works, who now operate 25 sewer districts and have a tremendous amount of expertise to handle immediately the break in a line and the spread of sewerage, which has happened, that an HOA can't possibly have, however competent the engineer may be that they hire.

And in my experience, it's turned into a very unfavorable situation. And why, for \$17.50, it would not be worth knowing that the operation of this plant is in expert hands is mind boggling; I can't think of a better word.

I would urge the Legislature to approve the resolution establishing District 26 that will permit the County, with whom we've been working closely, to take over and operate the plant with everybody sleeping much better at night. Thank you. I'll be happy to answer any questions.

P.O. GREGORY:

Thank you, Mr. Wishod. All right. Okay, Russel Mohr. I'm sorry if I'm not pronouncing your name right. And then on deck, Fred Werfel.

MR. MOHR:

Good afternoon, Legislators. It's certainly tough to follow the sewer king. My name is Russel Mohr, I'm of The Greens at Half Hollow, LLC, and the Benjamin Companies of Garden City.

I've been employed by the Benjamin Companies for over 20 years and I've been involved with the operations and management of The Greens at Half Hollow from its inception in 1999. In my role of development team, I worked closely with Certilman Balin on the financial information which was provided in the offering plans in The Greens at Half Hollow Condominiums One through Five, and was a sponsored board member until the last home was sold.

Approximately two years ago we met with the County officials to offer dedication in accordance with the sewer treatment plant agreement and began the process of the formation of the sewer district in accordance with this agreement dated May, 2'02. In 2014, we began biweekly meetings with County officials, DPW personnel, some of which I see here today, to assure a smooth transition to the County. Through the diligence of both parties working together, a map and plan was drafted by Suffolk County DPW, approved by the Sewer Agency and the public hearing for the formation of the sewer district was scheduled for today.

Now today we have a clear dissension amongst the owners. We met with the HOA officials and the County on November 7th. While we've been meeting with the County for over two years, on November 7th the HOA first comes to us to discuss a potential acquisition. We truly feel this is nothing but a delay. We strongly urge the County, and respectfully urge you, to continue this process as intended by the Sewer Agency, by closing this public hearing, adopting the findings in budget resolution to form Suffolk County Sewer District No. 26. We've invested over \$100,000 to date in accordance with our obligation under the agreement and we intend to continue to work with the County to successfully complete the transfer and the acquisition. Any questions?

P.O. GREGORY:

Thank you, Russel. You and I have had several conversations about this as well. Obviously your preference is to dedicate the STP to the County. The HOA has indicated, or some members of the board of the HOA -- I guess I should state it that way -- have indicated a willingness to take title to the STP, but there were certain conditions that you -- that your -- that the Benjamin group is looking to get from the Board. What are those conditions and have they been met?

MR. MOHR:

Well, I believe, at this point in time, we want to fulfill our obligation under the agreement of 2002. We've built the plant, we've operated the plant. There was a question earlier about a 10-year time limit. You know, there's a dedication in perpetuity. You can't compel us to run the plant forever. We've come to you, we worked diligently to do this, to have the HOA come in. At this point, whatever the conditions may be, I think as Mr. Wishod said it perfectly, we want finality. We want to end this and the best way to do that is by dedicating it over to the County.

P.O. GREGORY:

Right. I guess the point I was trying to get to is that obviously you have a preference and you want finality, but from -- you know, I'm trying to step in your shoes and look from your perspective. You have an HOA that's looking to take over title, but they haven't been able, thus far, to meet certain obligations. So that could possibly not give you even greater lack of confidence and them even running the STP if they can't meet, for instance, the indemnification, getting approval from the full Board at least, and from the members of The Greens, and I think there were one or two other requirements that you asked of them. Has any of that been met, or since our last conversation?

MR. MOHR:

Not to my knowledge, nothing has been finalized.

P.O. GREGORY:

Okay.

MR. MOHR:

Nothing has been in writing. And again, we want to move forward with the County. We've put two years of time into this and we feel it is the most efficient way to exit the sewer treatment plant business; offer the dedication in accordance with the agreement and have finality.

P.O. GREGORY:

Okay. All right. Thank you. Anyone else have any questions? Okay, thank you. All right, Fred Werfel; and on deck after him, Joe Perry.

MR. WERFEL:

Good afternoon. Thank you for the opportunity to speak to you today concerning the critical future of the sanitary treatment plant. My name is Fred Werfel, and I'm Vice-President of the Board of Directors of the Homeowners Association of The Greens. I'm a licensed professional engineer with over 50 years of experience in design, development and construction of real estate properties; commercial, industrial and residential.

I'm in favor of The Greens at Half Hollow assuming control of the sanitary treatment plant and I'm against the Suffolk County taking over the plant. As Board Director, I was in charge, or am in charge of the committee that was formed by the Board to perform due diligence on the sanitary treatment plant to determine the viability of The Greens assuming control. In addition to myself, our committee comprises eight members, residents of our community, some of whom have experience in the design, construction and operation of sanitary treatment plants. Among the members are Murray {Leibertson}, a senior sewage treatment plumber who worked with New York State -- New York City DEP for over 26 years on sewage and water distribution projects; Guy Salvato, a Master Plumber license throughout the metropolitan area, and also associated with New York City DEP servicing sewage collection and water distribution projects throughout the city; and Robert Resch, who will speak to you soon, a licensed professional engineer who was Senior Project Director of URS Corporation for 45 years and responsible for design and construction of major power plants. Other committee members have related and appropriate business experience to evaluate the physical and financial requirements necessary to operate an STP.

Our due diligence included the committee's physical inspection of the plant. We engaged Michael Chiarelli, a licensed professional sanitary engineer, to inspect, investigate and report on the physical condition of the STP, as well as provide us with estimated cost to operate the plant and replacement costs for the critical equipment in the plant as well as equipment redundancy. We utilized reports from H2M, we visited comparable developments like Blue Ridge, which is an 800-unit residential development operating its own plant. We interviewed Severn Trent who is the current day-to-day operator of the plant. We also met and spoke with the County engineers and appreciated their input on the condition and operation of the plant.

We've contacted the relative -- relevant board members of Country Pointe and they've given us their full and unconditional support for The Greens assumption of the STP. We also contacted the board members of Dunkin Elders and they also agree to support and follow our lead.

We ask the Legislators today to defer any action to create a sanitary district for this plant until we may complete our due diligence and continue to negotiate with the current owners relative to taking over of the plant. I thank you for your patience, consideration and attention.

P.O. GREGORY:

All right. Thank you, Mr. Werfel. You have two people who want to ask you questions; Legislator Browning and Legislator Stern.

LEG. BROWNING:

Okay, thank you. I'm sitting here listening to one side wants, one side doesn't want, and, you know, I'm looking at the audience and seeing, you know, they're on a fixed income, I could pretty much guess. Most of them are probably retired. And I'm just curious, what if a major capital project needs to be done to the sewage treatment plant and let's say 20 years from now, 15 years from now, who pays for that?

MR. WERFEL:

The owner of the plant would pay for that. There is a reserve fund that's set aside on condition that various elements may require repair and/or replacement of any major cost. As was mentioned by the opposing party, there's a \$425,000 reserve fund just for that purpose, to replace or repair equipment.

LEG. BROWNING:

Okay. I guess -- I know our Commissioner is here from DPW who could probably speak well on the issue. But my concern is if it's in excess of 25,000, say it's 250,000 or a half of million, that, you know, where does that cost -- obviously you say you have a reserve, anything over and above that. Do the homeowners now to have to -- are they going to be assessed to pay for that?

MR. WERFEL:

If there is a shortfall in the requirements to the funds, the homeowners would be responsible to pay for that. But our experience, and talking with all our engineers and with managers of comparable plants, that type of situation is very rare. The plant we visited was 40 years old at Blue Ridge, and it was hard for me to believe, but they said their most major expense over the 40 years was \$5,000 for a major repair on a pump.

LEG. BROWNING:

I believe there's a sewage treatment plant in my district that had major problems, and I'm sure Gil knows which one I'm talking about, and that was definitely a lot more than \$25,000 and, you know, belonged to a homeowners association.

So again, my concern would be is what do you have in place? While you're saying today it's in good shape and one that might be 40-years would be in good shape, but what about, you know, 30, 40 years from now that, you know, you're looking at a number of senior citizens, again, on a fixed income, and now telling them, *We're going to assess you*. The project's going to cost us a hundred thousand and now we're going to assess you to pay the difference, and that's my major concern, they can't afford it. So I think you should -- if you're going to look at a reserve, I think you certainly need a lot more than \$25,000.

MR. WERFEL:

Well, it's not 25,000, it's 425,000.

LEG. BROWNING:

Oh, I thought you said 25,000.

MR. WERFEL:

No, 425,000. And also, that's the initial opening reserve; over the years, that reserve will be built upon.

LEG. BROWNING:

Okay. I think I'd like to hear from our Commissioner at some point on this to make a decision. Thank you.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. Mr. Werfel, thank you for being here. One of my concerns is that we're talking about the STP at The Greens, but as you point out, we're talking about residents from other communities as well that are impacted here. And you had alluded to the fact that residents of Duncan Elder had said that they are in agreement with you, residents from Country Point are in agreement with you.

MR. WERFEL:

That's correct.

LEG. STERN:

In what way have you had the opportunity to reach out to them and they to you for them to let you know that they are in support of the HOA taking over ownership? Has there been conversations? Have there been letters that have been reduced to writing? Have there been any Board resolutions? In what way do you know that they're in support?

MR. WERFEL:

Mr. Schoenfeld, who's President of our Board, can speak to that. He spoke to them directly in connection with getting their input as to their feelings about our assumption of the plant and they were indicated that they were a hundred percent behind us.

LEG. STERN:

Okay, I'll ask him when he steps up. But to your knowledge, at this point there's been no formal outreach or resolution that either of those other communities have made.

MR. WERFEL:

I don't believe there's any written resolution, no.

LEG. STERN:

Thank you.

P.O. GREGORY:

Okay. Legislator Krupski has a question for you.

LEG. KRUPSKI:

Thank you, Mr. Presiding Officer. So just to clarify something, and it goes along with what Legislator Browning was asking you about Capital improvements, and you said they would be the responsibility of the owner of the plant. So your proposal is for the Homeowners Association to be the ownership -- to be the owner of the plant.

MR. WERFEL:

That's correct.

LEG. KRUPSKI:

Fee title and operations, both.

MR. WERFEL:

That's correct.

LEG. KRUPSKI:

All right, thank you. Because one of the concerns -- and I'm not trying to weigh in plus or minus here before I hear everyone, but one of the concerns isn't so much that something could break, so much as you would be regulated by the EPA and through the DEC, that they might change their standards and that you'd have to comply -- you'd have to update to comply with those standards. So that's -- I think that's more of a concern than a pump breaking. But just something else to factor in. Thank you.

MR. WERFEL:

Yes.

P.O. GREGORY:

Okay, thank you. Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Okay. Mr. Werfel, I apologize, I was out of the room when you first started speaking. Who do you represent, or are you on the Board here?

MR. WERFEL:

I am Vice-President of the Board of Directors of The Greens.

LEG. D'AMARO:

Okay. And The Greens, you're Vice-President of the Board of Directors. Has the Board of Directors or anyone taken any official action with respect to acquiring this plant? Has there been a vote of any sort, authorizing the board to go move forward?

MR. WERFEL:

The only -- no official action by the Board.

LEG. D'AMARO:

Okay.

MR. WERFEL:

The committee that was established basically, you know, for due diligence, is a hundred percent behind the HOA taking. So their recommendation to the board would be unanimous as far as assuming the plant.

LEG. D'AMARO:

So the HOA formed a committee to take a look at this --

MR. WERFEL:

That's correct.

LEG. D'AMARO:

-- feasibility, if you will.

MR. WERFEL:

Yes.

LEG. D'AMARO:

And concluded and would recommended to the Board that the preferential way to go would be for the HOA to take ownership and operation of the --

MR. WERFEL:

Yes. The reason for that is there would be hundreds of thousands of dollars of savings on an annual basis if we had it rather than the County.

LEG. D'AMARO:

So that committee --

MR. WERFEL:

Seventeen fifty is not a correct number.

LEG. D'AMARO:

Because we're looking at a bill and a process, you're asking us to not go forward with the formation of a sewer district and to take title, ultimately, to this sewer treatment facility, and it involves the quality of life of thousands of people. So I have not seen this recommendation that's been made. I mean, obviously you have seen it, you've seen the numbers. I mean, how -- I don't know how reliable any of this is, but I'd hate for you to be wrong about that. You know?

MR. WERFEL:

Well, again, we've spent months looking at the plant, as much as we were allowed to by the owner. We've done a lot of due diligence in speaking with engineers, speaking with the County, visiting comparable plants, and there was nothing that was negative that we found. And the positive aspect and the motive and the reason is purely that it would be much less expensive for our community if we operated the plant on --

LEG. D'AMARO:

Well, I heard a number thrown around that it would be \$17 per household if the County took title?

MR. WERFEL:

That's not exactly correct, it will be addressed. Understand that not every type of unit pays the same amount to the Board.

LEG. D'AMARO:

Okay.

MR. WERFEL:

So like the villas pay the largest amount, there are townhouses that pay less, and there are apartments that pay even less. So that the proration of the cost of the plant would actually hit the least expensive units, including the affordable units, most, and the more expensive villas would be hit the least, and specific numbers will be given to you by subsequent speakers.

LEG. D'AMARO:

Uh-huh. But I think it's an average number of \$17 per household, even if --

MR. WERFEL:

That's if you divided --

LEG. D'AMARO:

Even if it's \$25 per household.

MR. WERFEL:

It's a couple of hundred.

LEG. D'AMARO:

So what's -- it's a couple of hundred dollars per household?

MR. WERFEL:

Yeah, depending upon the household.

LEG. D'AMARO:

Okay. All right, let me just move forward here because -- what happens if the County takes your recommendation and does nothing?

MR. WERFEL:

Well, we're not asking the County to -- we're asking them to defer to give us an opportunity to meet with the owner who has been putting us off all these months.

LEG. D'AMARO:

But the owner's representative was just here saying that they have no intention of selling you this facility, or the Homeowners Association.

MR. WERFEL:

I can't answer -- you know, if they don't want to --

LEG. D'AMARO:

They want finality and they have their reasons --

MR. WERFEL:

I think they're willing --

LEG. D'AMARO:

-- and you can agree or disagree with those reasons, but the fact is that the owner of the plant that services all of these homes is not willing to sell the plant to the Homeowners Association.

MR. WERFEL:

We'd be willing to give them that finality.

LEG. D'AMARO:

Okay. Let me move on. Do you think that the Association has the authority to own this plant?

MR. WERFEL:

Yes, I do, based upon the opinion that's been written by our Counsel, and he'll go over that when he speaks.

LEG. D'AMARO:

Okay. And finally -- so the only justification -- well, not justification, but the only reason that you believe the Homeowners Association would be better off acquiring title is because it would save hundreds of thousands of dollars to the homeowners there.

MR. WERFEL:

Yes.

LEG. D'AMARO:

Have you polled the homeowners; have they taken a vote on this?

MR. WERFEL:

We have not taken a vote on this.

LEG. D'AMARO:

Okay, so you're still gathering your information. Do you intend to present it to the homeowners?

MR. WERFEL:

Yes, we do.

LEG. D'AMARO:

You do. And are you prepared to abide by the decision of the homeowners?

MR. WERFEL:

We will listen to what the homeowners have to say, but the final decision at this point is with the Board.

LEG. D'AMARO:

Okay.

(*Disruption From Audience*)

P.O. GREGORY:

Okay, please; please keep it quiet.

LEG. D'AMARO:

Well, I know I'm going to make myself really unpopular, but I agree with you.

MR. WERFEL:

Thank you.

LEG. D'AMARO:

That unfortunately, for residents who disagree with you, that's the way it is when you elect a board; they get the authority to make a decision. But you should -- and I'm sure your attorney will concern yourself with whether or not in the first instance the Association even has the authority; and if it does, what the proper procedures to follow would be to make sure that it's done correctly.

I don't know that I'm prepared to not move this process forward. I think that until the County actually takes title to the facility, you have that opportunity to negotiate and do whatever it is that you want to do with the present owner of the facility. And I'm not sure why we should -- we the County, should delay at this point.

MR. WERFEL:

Okay.

LEG. D'AMARO:

So -- oh, I have one more question for you. Ultimately, if the Association took title to the plant, how would you run the facility; you'd hire an operator

MR. WERFEL:

Well, you know, the current owner has said that the HOA has no experience in operating the plant. We have as much, if not more, than the current owner does, and we would do exactly what they did.

LEG. D'AMARO:

Right. But you're not going to get up every morning and go run the plant.

MR. WERFEL:

No. There is a --

LEG. D'AMARO:

Who's going to run the plant?

MR. WERFEL:

There is a company that's, to the credit of the current owner, is a very credible and good company, Severn Trent, that does the day-to-day operation of the plant, and there would be an engineer that we would engage that would oversee the operation of Severn Trent, and then they take their samples and they report to the Health Department and the DEC, whoever.

LEG. D'AMARO:

Okay, so there would be an operating company. What if the County took the title to the plant, then the Homeowners Association could do an analysis and present to the County that they'd like to acquire it from the County, because you believe there's a cost savings.

MR. WERFEL:

If that's an option, it's certainly one to consider.

LEG. D'AMARO:

I don't know that it is. I don't know that it is legally, but I would tend to believe that a County could divest itself of ownership of a sewer treatment facility if that was the will of the individuals who want to take it. So again, if the County took title today, I don't think there's anything precluding you from either negotiating now with the present owner or even coming back to the County and making a presentation that's backed up by, you know, good solid research showing that it will be much more cost effective for the Association to own the facility. And even there, it's somewhat complicated by the fact that you have several other communities that are serviced by this plant, so I would expect

that all of those communities would have to agree to go down that road.

MR. WERFEL:

Yes. You know, we would, again, consult. You know, I don't want to make it like the Board acts independently of our community.

LEG. D'AMARO:

Sure.

MR. WERFEL:

Obviously we take all the input from everybody.

LEG. D'AMARO:

Right.

MR. WERFEL:

But again, the final decision is the responsibility of the Board, and the Board has a responsibility to the community to do what we believe is right.

LEG. D'AMARO:

Right. Okay, thank you. I appreciate you answering my questions.

MR. WERFEL:

Thank you.

P.O. GREGORY:

All right, Mr. Werfel, Legislator Trotta had a question for you.

LEG. TROTТА:

Your Board, it runs a variety of different things, besides just the -- does it have a dues-paying element to it?

MR. WERFEL:

Yes, there are maintenance fees that are paid by each member or residential owner.

LEG. TROTТА:

No, I'm talking about your board; how is your -- is your board financed, do you have money?

MR. WERFEL:

The community operates on a budget of four to \$5 million a year, if that's what you're asking.

LEG. TROTТА:

So you manage that, like the landscaping and things like that?

I'm trying to lead down --

MR. WERFEL:

That's correct. We have -- we've hired a managing agent that does the day-to-day operation and we oversee the operation of the managing agent. We have an on-site manager, we have on-site maintenance people.

LEG. TROTТА:

So you're familiar with running --

MR. WERFEL:

Yes, there's landscaping, there's snow removal, there's repairs and maintenance and stuff like that.

LEG. TROTTA:

Do you have any debt?

MR. WERFEL:

No.

LEG. TROTTA:

Okay. How much do these units there cost?

MR. WERFEL:

They vary depending upon the size of the unit. The apartments go for let's say between four and 500,000; the townhouses, which are four attached units, they're in the range of, I would guess, 750 to 900,000; and then the villas, which are two attached units, they run somewhere in the range of 1.2 to 1.4 million.

LEG. TROTTA:

All right, so you've got some fairly successful people living there. You have a whole range of people who have a lot of business experience.

MR. WERFEL:

There's also 100 affordable units as well. But yes, there's a whole range of business experience and --

LEG. TROTTA:

So you're running this business without borrowing any money ever.

MR. WERFEL:

At this point, yes.

LEG. TROTTA:

Right, so you could probably do a good job running this plant.

MR. WERFEL:

I believe that's the case.

LEG. TROTTA:

Thanks.

P.O. GREGORY:

Okay, Mr. Werfel, I have a couple of questions. I just want to make sure I understood what I think I heard. You don't have a formal agreement to study the feasibility, or is that correct? You put a committee together to look at the feasibility of taking over the plant?

MR. WERFEL:

That's correct.

P.O. GREGORY:

But you don't have formal approval from the Board or the community or however you see fit to do so.

MR. WERFEL:

The Board established this committee. I'm on the committee as a member of the Board, there is another Board member on the committee, and the purpose of the committee was to do due diligence and report back to the Board as to our recommendations regarding the sanitary treatment plant.

P.O. GREGORY:

Okay, so you don't have a formal recommendation from the Board. I mean, there's one thing to say, *Yes, we want to do this, let's put a committee together to see how we do it, or, We may or may not want to do it, let's put a committee together to see how we do it.*

MR. WERFEL:

There is no formal resolution that was presented and passed by the Board, yes.

P.O. GREGORY:

Okay. And Mr. Mohr came here earlier and mentioned that they have been in discussions with the County for two years. How long has your feasibility committee been meeting and evaluating?

MR. WERFEL:

It started back in March or April when the current owner threatened to turn -- to just walk away from the plant. He threatened that for July, he threatened that for August, he finally in September he stopped threatening and has been working to try and get the plant turned over to this -- to the County.

P.O. GREGORY:

Okay, so March. So how long or how much longer do you think your feasibility committee would need to make an evaluation, to make a recommendation?

MR. WERFEL:

It's kind of complicated because the relationship between the community and the sponsor, there's a lot of litigation going on. And for that reason of maps, whatever reason, I don't even want to speculate, they've refused to meet with us until a couple of weeks ago.

P.O. GREGORY:

Well, what was your initial -- I guess from the beginning you probably had an idea, well, this should take four months, five months, a year.

MR. WERFEL:

I believe that there's only one thing that we haven't done yet and that is do an environmental assessment study, phase I, that should take two weeks. So aside from that, we're ready to sit down and negotiate with them.

P.O. GREGORY:

To negotiate. So that's completing the study which you will make a recommendation to the Board, but the Board has not given its final authority as to whatever your recommendation's going to be. So you can't really even sit down with --

MR. WERFEL:

We did an informal polling of the Board.

P.O. GREGORY:

Okay.

MR. WERFEL:

You know, we believe, informally, that there's five for and two against.

P.O. GREGORY:

Okay. So you haven't completed your evaluation, but you're confident, it seems, that -- and I'm curious to find out how -- that you think that you can run it at a cheaper cost, and why -- how is that?

MR. WERFEL:

The County has requirements that we don't have that causes their costs to be almost about \$600,000 a year, where the County -- I don't want to get into what other people are going to talk about, but the County recently and a Judge recently reduced what was being charged to us by the owner of the plant almost by 50%. They were charging upwards of 650,000, it got reduced to 300,000 based upon their analysis of what's necessary to run the plant. Our engineers have come back and said that the cost to operate the plant should be somewhere about 325 to \$350,000 a year, and with the County's charges, it would be closer to 600,000. So it's almost 50% difference between what we could do to operate the plant versus what the County would cost.

P.O. GREGORY:

And that's based on your initial -- your yet-completed evaluation of --

MR. WERFEL:

Again, the evaluation is completed with the exception of this phase I, and we need permission to get on-site to do that.

P.O. GREGORY:

Okay. And you have -- so you don't have formal Board approval of your own, but you have informal board approval from several other of the connectees; there are four or five other connectees?

MR. WERFEL:

That's correct.

P.O. GREGORY:

And what are -- I'm interested to hear what you think your thoughts are as to how to proceed. Say the recommendation is for the HOA to take over the STP; what is your opinion as to what proceeds? What's necessary? Is there -- you need just the Board approval? Do you need the community's approval; do you need both?

MR. WERFEL:

Well, we will be having a meeting with the community to give them the results of our studies of the plant and why we feel it would be appropriate for us to assume the plant, so that's step one. And the other step is to meet with the current owners of the plant and work out a business agreement and a legal agreement.

P.O. GREGORY:

So is that a yes that you think the community has -- you have to get support from the community, or that's just more like an informational type of --

MR. WERFEL:

I believe that once we make our presentation to the community, that the majority of the community will agree that this is the way to go.

P.O. GREGORY:

Okay. So you're saying that you think part of your requirement is to get approval from the community.

MR. WERFEL:

We would like to get their input, yes.

P.O. GREGORY:

Okay. All right, I think Legislator Barraga has a question.

LEG. BARRAGA:

You and I find ourselves in the same situation. I'm elected, and I assume you're elected as well, on your Board?

MR. WERFEL:

That's correct.

LEG. BARRAGA:

And we're both representing a constituency; your constituents are sitting there and mine is back in my district. And 99.9% of the time, the legislation that passes before us, I make the decision because that's what they've elected me to do. But there are times when something is so unique and has such a major impact on individuals that we put it on the ballot, it's a referendum; we have the right to do that. And in the end, the people make the decision and it's binding. What concerns me is that your position seems to be, *Well, you elected me and I'm going to make the decision. And even if the people are not agreeing with my decision, we will make the final decision.* Is there anything that prevents you from putting it out there in the form of a referendum that's binding, where the people -- the entire group, they go out and vote, and if it's 60% agreeing with your position, so be it; if it's 60% against your position, you don't go ahead with it.

MR. WERFEL:

To answer your question; no, there is nothing that prevents that from happening.

LEG. BARRAGA:

Would you do that?

MR. WERFEL:

It's not a decision I could make individually, it's something that the Board would have to decide.

LEG. BARRAGA:

Well, because I have a feeling that the people involved would like the opportunity to do that, make that decision themselves. Because obviously when you get 55 or 60 people on one issue here, it's a major issue.

MR. WERFEL:

Yes, it is a major issue.

LEG. BARRAGA:

Well, I'd like you to consider that.

MR. WERFEL:

I will.

LEG. BARRAGA:

And your Board.

MR. WERFEL:

We will.

P.O. GREGORY:

Okay. Legislator Stern.

LEG. STERN:

Legislator Barraga very well asked my question and it's been answered. Thank you.

P.O. GREGORY:

Okay, Legislator Calarco.

LEG. CALARCO:

Sir, I just have two quick questions for you. Over here. Is it the position that you're taking that you're looking to acquire this plant and actually pay compensation for it, or would you like the owner to deed it over to you as they have proposed to do to the County?

MR. WERFEL:

We would take it over just like the County where they would have to give us the operating and capital reserve.

LEG. CALARCO:

Okay. Would you be able to make commitments? Because it sounds to me that it's not just your community that is serviced by this plant, but there's, I guess, four or five other communities serviced by the plant. Can you -- would you give assurances to those communities that they are going to pay the same rates as the folks in your community so that you don't have disparities that, you know, people in different communities are paying more when they don't have the stake, so to speak, in terms of the ownership of the property?

MR. WERFEL:

I believe, and I may be wrong on this, that to some degree the County basically dictates what the rates should be. This is not a profit center, this is a facility that should break even every year, so -- and we're not looking at this like it's a profit center. We're looking at this as something to keep the cost to our community and the adjoining communities as well to the minimum.

LEG. CALARCO:

So everybody would pay the same price.

MR. WERFEL:

I don't know that it's the same price; it varies depending upon the type of unit. The County does this; the County charges \$489 a unit --

LEG. CALARCO:

Sure. We --

MR. WERFEL:

-- whether it's a five-bedroom or a home.

LEG. CALARCO:

We set prices for our districts. I happen to live in the Village of Patchogue; I don't have sewers there, but hopefully someday soon. But the Village of Patchogue who owns and operates that plant sets the rates, not the County, so I would assume that you as the owner has the right to set rates. I'm just looking for you to tell me that whatever rates it is, however you compute those rates, by flow or whatever the case may be, would be the same for all the communities serviced by this plant and the community, if you were to get ownership of it, that owns the plant isn't -- you're being charged less than the communities that are not in ownership of the plant.

MR. WERFEL:

I don't believe there would be any distinction where we would charge one group more than we're charging ourselves. It would be the same as what we're paying based upon the criteria under which we pay.

LEG. CALARCO:

Okay. Thank you.

P.O. GREGORY:

Okay, Legislator Kennedy.

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

LEG. KENNEDY:

Yes. Thank you, Mr. Chair. Just a couple of questions again, sir. And I'll be interested to hear from your attorney about the -- his legal theory regarding the Homeowners Association's ability to acquire, because I'm going to go back to again -- and I don't expect you to speak to this, but when the attorney comes up. Now I'm really going to ask for a copy of what the original approval was from the Health Department for the ability to construct in a covenant that's -- generally, that gets recorded, that actually requires that after the plant's been built, operated, and ongoing, that it, in fact, then gets transferred over to the County.

But more to your point somewhat specifically, and this might be something that may be fruitful for dialogue with the County. I'll go back to my own experience with forming a sewer district here in Smithtown that took 10 years, Sewer District 4, and the rates, when they were first set out, and the community hearing was held back in 2003; it preceded me. I've been in office 10 years. It was \$485 a year. And then over the course of the next decade, that rate meandered as high as \$1400 a year, depending upon the various other complexes that the County elected to utilize for comparison and contrast. And in addition, a factor that's built in -- the term that's used is called "soft cost," but that's just a euphemism. It represents some expense that's associated with generating of sewer bills, collecting the quarterly sewer rents, some of the monitoring and the other stuff that goes on there. That rate for this unit now for this complex is at \$695.

So the piece that you spoke about that I thought had a lot of significance was the wide delta between your estimation of the HOA's cost to operate and the County's cost to operate. And to me, it seems there ought to be some ability to close that gap there. As you close that gap, quite frankly, you folks evaporate, you're out of the picture. It's self-evidence the County operates.

MR. WERFEL:

I don't disagree you, but the County has established that the rate is \$489 per unit, doesn't matter if it's a four-bedroom apartment.

LEG. KENNEDY:

Wait a minute. So then let me come back again; \$489 per unit on an annual basis?

MR. WERFEL:

On an annual basis.

LEG. KENNEDY:

And what does your ratepayers pay now?

MR. WERFEL:

I think about 220, 230.

AUDIENCE MEMBER:

Two-seventy.

MR. WERFEL:

Two-seventy, sorry.

LEG. KENNEDY:

Two-seventy.

MR. WERFEL:

On an average, again, different units pay different amounts. It's part of the maintenance fee. If the County takes it over --

LEG. KENNEDY:

There's a lot of people that need to continue to speak. I'm going to speak to Legislator Stern on it, because there's some specifics, sir, that I think really require you on the behalf of the Homeowners Association to be at the table with County folks. I'm not going to tell you the County is going to run it at 270 bucks, because, quite frankly, I don't know who does your maintenance. It could be ACME Maintenance, and, quite frankly, you know, half the time you can't get a hold of them. Invariably, they're not doing the proper filter maintenance, tanks aren't kept up to standard. The County standard has only one standard, and our standard is that we operate it and it operates without loss. And if there is loss, we bear the expense. The exposure on the Homeowners Association side is if you have a tank that explodes, or you got a main that blows up, or a blown motor, or something like that, it's all on your dime.

MR. WERFEL:

That's correct.

LEG. KENNEDY:

When you come, convert over, 3%, that's the max your rate can go up, and the balance of the expense comes down to us.

MR. WERFEL:

That's also correct.

LEG. KENNEDY:

So then it just seems to be a matter of dollars and cents. If you can close that gap a little bit, I think the rest of the issue goes away.

MR. WERFEL:

That's the potential, yes.

P.O. GREGORY:

Thank you, Werfel. We have a lot more speakers to go, so thank you for answering the questions.

MR. WERFEL:

Thank you all.

P.O. GREGORY:

All right. Mr. Joe Perry, and then on deck, Jack Solomons.

MR. PERRY:

Good evening. My name is Joe Perry. I am Treasurer of the HOA Board at The Greens. I am also in charge of construction and improvements at The Greens.

First, I would like to thank the Legislature for hearing so many of us today. Thank you very much for your time and the giving of your time. Then I'd like to thank the Sewer Authority of Suffolk County for the stable rate that they gave us approximately two years ago, when they reduced our rate from seven -- \$661,000 to \$308,000, a rate that has been reduced and never questioned by the sponsor. Never asked for an increase, never produced any documents saying they wanted an increase.

The Greens is a very diversified community. We're 55 and over, with prices ranging from under 200,000 to over a million dollars. We have families that -- excuse me. For the last two years that I've been the Treasurer, we have run a balanced budget, in the black at all times, with no assessments, no increases in common charges, and we have made capital reserve contributions in excess of \$250,000 both years. We also have a contingency fund in our budget of approximately \$200,000. Part of that contingency fund will be set aside to increase the reserves for the sewer treatment plant, if it should be that we take it over. So that in addition to the \$425,000 we would start with, we would be increasing that amount at anywhere between the rate of 40 to \$60,000 per year, anticipating any future major changes we would have to make or upgrades.

In the chart I have just supplied you with, it shows you the facts of exactly what people would be paying. When we charge residents, they are charged in accordance to where they live. If you are in a unit that is over a million dollars, you are paying a rate of 47-some-odd percent. If you are in a unit that is under \$200,000, you are paying a rate of approximately 22%. So that it is not a fair assumption to go ahead and say that everyone's going to be at the same number. Those people who are in the apartments, in the condos, approximately 300 of which are in a situation where they are widows or widowers, and stable set income, will get a 240% increase if the County were to take over this sewer treatment plant.

P.O. GREGORY:

Mr. Perry, please wrap up.

MR. PERRY:

My time is up. Would you have any questions?

P.O. GREGORY:

No. I see your -- you've handed out a memo here. It gives the various rates for the different sizes.

MR. PERRY:

Yes.

P.O. GREGORY:

Ranging from \$141 \$271.

MR. PERRY:

Yes.

P.O. GREGORY:

Okay.

MR. PERRY:

Under our current setup, someone's who paying \$141 will now go to \$479 by the County.

You know, we have a Construction Committee, we have a Budget and Finance Committee that encompasses over 25 qualified people of all walks of life. Head of Budget and Finance is Bill Mullins. He works as a Vice President for Citibank. He's in charge of \$1 billion, and has a staff of 10,000. Second is Marty Lund, Vice President of Tiffany, New York City. Third, Mike Borzak (phonetic), one of the top senior accountants in the four or five -- in the five top accounting firms in the country, and the list goes on and on. They have analyzed this. This committee of 18 --

P.O. GREGORY:

All right. Thank you, sir.

MR. PERRY:

-- and the other committee of 25 have said 100%, that in accordance with this, ready, willing and able to take over this plant at any time under the same conditions as the Suffolk County Sewer Authority is taking them over.

P.O. GREGORY:

Thank you. You have a -- Legislator D'Amaro has a question for you.

MR. PERRY:

Okay. Question sir?

LEG. D'AMARO:

Yes. Hi, Mr. Perry. How are you?

MR. PERRY:

Fine, thank you.

LEG. D'AMARO:

You seem very emphatic about this; hard to tell.

*(*Laughter*)*

MR. PERRY:

You know, when I have to go and explain to these people when today they flush their toilet, and tomorrow, when they flush, they have to pay an extra quarter million dollars, I can be emphatic, because I don't understand that.

LEG. D'AMARO:

So, let me ask you a question.

MR. PERRY:

Yes, sir.

LEG. D'AMARO:

The increase to 479, that's what the County has quoted in the event of a County takeover?

MR. PERRY:

That's correct, sir.

LEG. D'AMARO:

Okay. So what is the increase if the Homeowners Association takes over?

MR. PERRY:

There will be no increase. And, in effect, we expect --

LEG. D'AMARO:

Wait a minute. Wait a minute. So what is that based on, there'll be no increase?

MR. PERRY:

There will be no increase, because we have analyzed all the costs. We have gone with -- spoken to Severn Trent, we have spoken to Mike Chiarelli, who's the engineer. We have gotten all our numbers together as to what is sludge, what is electric, what is this, what is that. We know where we can operate this plant at. And we believe, with the contribution in excess of \$80,000 from the other surrounding areas, who, by the way, have all agreed with us and come on board, we believe we can reduce the homeowner cost once we take it over and operate it.

LEG. D'AMARO:

So, if I live in one of the 468 apartments --

MR. PERRY:

Yes.

LEG. D'AMARO:

-- and your Homeowners Association takes title --

MR. PERRY:

Yes.

LEG. D'AMARO:

-- there will be no increase in the annual payment?

MR. PERRY:

There will be no increase, and possibly a reduction.

LEG. D'AMARO:

All right. And that's based on this consulting work that you've done?

MR. PERRY:

That's correct.

LEG. D'AMARO:

Are you on this committee that was formed?

MR. PERRY:

I am on this committee.

LEG. D'AMARO:

What's the name of that committee?

MR. PERRY:

We have a Construction and Bids Committee, and we have a Budget and Finance Committee.

LEG. D'AMARO:

So you're asking the County --

MR. PERRY:

And I am Treasurer of the HOA.

LEG. D'AMARO:

You're asking the County to not go forward?

MR. PERRY:

That's correct, sir.

LEG. D'AMARO:

To perhaps not take title to this sewer treatment facility --

MR. PERRY:

-- because you can do it cheaper?

MR. PERRY:

Yes, sir.

LEG. D'AMARO:

Can you do it as well?

MR. PERRY:

Better.

LEG. D'AMARO:

Okay.

MR. PERRY:

Because we're there. We're there and we're on top of it.

LEG. D'AMARO:

Do you want to take a minute to think about that?

(*Applause*)

MR. PERRY:

Just as we are on top of anything else.

LEG. D'AMARO:

Now, let me ask you this: I think that's wonderful that you took the time out to explore that.

MR. PERRY:

Thank you.

LEG. D'AMARO:

And I think that whether you're right or wrong, the fact that you're passionate about it and you care enough, I think that's admirable.

Let me ask you this question: So if I'm convinced that had we should not go forward, that this Homeowners Association should take title, that you can do it better and cheaper, and perhaps cheaper, but the seller won't sell it to you, what do you want us to do about it?

MR. PERRY:

We want you not to take it over.

LEG. D'AMARO:

Well, then what happens?

MR. PERRY:

Let the seller keep operating it as he chooses. If you don't take it over, let them come forward. They want to negotiate with us, we're ready to negotiate. We're ready, willing and able to take this over under the conditions that you're taking it over, the same exact thing.

LEG. D'AMARO:

No, no, but you're talking to me.

MR. PERRY:

Immediately.

LEG. D'AMARO:

But the problem is the seller would not be willing to sell to the Association. So you're putting the sewer treatment facility and the quality of lives of all these individuals into this operation that you'll have no control over. And from my understanding today, this Board does not have a good relationship with the operator of that facility.

MR. PERRY:

The situation is that we do not have a good relationship. It's been on and off. We've negotiated, they've fell apart -- they fall apart. They've gone back on some of their commitments.

LEG. D'AMARO:

All right. Let me --

MR. PERRY:

They have been not been able to finalize a deal.

LEG. D'AMARO:

Let me ask you this last question. Would you be willing -- would you rather that the present owner keep the a facility, or the County take the facility and give you an opportunity to make the same presentation to the County?

MR. PERRY:

It's been our understanding from the County that once they form a sewer district --

LEG. D'AMARO:

Right.

MR. PERRY:

-- and once everything starts to roll --

LEG. D'AMARO:

Right.

MR. PERRY:

-- that there is no other option.

LEG. D'AMARO:

Okay. That it can't be undone?

MR. PERRY:

That's what I've been told.

LEG. D'AMARO:

I don't know the answer to that.

MR. PERRY:

That's what I've been told.

LEG. D'AMARO:

Yeah. I don't know the answer to that. So you would prefer if we do nothing, and the seller doesn't want to sell it to you, you'd rather just keep it in the hands of the present owner.

MR. PERRY:

We believe if you do nothing --

LEG. D'AMARO:

More than the County.

MR. PERRY:

-- we will make a deal. You are their out. When they do not come to you, they will come to us.

LEG. D'AMARO:

I don't know the answer to that either. That could be.

*(*Applause*)*

MR. PERRY:

Yes, sir.

LEG. D'AMARO:

Oh, wait a minute. You don't get to pick.

MR. PERRY:

Oh, I'm sorry, excuse me. Excuse me.

*(*Laughter*)*

LEG. D'AMARO:

I know you want to --

MR. PERRY:

Excuse me.

LEG. D'AMARO:

That's all right.

MR. PERRY:

Back off.

LEG. D'AMARO:

I appreciate it, I think it's wonderful. I've lived in several condominium communities in my day, and I understand the dynamic of what's happening here. Now, why don't you go to the members and take a vote? Why don't you put it out, as Legislator Barraga says?

MR. PERRY:

If this Legislature --

LEG. D'AMARO:

Because you already have the facts. You already can present the facts.

MR. PERRY:

Correct.

LEG. D'AMARO:

So why not -- let's see how the residents feel.

MR. PERRY:

If this Legislature would put your vote back six months to give time to educate our residents, I'm sure we would come in with a very successful report.

LEG. D'AMARO:

But why do you need six months? Do it now.

MR. PERRY:

We would, but we have 300 people in Florida.

LEG. D'AMARO:

Aha.

MR. PERRY:

That's a big -- that's a third of our contingent.

LEG. D'AMARO:

Absolutely.

MR. PERRY:

That's a factor.

LEG. D'AMARO:

Yeah, sure.

MR. PERRY:

And we want them here and we want them educated, just like everyone else.

LEG. D'AMARO:

I see, I see.

MR. PERRY:

Maybe more than 300, that's correct. Aside from the 300 plus that are -- yes, sir.

LEG. D'AMARO:

No. That's a legitimate consideration for you, I guess. All right. So I just -- I try and look at this from the County perspective, because that's primarily what I'm doing here. And I see a lot of residents who have to have a sewer treatment facility that's maintained, and I'm trying to figure out, you know, what's the best way to proceed here.

MR. PERRY:

I read the papers every day. I think Suffolk County has their hands pretty full. And we think we can do this, we can do this well.

LEG. D'AMARO:

No. But you keep saying "we," but you've never had a vote on it.

MR. PERRY:

Well, the fact is, is that if we were given the opportunity, we are sure that we could do that. We have a vote of five of -- we have an unofficial vote of the majority of the Board, and that is our go-forward. However, if we need the residents, I am sure that given the ample time, we could do that.

LEG. D'AMARO:

Very good. Thank you.

MR. PERRY:

Yes, sir. Any other questions?

P.O. GREGORY:

Yes. Legislator Lindsay has a question for you, then Legislator Stern.

MR. PERRY:

Yes, sir.

LEG. LINDSAY:

Mr. Perry thank, you so much for your presentation. Thank you for --

MR. PERRY:

Thank you, Mr. Lindsay.

LEG. LINDSAY:

A couple of questions for you. And I look at this from two different perspectives, one from the County -- you know, for me, I would love nothing more than to just say the homeowners take this over. It's one less thing the County has to worry about, it's one less liability that we would have. But then I'm trying to put myself in the homeowners' shoes and saying, "Okay, if I owned a unit in this community, how would I feel about this personally?" And so I just have a couple of questions for you from those perspectives.

One is, let's say for argument's sake that the HOA takes over the fund -- or takes over the STP. And what would happen to the reserve fund? What would guys do?

MR. PERRY:

The reserve fund that we would acquire would be 425,000, and it would be increased at a substantial number of approximately 10 to 13% every year compounded.

LEG. LINDSAY:

What kind of safeguards would be put in place to make sure that --

MR. PERRY:

Our budget right now that we have, that we have operated for two years, has \$200,000 of contingency money unaccounted for, and that's right in our -- right -- we have those numbers.

LEG. LINDSAY:

Okay.

MR. PERRY:

We could readily produce that.

LEG. LINDSAY:

Just let me finish my question. What would happen -- what kind of safeguards would be put in place to make sure someone doesn't abscond with those funds, doesn't -- the money is not poorly invested? I mean this is -- because here's what happens. Let's assume the worst, that the sewage treatment plant goes haywire, you know, refuse is poured all over the streets, there's a huge impact to the environment, you guys can't handle it, we end up getting called in and we become the backstop, and we end up having to pay the bill for it? And you're looking at me; everybody's shaking their head. It's happened before, and, ultimately, we have a whole list of properties where we're on the hook and have to clean them up. What safeguards can you -- or what guarantees can you tell us that would be put in place to make sure that doesn't happen here?

MR. PERRY:

Your Suffolk County Authority has come in -- come in, Sewer Authority has come in and looked at this plant. They said it's in excellent condition. We operate a \$5 million budget and we have a surplus every year now, and been able to put money into our capital reserve, always been in the black. And I'll tell you the truth, we have a community of quality people. And we have safeguards through our Internal Affairs, because we have an internal committee that checks on Budget and Finance, Budget and Finance checks on banking and checking. We have a -- the Einsidler Management Company who oversees as well. There are many crisscrosses to make sure there is a safety setup.

LEG. LINDSAY:

Okay. You guys have outside auditors who come in and audit?

MR. PERRY:

Yes, we do, on a quarterly basis, with annual results.

LEG. LINDSAY:

How do you protect your community, then, from the other communities, let's -- from any future litigation that may result in disputes over the rates, disputes over how the plant is run?

MR. PERRY:

Yes.

LEG. LINDSAY:

You're taking on the liability, your community is, is taking on the liability of running this plant for the other communities as well. Let's take, for example, the dispute that your community had against the current management of the plant. You know, that litigation is very costly, hiring attorneys, and going through the court system, and so forth. What protection are you going to put in place? Is it going to be an insurance policy? Is it going to be a bond? Is there going to be cash reserves? What -- you know, what safeguards are you going to put in place?

MR. PERRY:

First of all, we intend to go with the Suffolk County Sewer Authority's recommendations as to what rates are.

LEG. LINDSAY:

Okay.

MR. PERRY:

And what rates they set. And we are more than happy to go with that, and we can live with those conditions.

LEG. LINDSAY:

Okay.

MR. PERRY:

After that, we would put whatever bonding is necessary, and we will provide for that.

LEG. LINDSAY:

But who's going to set those standards? You're looking for the --

MR. PERRY:

I would think the sewer -- County can set those standards and we will jump to them.

LEG. LINDSAY:

We would have to -- and I would defer to some of my colleagues or anyone here from Public Works to tell us that those standards are set up, just to protect yourselves and protect your homeowners.

MR. PERRY:

We all agree.

LEG. LINDSAY:

Okay. Because, for myself, if I lived in one of those units, I would do this. And if you are ever going to put this before a vote to your members, I would hope you would do it in an honest way, where you're presenting all the facts. This is an open-ended liability. If these rates that you put forth, I'm sure these are factual and honest --

MR. PERRY:

Thank you.

LEG. LINDSAY:

-- but this is -- these are hard numbers. You know at the end of the year --

MR. PERRY:

Yes, sir, they are.

LEG. LINDSAY:

-- this is what you're going to pay. Whether you're with the County, that's the number that you're going to pay. This number that you have here, yes, this is the rate, but it is somewhat of an open-ended liability. There are other things that could happen where you could be reassessed at the end of the term, if the reserves are blown through and they're overused. So that's just one thing that I think you should keep in mind.

And I would echo the sentiments of my colleagues, that I would be more in favor of this if it would go before a vote before all of the members of your community, all the homeowners within your community. But thank you, thank you for your presentation.

MR. PERRY:

I understand that. Thank you.

P.O. GREGORY:

Legislator Stern.

MR. PERRY:

Any other questions?

LEG. STERN:

Thank you, Mr. Presiding Officer.

MR. PERRY:

Yes, Mr. Stern.

LEG. STERN:

Joe, there are eight Board Members total.

MR. PERRY:

There is seven Board Members, and there are -- and then there are five condo Presidents. Seven Board Members are voting. All together, you have 12 members, 12 Board Members, seven are voting, five are passive.

LEG. STERN:

And, though, I think we all understand that there's been no formal vote, there's been no resolution --

MR. PERRY:

There's been no formal vote.

LEG. STERN:

At this point, if you're taking a head count --

MR. PERRY:

As I have personally spoken to the 12, I have nine in favor, three opposed.

LEG. STERN:

And as you point out, is we can all appreciate that there's an awful lot of residents who have already made the trip down to Florida or --

MR. PERRY:

Yes.

LEG. STERN:

-- warmer climates. I'm sure more are going soon. God bless them.

MR. PERRY:

Don't we all wish.

LEG. STERN:

But I'm sure the -- I'm sure the community has contact information with residents who are down in Florida. You have their Florida addresses, you have their Florida emails. Is it -- would it be possible to be able to get in touch in some way? I understand it's an informal way, but there's got to be a way that the community has to get in touch with their residents that spend an awful lot of time down south.

MR. PERRY:

We are starting our town hall meetings as of next Monday night. We will do next Monday night, we will do the following Monday night, and we will do as many as are necessary, pro and con, to educate everyone in the community. After they see all the facts, then they could decide and say how they feel. Those that are out of town will do the best we can, but it's going to take time.

LEG. STERN:

Thank you.

MR. PERRY:

Okay.

P.O. GREGORY:

Mr. Perry.

MR. PERRY:

Yes, sir.

P.O. GREGORY:

I have some questions. Okay. So you just stated that you have nine -- nine-three in favor of taking over?

MR. PERRY:

Informally --

P.O. GREGORY:

Informally.

MR. PERRY:

-- my speaking to each of those people, I have nine that have said that they unconditionally feel we should take it over.

P.O. GREGORY:

If you have such a large majority, it seems, informally in favor, why not take a formal vote?

MR. PERRY:

You know something, we really thought this meeting was not going to happen. We thought we were very close with the Benjamin Kaplan Group to having this just pass through and we were taking over, and we didn't think it had to come that way. So, at a Board meeting, we could definitely take a vote at our December meeting, if that was what this Legislator felt would be good.

P.O. GREGORY:

Okay. There was something else I found a little bit disturbing, and I hope -- I'm going to question -- I'm going to question you how I heard it.

MR. PERRY:

Bring it on.

P.O. GREGORY:

I'm not sure if I heard it correctly. You stated that you felt that the County, if the County were -- you don't want the County to go forward today with it, because then that would give you, you, the HOA, the leverage to negotiate with the Benjamin Group; was that correct?

MR. PERRY:

I said that, yes.

P.O. GREGORY:

Okay.

MR. PERRY:

If the Benjamins feel they are losing money and they want to just walk away from the plant, we are ready to take it tomorrow. Under the conditions the County is taking it, we're ready to take it under those -- we are ready, willing and able to take it under those same conditions, and if the County takes it, we lose our option.

P.O. GREGORY:

I interpret what you said as, and correct me if I'm wrong, you would be in a better position if the County's not so -- is a little reluctant to take it over, which to me, if you're serious about taking it over, you wouldn't necessarily wait until the County to put you in a favorable position, you would just go ahead and try and negotiate with them.

MR. PERRY:

We have, sir.

P.O. GREGORY:

But you haven't taken a formal -- you can't -- how can you negotiate if you haven't taken a formal position as a Board and from the community, right? I mean, if someone comes to me and says, "I want to negotiate with you" --

MR. PERRY:

You know --

P.O. GREGORY:

-- and I'd say, "You don't really have the authority to negotiate with me, you know, go get the authority."

MR. PERRY:

It's very hard to go to the community with a variable offer that has changed on multiple times from the Benjamin Group. And if that offer was once put in writing and said, "This is my offer," believe me, we would have been to everyone immediately. But the offer starts at this one today, it goes to this offer tomorrow, it's a different offer; the County gets into the picture, now there's no offer, because maybe your offer is better than our offer was, but it's not better for us. It's not better for those 300 people who are on fixed incomes who are going to get 240% increases in their sewer rates, direct billing.

P.O. GREGORY:

But you're also making, I think, and I'm not an expert in this field, but you're making, from my perspective, my layman's perspective, a huge assumption that even if the Benjamin Group were willing to negotiate with you, that they would give it to you as if they -- pursuant to the terms that they would give to the County. What if they said, "All right, we'll hand it over to you, but give us a million dollars"?

MR. PERRY:

If they're willing to give it to the County under those conditions and walk away, why not us?

P.O. GREGORY:

Maybe they're not willing to.

MR. PERRY:

We're the ones who made them million of dollars in the construction here. We're the ones who have gone ahead and paid for nine years in excess of \$3,000 per year, so that they accumulated another 200 and -- 2,700,000 in extra fees before the sewer rate -- before the Suffolk County Authority came in and corrected that rate.

P.O. GREGORY:

I don't want to argue that. I'm just --

MR. PERRY:

I'm sorry.

P.O. GREGORY:

My point was you're making an assumption that may not necessarily be the case, and you should factor that into your calculations, that's all.

MR. PERRY:

Thank you.

P.O. GREGORY:

Thank you. Thank you for your time.

MR. PERRY:

Anything else? Mr. Stern?

*(*Laughter*)*

LEG. STERN:

One more quick question, and without going too deeply into legal arguments. The question was asked of Mr. Werfel before, and I'll ask you now, understanding that you've been told that perhaps once the County takes possession, that there may be an issue as to whether or not we would then have the ability to then transfer it over to the HOA, assuming that that was a legal possibility, that if the County had possession, or was to perhaps come into possession of the sewer treatment plant at some point in the future, and if we had the ability, following proper procedure, of course, to then make a transfer over to the HOA, would that be something that you would want to pursue? And I guess the question here is do you think that that's something that the Board and perhaps the rest of the community would be perhaps even more likely to sign on to than perhaps go down a long, drawn-out, protracted road with the Benjamin Group?

MR. PERRY:

I'm sure that if the County had the ability, which I'm told they would not do, to change and take it over momentarily, and then pass it to us under the same conditions, so be it, ready to go.

LEG. STERN:

Very good. Thank you.

MR. PERRY:

Yes, sir, Mr. Spencer.

*(*Laughter*)*

P.O. GREGORY:

Thank you.

LEG. SPENCER:

I wanted to really -- as one of the representatives of Huntington, what the desire of the community is. And one of the things that you had indicated is that if you take over, you could save a significant amount of money. And does that come from that you're able to do things at a much less cost than the County can do them?

MR. PERRY:

Yes, sir.

LEG. SPENCER:

Okay.

MR. PERRY:

That's the first part. And the second part, that this community -- this committee now has renegotiated contracts that existed in The Greens and saved in excess of \$600,000 in the two-year period.

LEG. SPENCER:

And, I guess, while -- you know, I've been listening to some of the testimony, and just had the opportunity to just kind of search STPs, and I tend to agree with you from an operations cost. I think one of my concerns, and I'm hoping you guys have taken this into consideration, is that if there are situations where there's catastrophic failures, whether or not there's overflow, or equipment failure, when you're dealing with these types of plants, you have to be able to replace that equipment immediately on an emergency basis, and that's typically where the operations costs go through the roof. And you're looking at a young plant at this particular point. As the plant starts to get older, you start to -- start to have more failure.

Have you taken into analysis -- because, you know, typically the County, we're not taking on these things where there is any financial gain to us. We do things that it's hard for a town to do, not less, you know, an association to be able to do. So, you know, I'm of a mind that if you want it, that -- and that's the will of the community, that you can have it. But I don't want, you know, five or ten years from now, that there is -- beyond the operational costs, that there's maintenance costs with regards to the infrastructure, and emergency failure costs, there are cleanup costs. Have you factored that into the analysis?

MR. PERRY:

Yes. We factored into that extra -- aside from the 425,000, that extra 40 to 60,000 per year, we anticipate in the next seven to ten years, we'll have in excess of a million dollars in our reserve just

for the sewer treatment plant.

In addition, everybody's been talking about rate, but there are other factors here. This is eight acres of property that will be given also as well, and that eight acres provides other additional benefits to The Greens. It provides additional parking, it provides an area for a dog run, for other amenities that we can supply to our community and our residents. There's a number of other things that are benefits. This is not only a dollars and cents, although the dollars and cents is primary.

LEG. SPENCER:

Thank you, sir.

MR. PERRY:

Thank you sir.

P.O. GREGORY:

Thank you, Mr. Perry.

MR. PERRY:

Thank you.

*(*Applause*)*

P.O. GREGORY:

All right. Jack Solomons, and then on deck, Dominick Minerva. Did you hear me, Mr. Minerva? You're on deck.

MR. SOLOMONS:

Yes. Good afternoon, Members. My name is Jack Solomons. I'm the longest serving member on the HOA. I served two years and seven months as President of Phase 5, and I was President of the HOA for five years, and I'm in my fifth year -- my fifth term as elected to Board of Directors.

And I had a speech prepared, but before I go into my speech, I would like to offer to the Legislators this box of 203 nos by people who sent emails Michael Yesner and myself. And we had a very short notice, because we did not know or were informed about this meeting by our own HOA. We were informed by SBJ. Russell Mohr called me up and said, "You were not at the last meeting we had with three Legislators, and we specifically asked that you and Mike Yesner be there," and we were shocked. And that's when we found out about this meeting, and that's when Mike and I had two days to get those 203 nos from the community. We had about 99% of people that said yes, and we had maybe three or four people that said no. And it's true, 30 to 40% of the people at The Greens are away in Florida. You can't get a hold of them, they're not around.

I was there from the very beginning, folks. I know what went down with the sewer treatment plant, how it started. I know how we got all the money through lawsuits that I instigated. And I won't go into that now, you can ask me about that later. And, incidentally, I gave you handouts of the offering that says the sewer treatment plant must be turned over to a sewer agency. And, more importantly, I gave you a resolution, 2000, endorsed by Steve Israel and Supervisor Petrone, and all said yay, and that was back in September of 2000, September 12th, 2000. And it specifically says in there, if you read it, the -- I have to put my glasses on, I'm sorry. It says in there, "The applicant will upgrade existing sewer treatment facility and the approximately 15 1/2 acre site will be dedicated to the Suffolk County Department of Public Works to operate and maintain the facility." To me, the Town said that, that's what we should do.

So I'd like to read my letter, and then you could ask me all the questions you want, and as to how we accumulated all this money that Mr. Perry talks about that we can throw around as if it was confetti.

P.O. GREGORY:

Sir, your -- unfortunately, your time has just expired. But you can hand in your letter and it will be distributed to all the Legislators.

MR. SOLOMONS:

Sure.

P.O. GREGORY:

Okay? Thank you, sir. Mr. Dominick Minerva.

LEG. STERN:

Hold on, a question.

P.O. GREGORY:

Oh, I'm sorry.

MR. SOLOMONS:

Are there any questions?

P.O. GREGORY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. And thank you for being with us today. Your perspective is I think important, because you do have history there. You are purporting to represent a portion of the community that you're saying -- you've handed in how many?

MR. SOLOMONS:

Two hundred --

LEG. STERN:

It's correspondence? What has been handed in?

MR. SOLOMONS:

In two days we did this, we got these 203 votes by email.

LEG. STERN:

They are 203 votes for or against what exactly?

MR. SOLOMONS:

Against, everyone was against.

LEG. STERN:

Against what? They are against what? I don't know how the -- I don't know how the question was phrased, so I don't know what they voted against.

MR. SOLOMONS:

Taking over the sewer treatment plant by the HOA.

LEG. STERN:

The assumption of the sewer treatment plant on the part of the HOA?

MR. SOLOMONS:

They do not want the HOA to take over the sewer treatment plant.

LEG. STERN:

Okay. And I guess the question would be what type of information, if any, had gone out to those residents?

MR. SOLOMONS:

None, none, absolutely none. And I'm on the Board, and Mike Yesner, who will speak, is on the Board. We're the pariahs on the Board. We're the ones always asking the questions. And the reason that we have so much money is because of these two -- these two documents that I gave you I brought to the Board, and Richard Hamburger was there. And because of these two papers, we started an action against the sewer treatment plant. We were paying \$55,106 a month on our water bill, and Judge Pines said we were being overcharged 53%, and we now pay \$25,160 a month, or a \$360,000 a year savings that I saved them, because Richard said, "It's the best lawsuit we have and Jack Solomons gets full credit for it." And then I could tell you other things that I brought up and saved us a lot of money, lots of money.

LEG. STERN:

You're familiar with the financial aspect, you're very familiar with the numbers.

MR. SOLOMONS:

Yes. I'd like to also say how this sewer treatment plant business got started. It was back about a year ago in November when we received a letter from Mr. Rosenberg, who represents Steve Kaplan, said he was going to walk away from the plant on the 31st first of December. Right away, Richard Hamburger said, our lawyer, we can take over this sewer treatment plant and make money. I said, "How can you do that? We're a not-for-profit corporation." He said we could get outside people and form a corporation. I still don't know how the money would come back to a nonprofit under New York State Corporation Law, but that's the answer that I got. And he was pushing it because he said we had 130 gallons more capacity, and we could always bring more people in if they built more condominiums. And I said, "Well, where's the land to build condominiums?" "Well, maybe five or fifteen years from now that will happen? That's how it started.

And then on July 18th, they again decided to walk away, Mr. Kaplan, from the sewer treatment plant, and, again, there was a big hullabaloo, and I said, "Well, let's wait until July 18th," because I doubt very much if the Department of Public Works would let him walk away and leave 2,000 people who couldn't flush their toilets, and, of course, he did not walk away.

And I would like to say that we were told by SBJ, and Denise Coyne probably could confirm this, that that \$209 more per unit, she told me it would be per unit, whether it's a villa or an affordable. That would be added onto the -- it would make up an aggregate of \$479 per unit, period, for the water treatment plant, if the County took it over. Now, I don't know. Denise, is that correct? Why don't you stand up, or whoever back there, if that's what you told me.

LEG. STERN:

No, sir. It's a --

MR. SOLOMONS:

Yeah.

LEG. STERN:

Can't do it that way.

MR. SOLOMONS:

Okay.

LEG. STERN:

But going off of those numbers, then, did you have the opportunity to take a look at the memorandum that was distributed regarding the numbers? I guess --

MR. SOLOMONS:

No, I have not, no.

LEG. STERN:

-- I'm interested to get your thoughts on it.

MR. SOLOMONS:

None of those things were given to me and to Mike Yesner. We are -- we are kept in the -- it's a group of people that play golf together, go out together, and play tennis together, and we don't do that. And we are on the outside, and I know this, and it happens.

LEG. STERN:

So you are opposed to the HOA taking it over, yes?

MR. SOLOMONS:

Yes.

LEG. STERN:

In a nutshell, if you can share with all of us succinctly, why?

MR. SOLOMONS:

Well, first of all, I think it was Mr. Kennedy or -- one Of you Legislators said you're taking over a young plant. Well, that is not what Mr. Weiss of H2M said when he inspected the plant. And he said you're taking over a plant that has a 25-year shelf life and it's 13 years old. And he said the biggest piece of equipment in there is the generator, and if that goes, it's \$150,000. And we do have money in there now, because we got rid of a property management company that was charging us \$288,000, and we have a management company that charges us \$129,000. We had Jamaica Ash that was charging us \$13,133.52 a month, and I got a company that charges us \$9,375 a month. And there are other things that I have done to bring in money for us to do these improvements at The Greens.

I am dead set against us taking over this. And I guess this Resolution 661, back in 2000, that doesn't mean anything to you people, that it says that the County must take it over? What does that mean? A contract is a contract. This is -- this is 2000 and -- 2000. The Greens was only started to be built in the year 2002. Are there any questions?

P.O. GREGORY:

We actually have two more. Legislator Trotta and Legislator D'Amaro.

LEG. TROTТА:

Just a quick one. I mean, you seem like a guy who's on the ball, looking to save money. If this, in fact, once you look at it and they share this with you, and they can prove to you that it saves money, and it seems like, you know, based upon what you've been doing managing your own

company, you're very good at that, would you then be willing?

MR. SOLOMONS:

I don't believe certain members of the Board have -- they've been disingenuous (sic) to you about saving money. We don't even see bids and contracts.

P.O. GREGORY:

Legislator D'Amaro.

LEG. D'AMARO:

So you're not convinced you'd save money?

MR. SOLOMONS:

Absolutely not.

LEG. D'AMARO:

And you're concerned about the capital cost going forward as the plant ages?

MR. SOLOMONS:

Yes. And, also, I am concerned that --

LEG. D'AMARO:

Wait. Aren't you on the Board? Did you say you're on the Board?

MR. SOLOMONS:

Yes.

LEG. D'AMARO:

And you haven't seen any of the financial data?

MR. SOLOMONS:

No. I've asked for them 15 times. And Mike Yesner is here. We've written to our President, and under the bylaws, it says any resident can look at the books and records on one-month notice. We were given two hours and 15 minutes. In fact, the company we just hired, the management company, has in their contract that they can get the books and records from the management company, and that they can copy them at no cost, or if it's a resident, it would be five cents a page. Well, at the last meeting, they struck that all out of that management company.

LEG. D'AMARO:

All right. Wait a minute, let's not -- so have you done your own analysis? I mean, are you just disagreeing without seeing it, you just --

MR. SOLOMONS:

I have not been brought into this. I'm not on the committee. The committee has not made a report to me that I know of, the Sewer Committee. And I don't know if their figures are right or wrong.

LEG. D'AMARO:

Neither do I, right. So have you -- so what's your opposition based on, just that you don't have enough information?

MR. SOLOMONS:

My opposition is based on those three hundred and -- two hundred and one -- three people that I brought here. Had we have had another week, I assure you, we would have had 500 or 600.

LEG. D'AMARO:

Yeah. It's a very complex analysis to determine whether or not an association can take title and run this plant. It's very complicated to figure that out.

MR. SOLOMONS:

Well, I don't think under the bylaws we have the right to do that, sir.

LEG. D'AMARO:

Well, and that's a whole other level of argument that, you know, you'd have to consider. So there are many unresolved issues here.

MR. SOLOMONS:

Absolutely right.

LEG. D'AMARO:

But what I do know is I see some documentation, and representations, and SEQRA resolutions, and in other -- in the offering plan stating that the County would take title to this facility.

MR. SOLOMONS:

That's correct.

LEG. D'AMARO:

Right. Okay. Thank you.

MR. SOLOMONS:

You're welcome. Thank you.

P.O. GREGORY:

Thank you, sir. Okay. Dominick Minerva, and the then Herbert Schoenfeld.

AUDIENCE MEMBER:

Mr. Minerva is gone.

P.O. GREGORY:

Mr. Minerva is gone? Okay, thank you. Mr. Schoenfeld, and then on deck, is Marc Bellow. Okay, you're next, sir.

MR. SCHOENFELD:

You know, I don't even know where to start, because I've heard so much today, but my name is Herb Schoenfeld and I am the President of the Homeowners Association at The Greens. I mean, I don't even know if I should give my speech, because a lot of it was covered. But if we were against having the community involved, why would we have hired buses today to bring everybody here?

MR. SOLOMONS:

One bus.

MR. SCHOENFELD:

Not necessary, Jack, all right? So, as you can see, most of the votes we take in our Board, including accepting the minutes for the month, it's a 5-to-2 vote, so you know what you have here to start.

You talk about 203 emails. If I sent an email out, "Would you like to jump off the Empire State Building," you're going to say, "No, I won't." That's what the emails were. "Do you want an HOA plan?" How could anybody even answer that? So they said, "No, I don't want it, because I don't

have the information." We intend to get that information to the community, but we had to know how this hearing was going to go. And I didn't want to share it with the community, because we have certain people who would have taken it and sent to the community again misinformation, based on what I would have written. I promised the community we would do it.

We're having the first meeting on Monday night to set up the -- so people can listen to it. And representative Legislator Stern stated maybe we can get it done on email through the people in Florida. We can do that, because they have a Greens community down there. Maybe we can get them to meet. We can do it with some kind of televideo to them and find out their opinion. But we have to get them to know the truth, and what is the truth? The truth is we live in a senior citizen community, senior citizen. Keep that in mind. And what does that mean? Now for the same service we're getting on December 31st, comes January 1st, we're paying an additional 247,000 for having our garbage disposed of. You tell me that's fair. You tell me that's what should happen to a senior community. I don't think so.

And let's look at all the numbers you received. Two hundred and nine dollars a unit. Does anybody bother to multiply by 1144? Well, that's 247,000, that's what it comes to. So I don't want to hear anymore it's \$17.50 a month. It's 247,000 a year additional money.

You talk about all the things we have to do and determine how we're going to pay for everything. Well, we know we can pay for it, but let's take the numbers. For five years, we pay the County an extra 250,000. That's a million-two-fifty, plus 3% compounded every year. If we had -- and if we didn't have the County take it over, what would happen if we had one massive problem for 250,000? We just go to the community and say, "Let's pay for the 250,000," we just saved a million dollars. Now that's the way to look at this. I'm a CPA by trade, doing this for 60 years. We've looked at the numbers.

So, now, if you don't mind, I'll get into my speech, because I have 18 seconds left. But all I want to say is that when I took over as President, and it's not to boast, and I'm not doing it for that, because that's not my thing here, what we did was form committees of everybody in our community who could do insurance, investment banking, investments, finance, construction, anything, anything we had to do. Now just bear with me for a second. The reason we did that, we have 100 people in our community that have come forward and give their time free. We couldn't buy this talent anywhere. These are the people that are making the decision. And I believe when our community understands all this and understands the numbers, they will vote for it when we decide, if that's what we decide, to go to a referendum. Thank you.

*(*Applause*)*

P.O. GREGORY:

Thank you, Mr. Schoenfeld. You can hand over your -- you can hand your comments to the Clerk there and he'll distribute it.

MR. SCHOENFELD:

Well, I just made them up.

P.O. GREGORY:

Oh, okay. I thought you had a written -- okay.

*(*Laughter*)*

MR. SCHOENFELD:

That's off the cuff.

P.O. GREGORY:

Oh, no, I thought you said you had a prepared speech.

MR. SCHOENFELD:

I did, but it's nothing that I just said.

P.O. GREGORY:

Okay. That's all right. Legislator Stern.

MR. SCHOENFELD:

I'm just answering all the questions that were -- all the things that were thrown out.

P.O. GREGORY:

Okay, gotcha. Legislator Stern.

LEG. STERN:

Yes. Thank you, Mr. Presiding Officer. And, Herb, hello to you.

MR. SCHOENFELD:

How do you do, Steve?

LEG. STERN:

So the plan is to bring the community into the fold.

MR. SCHOENFELD:

Yes.

LEG. STERN:

To get the word out, to hold a town hall meeting of sorts on the premises. Tell us, because I'm sure all of my colleagues would want to know, specifically how you plan to go forward, and include the maximum amount of residents that you possibly can in order to have this meaningful conversation.

MR. SCHOENFELD:

Well, we're starting Monday night. We're calling for a town hall meeting. We do it at the high school, West Hills, West High School, and we're doing that. We already called them today. It's available Monday night, it's available the next Monday night. So we will have the town hall meetings. We'll let Mr. Solomons and Mr. Yesner come and present their side. We'll have everybody else present their side. The -- Fred Werfel will be there and his committee, the Budget Committee will be there, the Board Members will be there. And if I tell you right now that we took a consensus and the Board -- the voting Board is five to two to go ahead, that's the truth, we did that. And I received a phone call yesterday from Country Pointe, and Country Pointe said they're with us 100%. They're supposed to send an email to Mr. Hamburger. He may know about that. Anything else?

LEG. STERN:

Just to confirm it, because I --

MR. SCHOENFELD:

I'm sorry.

LEG. STERN:

-- have it at the end there. But your outreach efforts will also include members of the community of the other connectees that will be --

MR. SCHOENFELD:

If they want to come, they're more than welcome.

LEG. STERN:

If know they notice an opportunity to participate in those meetings going forward.

MR. SCHOENFELD:

Yes. We're going to do that, because the connectees are really not concerned, because what is their concern? The Benjamin Kaplan Group, whatever you want to call them, SBJ, ran this for 11 years, so 12 years that they say, and all they've done is they hired a company to operate it. They have never been there, they don't go there. You're asking us do we have to be there. We don't have to be there, we have a company that runs it. They're there 24/7. We hire them on a contract. They pick up the sludge. It has no pollution contract, but we're getting a pollution insurance contract just in case, so we protect everybody. But the point is we want everybody to know that what we're doing. And we know we could run it better. We can easily run it better than the County, because the County has the union cost involved. They can't possibly beat our cost. It's absolutely impossible for them to come in lower than we can.

LEG. STERN:

Thank you.

D.P.O. SCHNEIDERMAN:

All right. Legislator McCaffrey.

LEG. MC CAFFREY:

Yeah. Mr. Schoenfeld, I -- right here, I had a question for you. I've sat on a lot of Boards, and before this, I was the Deputy Mayor where I lived in a village. And before we would do something like this, go as far as you have in terms of prepare an outreach, and hired all these people, what I'm concerned about, what I don't understand is why you haven't taken a vote of even just your vote, your voting members of the Board. That's what I'm having trouble understanding what --

MR. SCHOENFELD:

Because we've taken a consensus of the Board, because we know what the vote will be. The vote will be five to two. We know what it's going to be. We know exactly right now what the vote will be. If we took the vote right now, it would be five to two.

AUDIENCE MEMBER:

There are five members here.

LEG. MC CAFFREY:

Okay. Well, why didn't you -- why didn't you -- and I'm not sticking up for anybody, I'm just trying to sort through the facts here. Why didn't you share the information with the Board Members? I could understand maybe not sharing it to everybody else out there, but don't they have, and I don't --

MR. SCHOENFELD:

Yes, correct.

LEG. MC CAFFREY:

-- particularly know your bylaws, but shouldn't you have, or wouldn't you -- shouldn't you have shared that information with them?

MR. SCHOENFELD:

If you believe Mr. Solomons, that it was not shared, that's fine. The point is every single month, our attorney, Richard Hamburger, comes to the Board and gives a legal report, and in that legal report is always -- one of the items is always about the STP, what's going on, what's the legal -- and at the last meeting, he told them that we were going to have a County meeting today. So I don't buy that; you should not listen to that.

LEG. MC CAFFREY:

I shouldn't listen to the --

MR. SCHOENFELD:

What Mr. Solomons said, because it's not true. Our attorney definitely told everybody at the last Board meeting at the beginning of November that there's a meeting today at the County.

LEG. MC CAFFREY:

But, generally, on -- wouldn't you vote on things as a matter of practice. When you approve a contract with somebody, you would vote if they were going to hire somebody, or even expending -- did you expend money to be able to get these studies done, and things like that?

MR. SCHOENFELD:

No, studies were free. We had to just pay Mr. Chiarelli, Who has run 60 sewer plants on Long Island, is hired by 60 sewer plants, we paid him maybe \$5,000 so far. He's the only expense we've had. Everything was done by the community and their input.

LEG. MC CAFFREY:

Okay. And the last thing is, because I'm -- there appears to be a split. And I think you need to educate the people, and I understand the problem that you have in terms of people being down in Florida. And I think you hear loud and clear from a lot of us that we're feeling that this should be something that should be a vote put to the members, and we feel it should be a -- you know, at least I do, and I think a few of my -- the fellow Legislators here believe that this should be something that should be a binding vote if and when you do have that vote.

MR. SCHOENFELD:

Okay. May I say this? According to our attorney, our bylaws do not call for that. Our bylaws do not call -- it's a two-thirds vote to pass a bylaw. So it's not called for for this situation, and he says it's legal to do it. But that doesn't mean we don't want to get the majority opinion. But once we get the majority opinion, I still think it's incumbent upon this very high paid board that we have to go out and make that decision. And it's a tough decision, but it's the right decision for our community, and they'll appreciate it down the road, because we can cover everything we have to do, we do not have a problem.

LEG. MC CAFFREY:

Right. And I could understand that we also have a tough decision to make here as well, so --

MR. SCHOENFELD:

You do, but you're elected and you get paid, big difference.

*(*Laughter*)*

LEG. MC CAFFREY:

Okay. You get elected as well.

MR. SCHOENFELD:

I was never -- no, I was never elected. As Mr. Solomons told you, I was appointed.

LEG. MC CAFFREY:

Oh, you're appointed?

MR. SCHOENFELD:

I was appointed, yes.

LEG. MC CAFFREY:

I've been appointed and elected to boards that never paid me anything, so we all make difficult decisions.

MR. SCHOENFELD:

In fact, we should probably triple our pay today.

LEG. MC CAFFREY:

Absolutely.

D.P.O. SCHNEIDERMAN:

Don't go anywhere, yet. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Good afternoon.

MR. SCHOENFELD:

How are you?

LEG. D'AMARO:

Good. Do you believe that your association has the authority to take title and run this facility under the bylaws and the declaration as they exist today?

MR. SCHOENFELD:

Yes.

LEG. D'AMARO:

You do. What's the basis of that?

MR. SCHOENFELD:

Our attorney has given us an opinion. He disagrees with the SBJ Benjamin Group.

LEG. D'AMARO:

Okay.

MR. SCHOENFELD:

He thinks their determination is wrong and ours is correct.

LEG. D'AMARO:

All right. So that's an issue in dispute.

MR. SCHOENFELD:

We sent them memos on it.

LEG. D'AMARO:

Right, but that's an issue that's in dispute.

MR. SCHOENFELD:

We understand.

LEG. D'AMARO:

From the County perspective, I guess we have to consider a policy. You know, is -- should the -- should a sewer treatment facility that is servicing so many County residents remain in private hands? That's a consideration on our side that we need to think about.

MR. SCHOENFELD:

Can I answer that?

LEG. D'AMARO:

Because -- and we've talked a little bit about this today with respect to, you know, what if there's a catastrophic problem with the plant, what if there's an emergency situation with the plant, and things like that. Now I understand there are operators. I know the Benjamin Group doesn't run it, and I know you won't be in there running it, and I know that there'll be a consultant or a company hired to do that. But just as a matter of policy, one of the things I think about, I know there's been a trend over the several years that I've been here for the County to acquire private treatment plants, and that's a discussion that we'll have with our Department of Public Works as to what's the justification behind those policies.

MR. SCHOENFELD:

Okay. Could I answer one part of that, or do you have a question.

LEG. D'AMARO:

Well, yeah, you can comment, yeah.

MR. SCHOENFELD:

One part I wanted to answer, if -- Blue Ridge, which is in somebody's district here, has 850 units. They've been running their sewer plant for 30 years. That's private. They have connectees.

LEG. D'AMARO:

Right, but for every --

MR. SCHOENFELD:

In fact, Mr. Werfel, one of his companies.

LEG. D'AMARO:

For every plant that you pick out, you know, we could pick one out, too, that wasn't run -- that's not the point I'm trying to make. The point I'm trying to make is as a matter of policy and what direction we're going with sewer treatment facilities that can, if they're not run properly, or have some kind of catastrophic event, could severely damage the environment and impact a lot of people.

MR. SCHOENFELD:

We understand that.

LEG. D'AMARO:

Right, and I know you do. So this is from a policy-making perspective, one of the considerations we have. So you believe you have the authority to do it. You believe it can be run efficiently. You

believe it can be run more cost effective for your residents, correct?

MR. SCHOENFELD:

Yes.

LEG. D'AMARO:

Okay. Tell me why we should stop this process now? What's preventing you from going ahead and pursuing your negotiations with the owner?

MR. SCHOENFELD:

Because, if you can tell me -- the owner is here. If he's willing to come up here right now and negotiate --

LEG. D'AMARO:

Well, no, they said they're not willing to negotiate with you.

MR. SCHOENFELD:

So what are we supposed to do?

LEG. D'AMARO:

So, well, based on that, why would I stop this process?

MR. SCHOENFELD:

Okay. So let me tell you what happened on November 7th.

LEG. D'AMARO:

Okay.

MR. SCHOENFELD:

The meeting that Russell Mohr, I think, spoke about on November 7th. We were at that meeting, and the only reason they're probably giving the 425,000 to the County, because we insisted that that's the way the County should go, and that's the way we should go, and that the County is going to get that money. So that's the one thing. The other thing was they were ready to negotiate with us. They wanted an indemnification from us. We were willing to give them some sort of an indemnification. Did you hear that today from them? I didn't hear it. So they pulled back on their deal right away. Then, when they yell at us because we don't have all our Board Members there, they couldn't go on with this. Why? Because we don't have all our partners here. So, you know, it's a game they're playing. That's all they're playing is a game.

LEG. D'AMARO:

Yeah. I don't necessarily disagree with you. I'm not there, I'm not privy to any of this. But we have a process that's ongoing here, and we have a willing seller, willing to dedicate this facility to the County. That's what was disclosed in the offering plan, at least a portion that I've seen of it. That's what was in the SEQRA determination. That's what was disclosed when all of the homeowners took title to their units. And I'm not saying that you necessarily -- the association should not necessarily have it, but we have a process that's moving forward here, and not only is it moving forward, but the owner of the facility is telling us in that process that they want to dedicate it to the County, and they're not willing to dedicate it to the association. So, I mean, how long would you want us to wait?

MR. SCHOENFELD:

I -- the time that we need to wait is enough time to get them to come and negotiate. I can't answer that question, because you can set up the sewer district. Wait a couple of months. We're willing to

pay even a fair sure to the County, a little more if they take over for a few months.

LEG. D'AMARO:

I'm not looking --

MR. SCHOENFELD:

I can't give you an answer on that.

LEG. D'AMARO:

Just I don't see how delaying our process here is helping you.

MR. SCHOENFELD:

Well, what you're doing, it may help the County, but you're certainly hurting your residents.

LEG. D'AMARO:

No, no.

MR. SCHOENFELD:

Yes, you are.

LEG. D'AMARO:

I'm asking you --

MR. SCHOENFELD:

Twenty-one hundred residents, that's what you're hurting, senior citizens.

LEG. D'AMARO:

Sir, no.

MR. SCHOENFELD:

That's what you're doing.

LEG. D'AMARO:

If you're not going to have a rational conversation with me, I'm not going to continue.

MR. SCHOENFELD:

Okay.

LEG. D'AMARO:

I'm not hurting anyone, I'm trying to have a discussion.

MR. SCHOENFELD:

You're saying to me --

LEG. D'AMARO:

What I'm saying to you --

MR. SCHOENFELD:

-- you have to go forward.

LEG. D'AMARO:

What I'm saying to you is if in the face of the owner of this plant saying they are not willing to sell it to the association, what is the point of delaying this process?

MR. SCHOENFELD:

I can't answer that. All I'm asking the County is to delay the process, we have a chance to sit down and talk to them, because I think they will make a deal.

LEG. D'AMARO:

But what's the basis? I mean, I think --

MR. SCHOENFELD:

The basis is if you're willing to go ahead --

LEG. D'AMARO:

But they were here today and told us they're not willing to make that deal.

MR. SCHOENFELD:

That's today, because they want you to pass the sewer district. If you delayed it two months, they have nowhere to go. And if you delay it, they have to come to us.

LEG. D'AMARO:

So you're saying that you would need two months?

MR. SCHOENFELD:

Maybe, hopefully less.

LEG. D'AMARO:

But -- well, give me a number.

MR. SCHOENFELD:

How can I give you a number?

LEG. D'AMARO:

You're asking me to stop a procedure, a process, a governmental process that's going on right now. So, you know, you have to be a little more specific. Are you asking me to wait a week or ten weeks?

MR. SCHOENFELD:

No. I would say within two months we could probably get a deal.

LEG. D'AMARO:

Okay. Thank you.

D.P.O. SCHNEIDERMAN:

Legislator Barraga.

LEG. BARRAGA:

Mr. Schoenfeld, thank you for testifying.

MR. SCHOENFELD:

Yes.

LEG. BARRAGA:

Let me ask you a question or two. You had indicated in your testimony that in short order, you'll be reaching out to the 2100 seniors to school them, or at least provide the facts with reference to this particular issue. Once that is done, does the HOA have the power, if they wished to, to call for a

binding referendum on the issue, so that the residents can go out and make their position known, and would you consider doing that?

MR. SCHOENFELD:

Well, that's again an interesting point. But, again, we'd have to find -- the people in Florida are the big thing, because about 40% of our people will be gone once we go past Thanksgiving. So it does become a problem for us to get involved in everybody. But we're going out to the public now, and we'll get the pulse of the people that are here, and we will get to the people in Florida if we have to write them a letter, whatever we have to do to get their feeling on it once we give them all the facts, which we plan to do. Once we do that, I think it's the Board's decision, once we have the majority decision from the community, how it will go. Right now, we think the community will go with us.

LEG. BARRAGA:

Well, once you reach out to the people in Florida and provide them with whatever information they have, at that point, your Board will meet, you do have the right to vote for a binding referendum.

MR. SCHOENFELD:

We don't think that's necessary. We just need --

LEG. BARRAGA:

So you're saying you would not go down that road, you would not authorize -- your Board would not authorize a binding referendum?

MR. SCHOENFELD:

I don't think we have to. And I think we will get enough input from our community, once they understand the facts, that we will be able to go forward as a Board.

LEG. BARRAGA:

But you don't feel positive enough with regard to your issue to put it out to the general public, to your 2100 seniors, and let them make the final decision?

MR. SCHOENFELD:

Again, that will be a decision. We have a Board meeting coming up.

LEG. BARRAGA:

But you're not supporting that?

MR. SCHOENFELD:

I -- right now, no. But December 8th, we have a Board meeting, and we'll talk about it with the Board and decide what to do. If the Board decides that we should a referendum, that's what we'll do. I live there like everyone else. I want everybody to be happy that they live there. We have a great community, probably the largest on Long Island, as far as for seniors, and I'm willing to do that.

LEG. BARRAGA:

It's a fundamental democratic concept of letting the people decide, let them make the final decision. I don't know what you'd be a fried of or have any doubts about it. All you're doing in that case --

MR. SCHOENFELD:

Well, you have to explain to me --

LEG. BARRAGA:

-- is passing it on --

MR. SCHOENFELD:

Okay.

LEG. BARRAGA:

Passing it on to the people who are directly involved --

MR. SCHOENFELD:

Let me ask you a question.

LEG. BARRAGA:

-- and giving them the right to vote.

MR. SCHOENFELD:

Let me ask you a question.

LEG. BARRAGA:

Sure.

MR. SCHOENFELD:

What is a referendum? Our bylaws, if the -- says we have to get two-thirds vote. Is that a referendum, or is 51% a referendum? You tell me.

LEG. BARRAGA:

Majority.

MR. SCHOENFELD:

Okay. That's fair enough, I'll do that. I have no problem.

LEG. BARRAGA:

Majority.

MR. SCHOENFELD:

I have no problem with that.

LEG. BARRAGA:

Majority of the people make the decision in favor of that.

MR. SCHOENFELD:

But now we have to see if that's allowed in our bylaws, which I don't think it is, but we'll have to check that.

D.P.O. SCHNEIDERMAN:

Okay. I certainly won't tell you how to make decisions within your organization. Let me just say this: When you are making this decision and you're comparing the two, the private operator versus the County, I just want to make sure you have all the information. And one of the things I really haven't heard discussed much today is the role of the Sewer Stabilization Fund. So with the County, we do provide funding through a reserve account to make sure that rates don't spike. There is a limitation of 3%, I believe, is maybe --

MR. SCHOENFELD:

Three percent, yeah.

D.P.O. SCHNEIDERMAN:

Right. So I want to make sure you're aware of it, because the private operator, if you decide not to form a sewer district, you don't get that, that is not available. It only is available if you form the sewer district.

MR. SCHOENFELD:

We understand.

D.P.O. SCHNEIDERMAN:

Okay. So I don't have any other questions. You know, I believe you're going to end up getting more time, because I think there's going to be a motion to recess this at the end of the public comments. And is that correct, Legislator Stern.

LEG. STERN:

I have a question.

D.P.O. SCHNEIDERMAN:

Okay, you have a question, so --

LEG. STERN:

Thank you.

D.P.O. SCHNEIDERMAN:

We do have a number of more cards, and if it is going to be recessed, there will be another opportunity for people to be heard. So I know it is getting late, but I'll go to Legislator Stern.

LEG. STERN:

Thank you. Let me ask you the question that I had asked the previous speakers. I understand that it's been explained that if the County takes possession of the sewer treatment plant, whether we have gone through the process of creating the district or not, that it's your understanding, and the understanding of the Board, that there might be some question as to the process of whether or not we would be able to then transfer it over to the HOA.

MR. SCHOENFELD:

Yes, we have that question.

LEG. STERN:

All right. Let me ask you this, then: If it is determined that the County does have the legal authority to take the sewer treatment plant, whether we come into possession of it, whether we form the district, or if we might form the district in the future, if it's determined that there is a legal process by which we would then be able to transfer to the HOA, assuming that you go through all the proper procedure that you're required to do, is that something that you'd be willing to do?

MR. SCHOENFELD:

If we had to do that, we probably would. It just would be what is our cost. I mean, you know, it's a cost again to us to go through this process again. That's why I'd like you to delay it, so we don't have to go through additional legal costs, if it's possible just to delay it.

D.P.O. SCHNEIDERMAN:

Legislator Stern, will you at the end of this be making a motion to recess?

LEG. STERN:

I'm listening to everybody speak.

D.P.O. SCHNEIDERMAN:

Okay, you're not sure yet. Okay. Let's keep going. I just thought if we knew it was going to be recessed, that maybe some people would comment at the following hearing. But the next speaker -- thank you, sir.

MR. SCHOENFELD:

Thank you.

D.P.O. SCHNEIDERMAN:

You may be seated. Marc Bellow, and Susan Saltz is on deck. And if it's been said before, you don't have to go in great detail through it, just so you could just --

MR. BELLOW:

I could be extraordinarily brief.

D.P.O. SCHNEIDERMAN:

Thank you.

MR. BELLOW:

I have really very little to illuminate, except a couple of questions, and one of the questions that I have has to do with future liability and future boards.

As I look at the Legislature in front of me, I noticed that there are more members than they are in our HOA. And if I follow the politics of my community, without being personal in any extent, a change of two members of the Board could swing what it is that the Board intends to do. So the public comment that I have in front of my good friends on the Board, and in front of you people, is the fact I think that you represent more stability in terms of an idea and following through on a commitment. And my fear is not with the current Board, but with future Boards, and how they may reelect themselves and reinterpret what it is that they can and can't do. And that's all that I had wanted to say.

D.P.O. SCHNEIDERMAN:

Okay. Thank you, sir. Any questions? Okay. Very good. Susan Saltz. Susan will be followed by Steven Swersky.

MS. SALTZ:

Good evening. It is on? Okay, thank you. Can you hear me? Thank you.

D.P.O. SCHNEIDERMAN:

Again, brevity is appreciated. If it's already been said --

MS. SALTZ:

Okay.

D.P.O. SCHNEIDERMAN:

-- you don't need to go into great detail.

MS. SALTZ:

Thank you. My name is Susan Saltz and I have lived at The Greens since 2009. I have participated in HOA meetings since I was elected a condo representative. As you recall, we have five different condos, and each condo sends representatives to the HOA meetings.

General Meeting - 11/18/14

Since June of 2014, I have been serving as an elected and voting member of the HOA. For as long as we have been discussing the sewer treatment plant, I have been intrigued by the idea of us taking it over. I think being in charge of our own destiny is a very good thing.

I've listened to and I've read all the reports. I've participated in Board discussions, and I am in agreement with the majority of the HOA Board, that we should do this. I believe we need a little bit more time, as Mr. Schoenfeld said to you, to complete our investigation. One of the major issues for me is the impact financially on our residents.

Now, I would refer you to the handout, this big handout that you may have gotten. Exhibit B shows what we currently pay for our sewer charges. We pay, each individual unit pays fees to the HOA, which then pays our comprehensive sewer plan fees. If you look at the apartment fee, it's \$149.13 a year. If it goes up to \$479, as we have been quoted by the County, not only would that be an increase of \$330 per year per apartment resident, but they would be paying it on their own. This would not be part of the HOA fees. And, as Legislator Browning said earlier, this is a senior community. Most of us are on fixed incomes, in addition to which there are 100 units which are so-called affordable. There were income and asset requirements, or caps, so some of us have much less of a fixed income than some of the other people who live in the million dollar villas. So if we could save some money on this, that would be very, very helpful to us, and, like I said, in control of our own destiny.

We knew about this, just to respond to Mr. Solomons. I knew about this date since October. Mr. Hamburger told us in October at our October HOA meeting that this was going to take place. So we have known about this, and Mr. Solomons also was informed.

I wish to thank you for listening to us. I know it's been a long afternoon, and I appreciate all of your attention. Thank you.

P.O. GREGORY:

Legislator Lindsay.

D.P.O. SCHNEIDERMAN:

Yeah. Hold one second, we have a question from the Legislator.

LEG. LINDSAY:

Hi.

MS. SALTZ:

Okay.

LEG. LINDSAY:

I just have a very, very quick question here. I understand the argument, that it's a disparity of the fees for the -- especially for the apartment owners, it's a huge increase. What is your HOA fees to the apartment owners now?

MS. SALTZ:

\$181.90 per month.

LEG. LINDSAY:

Couldn't you -- for argument sake, let's say that the County did take it over, couldn't you subsidize that by flipping their HOA fees to reduce them, and increasing it for the villa owners?

MS. SALTZ:

Well, that is a concept that has been circulated and discussed among several people, that that's a possibility. But it's still -- whatever the decrease of the HOA fee would be, it would be more than offset, way more than offset, by the increase in the County fee.

LEG. LINDSAY:

Okay. Thank you.

P.O. GREGORY:

All right. Thank you, ma'am.

MS. SALTZ:

Thank you.

P.O. GREGORY:

Okay. Steven Swersky, and then Paul Gruskoff.

MR. SWERSKY:

Hello. Thank you for having this hearing for us. I'm Steve Swersky. I am the secretary of The Greens HOA. I'm an electrical engineer and a physician. I love the community I live in, and I ran for the Board so I can make it a better community. And I feel that it is in the interest for the community to take over the -- take over the STP plan.

Now I, again, also had a speech, but I just -- some comments from what has been said. You have made, you know, suggestions that this -- why wasn't this presented to the community beforehand, as the secretary and so forth. And I want to say this: Up until today, it hasn't really been admitted by the -- offered by the owners to give us -- to give \$425,000 as a reserve fund, even to the County, as far as I know. It wasn't offered to us. So how could we present to the community without having an offering from the owners, okay? It just was not acceptable to present incomplete facts to the community up to this point. We're hearing things today that weren't said before.

As far as contacting the people, this is partly, you know, what has been accomplished by setting up an email system to the community. Up to this point, to have a bylaw changed in our community requires two-thirds of the community to vote yes for a bylaw change. Up to this year, there has been multiple attempts to get a bylaw change, and they never had more than 600, roughly 600 people voting. In the community where there's 1144 units, with only 600, roughly 600 people voting, and you need two-thirds to vote yes for anything, it was never accomplished. This year, we had our first bylaw change accomplished, and we got 1,000 -- over 1,000 units to vote, but it took a major effort to contact all those people. Not all of them have computers. And to have, you know, 300 people, one-third of the community away in Florida, it will take time to truly inform them.

For Jack to say 203 people voted, no. I consider that 203 people who were uninformed votes. They have no knowledge of what they were voting. Hysteria from emails? It's ridiculous. To adequately inform the community, we do need time.

It there's a last thought out of what's been presented. The people -- the current owners, do they really care about The Greens people? Are they willing to -- we would -- as Joe had said, we're willing to take over the plant to the exact same conditions you are, okay, but we'll save our people money. Do they really care about that? Do you really care about that? Okay? We have extremely qualified people.

P.O. GREGORY:

Excuse me, Mr. Swersky, please wrap up.

MR. SWERSKY:

We have extremely qualified people at The Greens. Thank you.

P.O. GREGORY:

Thank you very much. Okay. Mr. Paul Gruskoff, and then Joseph Lafferty.

MR. GRUSKOFF:

I was going to say good afternoon, but good evening.

P.O. GREGORY:

Good evening.

MR. GRUSKOFF:

I'm sorry, my printer broke last night, and so everything is on my phone.

My name is Paul Gruskoff, and I reside with my wife, Sandy, at 743 Verona Drive, Melville. Before I tell you -- read my statement to you, I'd like to tell you that prior to coming to The Greens, I was a Trustee of the Incorporated Village of Atlantic beach. And as far as I knew up until recently, the water treatment plant was the Atlantic Ocean.

*(*Laughter*)*

We had a lot of fights there, like we have at The Greens, but mostly over should we -- what part of the boardwalk should we do over so people don't get splinters.

I want to urge the County of Suffolk to take over the sewer treatment plant. This is a senior community, many who have moved here looking for more financial security, not less. By a County taking over an additional \$17.50 per month, I would be secure to know the County will operate and maintain this facility, and the HOA will not have to bear the expenses for any future capital investments. I do not wish to assume the financial responsibility that goes along with owning and operating a sewer transfer plant.

Again, we urge the County of Suffolk to take over this plant, and as per the original offering plan, when I purchased my home. The HOA has enough responsibility in maintaining our community, and we do not need to add this unknown burden. Thank you.

P.O. GREGORY:

Thank you, sir. Joseph Lafferty, and then on deck, Joyce Michaels.

MR. LAFFERTY:

Good afternoon, Legislators. My name is Joseph Lafferty, and I promise to be brief. I am an attorney, and I work for the Benjamin Companies, and I've work for them for about the last 10 years. Prior to that -- I've been practicing law for 30 years, and so prior to those 20 years, I was a senior trial attorney for a major casualty and property insurance company in the New York City metropolitan region, and thereafter became their attorney of record. And I say that for only reason, and that brings up one of the two points I'd like to make.

We're heard an awful lot of discussion today about how much it costs to run a plant, and the various analysis, etcetera, and so on, but what I'm here to tell you is that having worked for insurance companies, both prosecuting cases on their behalf, as well as defending them, they're not in the business of giving away money too easily. And by that, what I mean is they will need a pollution policy, no question about it, but it raises the very big question of exposure. And while those policies are available, I believe it was even Mr. Hamburger at a recent meeting alluded to the problems that

they may have encountered in obtaining insurance if the HOA was to take it over. So I just say that, you know, as a point of information. It's really, as they say, not our dog in the race, but it is something, a lot more than just writing out a check to the actual operators of the STP plant.

The second point I wanted to make, and it's been kind of made by a number of people, but -- and particularly, you've heard the word finality, and that's what we've been seeking. For the last two years, we've been seeking finality in getting this STP plant to the County as provided by the development agreement. And here we are, November 18th, and it's really only within the last ten days or so, beginning with, I think, the meeting on November 7th or so with the County, which has been fantastic in helping us get to this point, that we heard of the HOA's strong intent in wanting to take it over. And what is our problem with that? Our problem with that is the finality, and the finality goes back to the documents that govern the HOA's authority to do what they propose to do. And it's our humble opinion and the opinion of the gentleman who I -- who vote the offering plan, as well as other attorneys, that they simply don't have that authority. And so the finality that we're concerned about is if we were to turn it over the way they would like us to do, we're going to find ourselves undoubtedly in court again. So that's not finality.

And, you know, in my 20 years of practicing in the courts, what I've learned the most is that the lawyers, you know, do their job in courts. But as a client, which is basically what I am now, you know, it's better not to be in court. So we're looking to avoid going to court on the process by which this STP is turned over, which in our view, pursuant to the development agreement, goes to the County, not to the HOA, but to the County. If it was to somehow -- oh, I'm sorry. If it was to somehow go to the County, you can bet, and it wouldn't go voluntarily by us, but you can bet if it didn't pass through the County initially, someone's going to sue us, and that's what we're trying to avoid. We would like to have the County take over this STP operation, as provided in the development agreement. And, frankly, I think it was Mr. Perry offered that, "Hey, if the County takes it over and gives it to us, that's great." Well, frankly, I think we'd be in the same position.

What we are really having a problem with is being in the position of handing it over, because some of the Legislators, as you've talked about selling, no, I don't think it would selling, it would handing it over, this asset, a multi-million dollar asset to the HOA. Frankly, you know, that's going to be their business. And I think you've seen today there is dissension, there is questions. How they got to the point of even --

P.O. GREGORY:

Mr. Lafferty, can you --

MR. LAFFERTY:

Yes, I'm sorry. So we would urge the -- we would urge the Legislator to close this meeting and to move on with the formation of the district. Thank you.

P.O. GREGORY:

Thank you so much. Okay. Joyce Michaels, and then Michael Yesner.

AUDIENCE MEMBER:

I relinquish.

P.O. GREGORY:

Okay. Michael Yesner, and then on deck, Robert Resch.

MR. YESNER:

Before I start, the Board asked two really excellent questions that never really got answered. They wanted to know what was the real reason why the Board wants to take over the STP. After all, it

General Meeting - 11/18/14

comes to \$17.50, and maybe a little but more for some other people. Please ask me that, the real question -- the real answer to that question, because I think it's important. Somebody asked a question and I don't think you really got a true answer. This issue has come up with the Board many times. Why not vote 5-2? Please ask me that question. And ask me what else I think you've been informed of tonight that's been misinformation or outright disingenuous.

With that said, my name is Michael Yesner, and I'm an elected Director on The Greens HOA. Prior to being on The Greens HOA, I served on the HOA Stonehill, Manhasset for 11 years, and was reelected four times. I was offered a lifetime honorary directorship when I moved, but decided against it. When I moved into The Greens, I was sure that I would never get into politics again. Unfortunately, when I saw the constant appearance of impropriety, I decided to run and was elected.

I'm against this Board taking over the STP plan for a lot reasons, many of which have not been delineated here. First of all, our Board has little transparency, as little transparency as possible to the community, or to what are considered the dissident Directors. You've been told that there's a 9-to-3 vote. They have nine people, and all we got is 203. What's wrong with that math? And their answer is --

P.O. GREGORY:

Sir, you have to speak into the mic.

MR. YESNER:

Their answer to us getting 203 letters from people who are vehemently against this plan is that they're uninformed and they're stupid. Well, that's not true. I sent out a factual email. I'd like to, at the conclusion, give it to you, chapter and verse, why we should not be taking over this sewer treatment plant. There are so many unknowns. For instance, I'm in what they call Unit 1 or Condo 1.

P.O. GREGORY:

Sir, you have to speak into the mic.

MR. YESNER:

I just found out -- We just found out from Unit 1 that we're getting either 100% or 200% increase in our insurance. Also, we have personal property insurance. What we found out this year is that the HOA is responsible for the first \$75,000 as a deductible. So every time there's an accident on this new property that we take over, I assume that the same insurance would be in effect. I don't know what the cost of pollution insurance is going to be, but it's going to be a fortune. I don't know what it's going to cost if pipes break. There are so many unknowns, that for somebody to come up here and to tell you that we can run it cheaply, do they have a crystal ball? Do they know what happened? There are so many unknowns that it's unbelievable.

P.O. GREGORY:

Okay. Sir, please wrap up.

MR. YESNER:

Our Board Gets its authority from the bylaws, which do not give the Board any authority to acquire additional property or operate an STP. Such an acquisition would expose homeowners to liabilities of which we were not made aware of, much less agreed to.

P.O. GREGORY:

Okay. Thank you.

MR. YESNER:

I was hoping that the Board would ask me what I feel is the real reason why the Board wants to take over, and also what I feel was stated here that is contrary to fact. I hope you have a few questions to ask of me.

*(*Laughter*)*

I am one of the dissidents, and when they tell you that it's 5 to 2, Jack and I are good people. I've worked hard all my life. I've been a very successful guy. I've raised a family, I have six children. Why am I here?

P.O. GREGORY:

All right, all right, all right. You got a time out.

MR. YESNER:

Why am I here if I don't think that this is for the benefit of the community?

P.O. GREGORY:

You got one. You got one lucky participant. Legislator D'Amaro is going to ask you a question.

LEG. D'AMARO:

Well, you know, a question just popped into my mind just now.

*(*Laughter*)*

MR. YESNER:

I hope it's what's the real reason that the Board wants to pass this.

LEG. D'AMARO:

You know, I think I can fulfill that hope.

P.O. GREGORY:

I object. Stop leading the witness.

*(*Laughter*)*

LEG. D'AMARO:

No. Sir, I mean everyone has had a fair and ample opportunity to discuss their side or how they view this. So let me ask you, why don't you continue. You know, what's really going on here, and what do you think the motivation is?

MR. YESNER:

The real reason that the HOA wants to take over this plant is because if you go by the history of what's -- if you go by the history of what's happened in the past, what they do is they take the monies -- for instance, a very good case in point is this plant. We got a reduction of \$360,000 a year. And everybody laughs when Jack says, "I got that," because he's the one who initiated that lawsuit and talked the Board into doing it. People don't like to give him credit for it, but there are plenty of people in the community, including the 203 people who wrote to us, who feel that Jack got us that reduction. But here's the important question. What happened to that \$360,000? Now you've been misinformed by Mr. Perry that we don't give -- I'm sorry, Joe, what can I tell you, but you did misinform the Board.

MR. RICHBERG:

Sir, stay on the mic.

LEG. D'AMARO:

All right. Stay on the mic.

MR. YESNER:

Mr. Perry tells you --

P.O. GREGORY:

Answer the question.

MR. YESNER:

Mr. Perry tells you that there has been no increase in assessments. That's an outright falsehood, because what they did with this \$360,000, the homeowners didn't get one cent in rebate, even though the expenses were reduced by \$360,000.

LEG. D'AMARO:

Right, but the question is, we're talking about whether or not the County should go forward with the process here.

MR. YESNER:

Here's what they're going to do --

LEG. D'AMARO:

Tell me why the County should not go forward with this process.

MR. YESNER:

Because the real reason that they want the County to -- that they want to take it over is because they are going to keep the \$25,000 that they're presently collecting per month, which comes to \$300,000 a year. Over 10 years, it's \$3 million. You're talking about some real money here. They're going to keep that money, because the homeowners are then going to be billed by a separate entity. Why are you laughing. Aren't we going have a separate entity?

P.O. GREGORY:

Please, direct your attention --

MR. YESNER:

We have been told that -- we have been told that we're going to have a separate entity, because our entity is not allowed to be involved in having a sewer plant. And that separate entity is going to charge each homeowner individually.

LEG. D'AMARO:

So let me ask you a question. So you don't believe that the cost savings will materialize?

MR. YESNER:

I don't believe the cost savings will materialize. I don't believe it's possible to project into the future what the cost savings will be.

LEG. D'AMARO:

Right.

MR. YESNER:

Joe said that there's going to be 9% increase into reserves for the sewer treatment plant. Where is that money coming from?

LEG. D'AMARO:

Okay. I understand that these are all issues that are in dispute, I understand that. So is there anything else you want to add? Or, Mr. Presiding Officer, if you want.

MR. YESNER:

Yes. There's a secret three million dollar project in the works, which this \$300,000 a year that they're going to collect through the sewer treatment plant is going to help fund with regard to our driveways. Nobody knows about it yet, but it's a three million dollar project.

*(*The following testimony was taken & transcribed by
Gabrielle Severs - Court Reporter*)*

MR. YESNER:

Jack and I have been trying to get the records for months. You know what they finally gave us? They gave us tonight. Of course it would have been a conflict and Jack and I wouldn't have been able to come here tonight. That's how disingenuous they are.

P.O. GREGORY:

All right, sir. Thank you. All right. Robert Resch has left.

MR. YESNER:

I had a handout.

P.O. GREGORY:

Please send your comments to the --

MR. YESNER:

The 203 people have this information --

P.O. GREGORY:

Sir, you're finished. Thank you.

Yes, Mr. Resch has left, and Mr. Hamburger is next up.

MR. HAMBURGER:

I'm Richard Hamburger. I'm the attorney for The Greens Homeowners Association. There are three reasons why the HOA should own the plant and not the county in the form of a sewer district: one, it saves the county the additional infrastructure; two, it saves The Greens Residents and all the other connectees money; and, three, the change will be invisible. First, saving the county the extra infrastructure, that's obvious. Second, saving The Greens residents money, if you look to tab A of the document binder I handed out, you see exactly what that analysis is. The current rate, which was set by the DPW, for The Greens is 309,000 based upon 393,000 total budget. The Greens pays 88 percent of what the costs would be.

The sewer district rate would be a total of \$700,000, total budget at 548,000 to the Greens HOA. If we can continue to operate the plant at the same rate fixed by the county, which was based upon the county's review of actual expense associated with the plant, and there aren't that many expenses associated with it. There's management services, there's sludge removal, there's utilities. That's basically it, and we have reason to believe that we will be able to do it for that same

amount or for less. And why do I say that? I say that because if you look at the county's submission to you, which is the report from the DPW, and you look at page 32 of 45, you see their total proposed facility budget. Their total proposed facility budget has spread costs of \$253,000. What are spread costs? Spread costs are costs that have nothing to do with the operation of the plant. They're additional monies that are put on top of it that are put on all the plants spread around the county to go into that fund they you talked about, the Stabilization Fund. They are not operating costs associated with it. If you take that \$253,000, and you deduct it from their total proposed budget of 698, you get 445. I think that the budget will come down lower because the county has labor costs of \$200,000. Everybody knows that the county labor costs are more expensive than private labor costs and also this shows sludge cost of 150,000, plus labor costs of 200,000, which is 350,000 and they currently pay Severn Trent about \$200,000 including the sludge removal costs. So there's very little doubt that based upon the county's own analysis, it will save money.

The other connectees are, as far as I know, on board. I spoke yesterday with Matthew London, who is the president of Country Pointe HOA. He confirmed in an e-mail to me that the Country Pointe HOA board supports ownership by the HOA. We spoke with Bob Flynn, Huntington lawyer who represents Duncan Elder. He said Duncan Elder would be on board. He thought he might be here today, but he didn't give me anything in writing to confirm it. We spoke with Lori Pack, who is the assistant attorney general representing the State of New York. She has to get clearance from her agency. She thought it sounded very good. Why should they pay more money? And the chart on exhibit A shows all of the additional money that everybody will pay. So it saves money for everyone. Everyone is on board. I don't have the documentation from all of them, but we still can provide the documentation from one.

*(*Buzzer sounds*)*

Can I continue? I see my time is gone.

LEG. SPENCER:

You can wrap up with a couple sentences.

MR. HAMBURGER:

Okay. So what's the problem? The problem is that the county doesn't have the legal authority to make the owner transfer the plans to the SDP (ph), as Legislator D'Amaro's pointed out. On the other hand, they don't have the legal authority to walk away from the plant. If you look at the binder that I have here, if you look at the agreement which is exhibit G, and you look at page 16, it talks about the dedication, and the dedication is at the instance of the county, and they're obligated to own the plant until the county accepts the irrevocable offer of dedication without limitations of time for acceptance. So we have a stalemate: They can't get rid of it unless the county accepts it, and we can't make them give it to us.

Today, I heard for the first time --

P.O. GREGORY:

Mr. Hamburger.

MR. HAMBURGER:

-- because we've been negotiating with them through the county that they are willing to put up the \$425,000 reserve. That's the end of the negotiations. The board's ready. We would not agree to take the plant until they agreed to provide the reserve that they were legally entitled according to --

P.O. GREGORY:

Okay, Mr. Hamburger. Your time is expired. You do have a question from Legislator Kennedy, though.

MR. HAMBURGER:

Three minutes is tough.

P.O. GREGORY:

I know.

LEG. KENNEDY:

There's a lot to digest here, and I am going to divert to my colleague as to whatever his desire is, but I'm just going to reiterate it one more time. The original agreement, when The Greens was originally permitted by the Town of Huntington and the Suffolk County Health Department to be constructed, references that the developer would build the complex, build the sewage treatment plant, and then after it was completed and operational that that the developer would transfer the plant to the county. Agreed?

MR. HAMBURGER:

Sort of. Yes, he built the plant and he was required to -- he was required to give it an irrevocable offer of dedication to the county. It's up to county whether to take the plant or not. It's not up to the developer to put it to the county, and the reason the developer's getting rid of it is because at the instance of the HOA, the county reviewed the actual books and records of the developer and decided in October of 2012 that they were being overcharged by 52 -- by 100 percent, and they reduced the rate by 53 percent. We were being overcharged hundreds of thousands of dollars for 10 years.

LEG. KENNEDY:

But that issue is not with us, sir. That issue is with the developers and the homeowners association.

MR. HAMBURGER:

Adler is now trying to get rid of the plant because he's no longer -- no longer has a cash cow. The county is no longer allowing him to make a profit off of it, so he doesn't want the plant anymore.

LEG. KENNEDY:

Whoa, whoa, whoa, whoa. Wait a minute. We didn't agree that he could operate this as a profit-making entity.

MR. HAMBURGER:

But he did for 10 years.

LEG. KENNEDY:

But, again, that issue, sir, is between the homeowners association and SBJ or whoever the owner is. That's not with us. If you got the benefit of some external arm's length oversight to question what the rates were, we're glad that we could help to facilitate that process, but that doesn't go to the transfer piece. The transfer piece, I'll go back to about 15 speakers ago, goes to what the rate would be, the annual rate and the delta, and I would encourage you to have another conversation with the county about what you identified as spread cost. In that, you and I agree that that may be something where pencils have to be sharpened.

MR. HAMBURGER:

We have no control over that. That's the county's formula.

LEG. KENNEDY:

You know what? Again, Legislator Stern and I have talked about it quite a bit.

MR. HAMBURGER:

We are willing to take the plant on the identical conditions that they are offering --

LEG. KENNEDY:

But you have no capacity to do that.

MR. HAMBURGER:

We do have capacity. I disagree with Mr. Adler. If you want to review it, the correspondence on this is attached as Appendix I. The county attorney -- I'm looking at Bob Braun -- has yet to weigh in on what their opinion is of who's right. Gene Wishod stood up here, the sewer king. Did you hear him say that the HOA can't take over this plant?

LEG. KENNEDY:

We didn't get into that.

MR. HAMBURGER:

That's right. He didn't say that. He would have if he believed it. He also told you that HOAs --

LEG. KENNEDY:

But he was here on behalf of --

MR. HAMBURGER:

-- in Suffolk County typically owns sewer plants.

P.O. GREGORY:

Thank you, sir.

LEG. KENNEDY:

I'll yield. I'll yield.

LEG. CALARCO:

Let's go.

P.O. GREGORY:

Thank you. That's the last speaker.

MR. HAMBURGER:

Can I hand in --

P.O. GREGORY:

That's all that cards that we have. Is there anyone in the audience that would like to speak that has not spoken already? Please come forward. All right. Legislator Stern.

*(*The following testimony was transcribed by
Kim Castiglione, Legislative Secretary*)*

LEG. STERN:

Thank you, Mr. Presiding Officer. After who knows how long with all of the information and the documentation that's been submitted for all of us to review, with the representations that members

of the HOA Board have made that they're going to be holding town hall meetings to give all residents, including those who don't actually reside in The Greens, the opportunity to be heard, and to give all of my colleagues who might have additional questions, particularly of our County Attorney because several legal questions have been raised, I'm going to make a motion to recess.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

All right. Please, folks, if you can exit the room quietly it would be appreciated. Also, there was a missing cell phone that was left at the security desk. If you're missing a cell phone please go to the security desk. They have it there for you.

IR 1942 - Adopting Local Law No. -2014, A Local Law to amend Local Law No. 13-2014, to further deter the importation or use of hydraulic fracturing materials in Suffolk County (Spencer).

I have one card, Miss Lauren Hughes. Are you still -- oh, there you are. Okay, great. Thank you for your patience. People, you have to please clear the room so we can conduct our business. Folks.

D.P.O. SCHNEIDERMAN:

Folks, please take your conversation out in the hall.

P.O. GREGORY:

All right. Miss Hughes, I'm sorry. Go ahead.

MS. HUGHES:

Okay. Good afternoon. Thank you, Presiding Officer Gregory and all the members of the Legislature. It's an honor to speak before you today and thank you for waiting for everyone else to go. My name Lauren Hughes. I'm the attorney and policy director at Grassroots Environmental Education, a 501(c)(3) non-profit organization based here on Long Island. I'm speaking in support of IR 1942, which serves to further deter the importation or use of hydraulic fracturing materials by increasing the maximum penalty for violations of the law from 5,000 to \$25,000.

D.P.O. SCHNEIDERMAN:

Get that door closed in the back, please.

MS. HUGHES:

While I would like to again thank the Legislature for its early recognition of this critical public health issue and for your leadership in passing Local Law 13 earlier this year, this introductory resolution would further strengthen that law by bringing the County in line with the other counties that have passed fracking waste bans. Indeed, of the 13 New York State counties that have passed fracking waste bans, all of them expect Suffolk placed the penalty for violations of the law at a max of \$25,000. This includes Nassau, Westchester, Rockland, Orange and Putnam.

The concern is that Suffolk's current penalty at \$5,000 is not prohibitive enough. The natural gas industry has a major problem as to where to dispose of this waste and it has the means to pay fines. The \$5,000 amount leaves Suffolk vulnerable as the gas industry continues to build out in neighboring states and generates more and more waste. We would ask that the maximum penalty

would be raised to \$25,000 so it is even more of a deterrent to bringing these substances into the County. Twenty-five thousand dollar maximum penalties would be much more protective of the health and the environment here in the County. Therefore, we encourage your support of IR 1942, and thank you again to Legislator Spencer for introducing this important measure.

P.O. GREGORY:

Thank you. Legislator Spencer.

LEG. SPENCER:

Thank you. Thanks for sticking around. I really appreciate it. So what is -- you know, when we think of \$5,000, that's a lot of money. So raising it to \$25,000, these companies that are doing these, the fracturing, why would the \$5,000 not be a deterrent in your opinion?

MS. HUGHES:

The reason is that all of the neighboring counties in New York State have this \$25,000 maximum penalty, so it makes Suffolk susceptible, especially because Connecticut just recently passed a three year moratorium of bringing in any of this waste into the state. So regionally Suffolk might look attractive to an industry that really needed to get rid of some waste. If they were to pick a place to dispose of it or try to dispose of it, not that they necessarily could, but if they were to somehow get into the County, this would be the place where they would face the least repercussion financially.

LEG. SPENCER:

I think you have a very good point, and that's one of the reasons we introduced this legislation. These businesses are typically profiting millions of dollars, so from your experience, 5,000, even 25,000 may be looked at the cost -- just as the cost of doing business. As far as around the country, do you have any experience or any idea, I mean, would it be appropriate to raise the fines even further?

MS. HUGHES:

I cannot speak to how high it could go. I know that municipalities, recently Southampton, had mentioned possibly having the penalty up to \$30,000, which is very close. But it's interesting as this industry has grown in neighboring regions and potentially Upstate New York as well, they are coming up with more and more waste and they have to come up with a disposal plan to deal with it. They have some on-site recycling, which concentrates the waste down, and then they're looking to move it to places such as some of the downstate counties that have been identified in the New York State DEC Draft Generic Environmental Impact Statement that could potentially handle some of this waste. So we have the prohibition now, but there are municipalities, large land owners, private facilities that in theory could still take the waste, and they should be subject to the same penalties that other counties nearby are imposing. New York City has also introduced legislation. It's not been voted on yet, but it also sets the fine at \$25,000 as a maximum.

LEG. SPENCER:

Thank you. I really appreciate your testimony. Thank you very much.

P.O. GREGORY:

Thank you. Legislator D'Amaro.

LEG. D'AMARO:

Yes, very quickly. Thanks for coming down. What is the deterrent effect where the counties that already have the 25,000 penalty in effect. Are there violations? Do you know?

MS. HUGHES:

To my knowledge there have been no violations.

LEG. D'AMARO:

Has there been any violation in Suffolk where the penalty has been 5,000?

MS. HUGHES:

No, but that has only been since --

LEG. D'AMARO:

Pretty recently.

MS. HUGHES:

Yeah, June of this year.

LEG. D'AMARO:

Yeah. So what's -- what do you have against hydraulic fracking materials?

MS. HUGHES:

I don't want to take up too much time, but the problem is that, especially in the Marcellus shale region, which is what underlies New York, Pennsylvania, Ohio, West Virginia, we're seeing a very high naturally occurring level of radioactive materials, radium 226, 228, radon, things of this nature, and there are no real safeguards in place at the State or Federal level to monitor the waste coming out and when they are recycled and ultimately super concentrated, we don't have a good disposal plan in place. The transportation is also an issue, and especially on Long Island where we're a sole source aquifer, we don't want these materials --

LEG. D'AMARO:

I don't want to take up a lot of time either, but given the fact that there might be radioactive material, I would think that at some point the EPA took a look at that, or is it that there's materials but they're not above thresholds or acceptable levels?

MS. HUGHES:

It varies between --

LEG. D'AMARO:

Because if you're traveling over state lines and into state commerce, in industries such as this I find it hard to believe that the Feds wouldn't have taken a look at that.

MS. HUGHES:

There aren't any requirements right now for there to be placards on the trucks or for there to be check in or check outs. Most radioactive waste is very highly monitored and there are checkpoints throughout the process and tabs are kept very closely on it. We have not seen any program, robust or otherwise, to monitor any of these materials in a similar way. So that is part of the concern.

LEG. D'AMARO:

So it's all left to the local level.

MS. HUGHES:

Right, and the burden is put on the local municipalities who don't necessarily have the means or the expertise or desire to --

LEG. D'AMARO:

But are there efforts at the State or Federal level to try and have the material analyzed to determine whether or not it poses a health risk?

MS. HUGHES:

There is some talks of monitoring it in New York State, but the DEC has not put forward a clear plan on that yet, so we're still waiting for movement at the State level. So in the interim a lot of the counties have filled that void.

LEG. D'AMARO:

Okay. Thanks.

P.O. GREGORY:

Okay. Thank you.

MS. HUGHES:

Thank you.

P.O. GREGORY:

All right. That is all the cards that I have for IR 1942. Is there anyone else that would like to speak on the matter? Please come forward. Okay.

LEG. SPENCER:

Motion to close.

LEG. D'AMARO:

Second.

P.O. GREGORY:

Motion to close by Legislator Spencer. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1996 - Adopting Local Law No. -2014, A Local Law to amend the County's Human Rights Laws to further protect victims of domestic violence (Spencer).

I don't have any cards on this matter. Is there anyone in the audience that would like to speak? Please come forward. Okay, Legislator Spencer.

LEG. SPENCER:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Spencer. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2012 - Adopting Local Law No. -2014, A Charter Law to strengthen the County's Water Quality Protection Program (Schneiderman).

I don't have any cards on this public hearing. Would anyone like to speak? Please come forward. Okay. Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Motion to close.

P.O. GREGORY:

Motion to close by Legislator Schneiderman. I'll second. All in favor?

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

Oh, okay. On the motion.

LEG. KRUPSKI:

To the sponsor, and I cosponsored this because I believe in that money, that 477 money not being in salaries but, in fact, being for water quality projects. Is this -- what chance of success does this have? To the sponsor.

D.P.O. SCHNEIDERMAN:

That's up to you. I'm not sure I understand the question. So if this bill, we're going to close the public hearing. It goes to committee. If it passes and succeeds it becomes effective in 2016, not 2015. All reimbursements after that point will go back to the 477 Fund.

LEG. KRUPSKI:

But is it specific for what? I mean, are we going -- it is just going to go into the fund without any strings attached, or is it going to go specifically in for water quality improvements. Because the way the -- the way it went last time was well, we can always figure out a way to say it's for water quality if --

P.O. GREGORY:

Al, well, this is just the public hearing. We can debate it when it gets to the committee.

LEG. KRUPSKI:

I'm supporting the bill, absolutely.

P.O. GREGORY:

All right. So we have a motion and second, Mr. Clerk?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

Okay. To close, right? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. Let's get back to the agenda, page 14. ***IR 1897 - Appropriating funds in connection with Replacement of Dredge Support Equipment (CP 5201) (Co. Exec.).***

General Meeting - 11/18/14

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1897A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of replacement of dredge support equipment (CP 5201.520). Same motion, same second. Roll Call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

D.P.O. SCHNEIDERMAN:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1898 - Appropriating funds in connection with Moveable Bridge Needs Assessment and Rehabilitation (CP 5806) (Co. Exec.). Motion by Legislator Schneiderman. I'll second. Any questions? Do you have a question, Legislator Krupski? Oh, Legislator Krupski seconds. Okay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1898A, pending Bond Resolution. ***(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$2,500,000 bonds to finance the cost of moveable bridge needs assessment and rehabilitation (CP 5806.312).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

D.P.O. SCHNEIDERMAN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 1899 - Authorizing the acquisition and approving and accepting the conveyance of a portion of certain parcels of real property having a Suffolk County Tax Map Identification Number of District 0500 Section 071.00 Block 01.00 Lot 012.003 and District 0500 Section 071.00 Block 01.00 Lot 012.004 for the reconstruction of CR 7, Wicks Road, from CR 13, Crooked Hill Road to Blue Jay Drive, Town of Islip, Suffolk County, New York pursuant to New York State Education Law Sections 6304(4) and (5) and New York State County Law Section 215 (3)(CP 5539)(Co. Exec.).*** Legislator Calarco. Second by Legislator Barraga. Any questions? All in favor? Opposed? Abstentions.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 1913 - Authorizing the Commissioner of Public Works to enter into general property use agreements with private property owners for purposes of installing bus shelters (Co. Exec.).***

LEG. HAHN:

On the motion.

P.O. GREGORY:

Motion by Legislator Krupski. Second by Legislator Calarco. On the motion, Legislator Hahn.

LEG. HAHN:

I do have a question for Gil, if he doesn't mind. I'm sorry, Mr. Anderson doesn't mind coming forward.

COMMISSIONER ANDERSON:

Hello.

LEG. HAHN:

Okay. So I know this has come up before and I've probably asked this before, but what are the standards we have for the architectural design of our bus shelters?

COMMISSIONER ANDERSON:

Our bus shelters are sized to hold multiple people underneath them and generally protect them from the elements as best as we can. They're roughly sized so you could fit two people deep and a few long-wise. They have three sides, occasionally they have a fourth, and with the option to enter on either side. They're bigger than the ones that some municipalities have reached agreements with Signal on. Again, we keep them -- we put them as close as we can to the right of way, but in most cases we have to get private property to actually be able to construct them near the sidewalk so that people can get by on the sidewalk without running into the bus shelters.

LEG. HAHN:

So -- I'm sorry.

COMMISSIONER ANDERSON:

Did I miss?

LEG. HAHN:

Yeah. So if it's slightly off topic I'm sorry, but I'm interested in design standards. Do we have any design standards for our bus shelters? If a community is supportive of a bus shelter going into -- on a particular street, on its main street, on its, you know, historic downtown, whatever it is. They're very supportive of having a shelter but would like to see a design that is fitting for their neighborhood. Is there a way that we can establish design standards or a way to make that work?

COMMISSIONER ANDERSON:

I think I understand your question. So you want a specialized design based on a community. In general we do a, I don't want to say one size fits all approach, but we try to standardize as much as we can, only so that it makes maintenance a little bit easier for us when we're doing that. Could it be done? Yes. You would have to go out to bid. You'd have to develop a design based on whatever the community wanted. Then you'd have to go out to bid. Generally the prices might be a little bit higher because obviously I'm assuming there's going to be a little bit more detail to it, there's going to be less in number so you are not going to get as much of a, you know, a good price on it. But, yeah, it could be done.

LEG. HAHN:

I just know that, and maybe a community could pay the difference between the standard that's, you know, you've negotiated the lowest possible price with and then one that is fitting and keeping with architectural standards or an architectural look of a community that, you know, would like to have bus shelters but don't want to have it, you know, look a way that just isn't in keeping with their

community.

P.O. GREGORY:

Are you done, Legislator Hahn?

LEG. HAHN:

Yes.

P.O. GREGORY:

Okay. Legislator Krupski.

LEG. KRUPSKI:

I know that -- just to answer Legislator Hahn. I know that other communities have done that in the past. They've made, you know, improvements to the shelter for appearance sake at their own expense.

COMMISSIONER ANDERSON:

Correct. In the case of say on 58 where they -- we installed it under actually a highway project at the request of the town with the maintenance of the structure being committed to by the adjacent land owners. So, yeah, it can be done.

LEG. HAHN:

And who paid for the difference? Was it the town itself, a village?

LEG. KRUPSKI:

The one I'm thinking of the municipality paid for the difference.

LEG. HAHN:

The municipality was the town?

LEG. KRUPSKI:

I think Southampton did it. They put different roofs on the shelters.

COMMISSIONER ANDERSON:

That would all be negotiated.

LEG. HAHN:

Okay. Thank you.

P.O. GREGORY:

Okay. All right. We have a motion and a second?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All right. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1932 - Transferring Assessment Stabilization Reserve funds, amending the 2014

Operating Budget, and amending the 2014 Capital Budget and Program and appropriating funds for the improvements to the sewer collection system of Suffolk County Sewer District No. 1 - Port Jefferson (CP 8122)(Co. Exec.). Motion by Legislator Hahn.

LEG. CALARCO:

Second.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1958 - Authorizing execution of an agreement by the Administrative Head of SCSD No. 3 – Southwest with LIRR Wyandanch parking facility (1477.1-008)(Co. Exec.). I'll make a motion. Second by Legislator Calarco.

LEG. KRUPSKI:

On the motion.

P.O. GREGORY:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

This is a request for a waiver for a connection fee from the MTA, and the question that I brought up at the committee was that the MTA doesn't, as far as I know, doesn't waive fees. In fact, the MTA taxes us in many different ways, and why would we waive a fee for the MTA. Even though it's a small amount, definitely it's a token amount, but it doesn't seem -- unless someone can tell me otherwise, it doesn't seem appropriate to waive the fee.

MR. NOLAN:

The question that came up in committee was, in this particular case with this particular area in Wyandanch, if an entity met the requirements of the law was it mandatory that the fees be waived. And actually the way the law is drafted is if you meet the requirements the language says the fees shall be waived, not may be waived. So we really -- there's no discretion.

LEG. KRUPSKI:

All right. I thought at committee the legal feeling there was that --

MR. NOLAN:

That was my guess.

LEG. KRUPSKI:

-- it may be waived.

MR. NOLAN:

That was my guess, but that's not the way the --

LEG. KRUPSKI:

So how would you not meet the criteria?

MR. NOLAN:

Well, the law has some very specific requirements and if you meet those points, then you've met the criteria and then you're entitled to get the hook-up fee waived.

LEG. KRUPSKI:

If we have no discretion then I have no other questions. Thank you.

LEG. TROTТА:

Why are we voting on it if we have no -- why do we have to vote on it, then?

P.O. GREGORY:

You still have to vote on it. It's not automatic.

MR. NOLAN:

You still have to approve the hook-ups. Any hook-up to the sewer district we have to approve. But in terms of the fee and the waiver it's just the way the law was drafted. They are entitled to it.

LEG. TROTТА:

So we're approving the hook-up, not the waiver of the fee.

MR. NOLAN:

Well, both.

P.O. GREGORY:

Okay. All right. We have a motion and a second, right?

MR. RICHBERG:

Yes, we do.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1960 - Appropriating funds in connection with Median Improvements on Various County Roads (CP 5001) (Co. Exec.). Motion by Legislator Calarco. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1960A, the bond resolution. ***(Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$250,000 bonds to finance the cost of median improvements to various County roads (CP 5001.317).*** Same motion, same second and roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen. (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1961 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with Strengthening and Improving County Roads (CP 5014)(Co. Exec.). Motion by Legislator Calarco, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1961A, the Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$1,065,000 in bonds to finance the cost of strengthening and improving of County roads (CP 5014.355).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1962 - Appropriating funds in connection with Improvements to Environmental Recharge Basins (CP 5072) (Co. Exec.). Motion by Legislator Calarco, second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1962A, bond resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$325,000 bonds to finance the cost of improvements to environmental recharge basins (CP 5072.313 and .511).*** Same, motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Sixteen (Opposed: Legislator Trotta - Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1963 - Appropriating funds in connection with Dredging of County Waters at Various Locations (CP 5200)(Co. Exec.). Motion by Legislator Calarco. I will second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1963A, bond resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$750,000 bonds to finance a portion of the cost of dredging of County waters at various locations (CP 5200.451).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

P.O. GREGORY:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1973 - Appropriating funds in connection with assessment of Information System and Equipment for Public Works (CP 5060) (Co. Exec.). Motion by Legislator Calarco. Second by Legislator Muratore.

LEG. KENNEDY:

On the motion. Can I just get a brief description of what this one is? Anybody? Hello, Commissioner. How are you?

COMMISSIONER ANDERSON:

Good evening. This resolution requests appropriating \$100,000 for engineering in connection with updating the department's drive system. The drive program supports a number of works that we do, including web based information system, data retrieval, visualization, and provides tools to manage the County's massive infrastructure and provide timely and accurate answers. These funds will be utilized to update the system's architecture and implement improvements to maintain the vendor support as per the GIS Division of the Department of Information Technology. It's a --

LEG. KENNEDY:

We're doing evaluation on your in-house software?

COMMISSIONER ANDERSON:

It's an upgrade of the software.

LEG. KENNEDY:

So they are going to improve it? They're going to look at it and they're actually going to do some stuff to it to make it better.

COMMISSIONER ANDERSON:

Absolutely.

LEG. KENNEDY:

Okay. Good.

COMMISSIONER ANDERSON:

I like your explanation better than mine.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1973A, bond resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$100,000 bonds to finance the cost of assessment of information system and equipment for Public Works (CP 5060)***). Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

LEG. MURATORE:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

(Not Present).

P.O. GREGORY:

Yes.

MR. RICHBERG:

*Sixteen (**Actual Vote: Fifteen - Opposed: Legislator Trotta - Not Present: D.P.O. Schneiderman - Absent: Legislator Cilmi).*

P.O. GREGORY:

IR 1974 - Appropriating funds in connection with Application and Removal of Lane Markings (CP 5037)(Co. Exec.). Motion by Legislator Calarco. Second by Legislator Krupski. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Not Present - D.P.O. Schneiderman - Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1974A, Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$400,000 bonds to finance the cost of the application and removal of lane markings (CP 5037.327).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

(Not Present).

P.O. GREGORY:

Yes.

MR. RICHBERG:

Sixteen (Not Present: D.P.O. Schneiderman - Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1975 - Appropriating funds in connection with Safety Improvements at Various Intersections (CP 3301)(Co. Exec.). Motion by Legislator Krupski. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen.

D.P.O. SCHNEIDERMAN:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1975A, Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$475,000 bonds to finance the cost of planning of safety improvements at various intersections (CP 3301.132).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. KRUPSKI:

Yes.

LEG. CALARCO:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1989 - Authorizing the filing of a grant application for Federal Fiscal Year 2013 Section 5339 Bus and Bus Facilities funds to purchase paratransit vehicles for the Suffolk County Accessible Transportation Program (Co. Exec.). Motion by Legislator Schneiderman, second by Legislator Calarco.

LEG. KENNEDY:

On the motion.

P.O. GREGORY:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. George, how are we authorizing for -- is that a typo in the caption? Shouldn't that be the 2015 fiscal year?

MR. NOLAN:

I didn't draft it. Don't know if that's the right year or the wrong year. I don't know if it's going back in time retroactive, I'm assuming DPW.

LEG. KENNEDY:

Commissioner? In 1989, it's simple. I mean, we're not seeking authorization to file for a grant application for two years ago, are we? I mean, 2015 don't we?

MR. NOLAN:

The body of the resolution does talk about 2013, John.

LEG. KENNEDY:

Does it really?

COMMISSIONER ANDERSON:

Yes.

LEG. KENNEDY:

It's their money. Okay. All right. Whatever.

COMMISSIONER ANDERSON:

Yeah, there's no information in my notes other than it states that file an application for Federal fiscal year 2013.

LEG. KENNEDY:

Okay. All right.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1990 - Authorizing the purchase of up to 44 paratransit vans for the Suffolk County Accessible Transportation Program and accepting and appropriating Federal and State Aid and County funds (CP 5658) (Co. Exec.). Motion by Legislator Schneiderman. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1990A, Bond Resolution (***Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$306,000 bonds to finance a portion of the cost of acquisition of 44 paratransit vans for Suffolk County Transit (CP 5658.552).*** Same motion, same second. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

D.P.O. SCHNEIDERMAN:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1991 - Amending Resolution No. 1268-2010, amending the map of the County road system to remove County System Road No. 38, North Sea Road-Noyac Road (from a point located approximately 500+ Feet North of Millstone Brook Road, northerly and easterly ending at the westerly boundary of the Village of Sag Harbor) and authorizing the County Executive to execute an agreement with the Town of Southampton transferring ownership and maintenance of said roadway to the Town of Southampton (Co. Exec.).

D.P.O. SCHNEIDERMAN:

I'll make the motion.

P.O. GREGORY:

Motion by Legislator Schneiderman. Second by Legislator Calarco.

D.P.O. SCHNEIDERMAN:

Gil, what's the -- I thought we did this a year or two ago. Did we make an error in it? This isn't Noyac Road to Southampton.

COMMISSIONER ANDERSON:

No this -- I don't think we ever got the full process. I believe this is the same section of road that was requested a couple of years back by the town.

D.P.O. SCHNEIDERMAN:

Okay. So it hasn't transferred yet?

COMMISSIONER ANDERSON:

Right.

D.P.O. SCHNEIDERMAN:

I feel like we already approved this, but I guess it's an amendment to it.

COMMISSIONER ANDERSON:

Well, again, it's an acquisition process that has to come from the town. The town asked us to do it and that's why we're doing it. We see no problem with it, so we're in favor of it.

D.P.O. SCHNEIDERMAN:

You're just amending the map I guess.

COMMISSIONER ANDERSON:

Yes.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 1992 - Amending Resolution No. 1037-2010, amending the map of the County road system to remove a portion of CR 19, Patchogue-Holbrook Road (West Avenue) and authorizing the County Executive to execute an agreement with the Village of Patchogue transferring ownership and maintenance of said roadway to the Village of Patchogue (Co. Exec.).***

LEG. CALARCO:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

Veterans & Seniors

P.O. GREGORY:

IR 1838 - Adopting Local Law No. -2014, A Local Law to expand the County's Veterans Housing Program (Stern). Motion by Legislator Stern. Second by Legislator Barraga. All in favor? Opposed? Abstentions?

D.P.O. SCHNEIDERMAN:

Cosponsor.

P.O. GREGORY:

Tim.

LEG. CALARCO:

Cosponsor.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi)

Ways & Means

P.O. GREGORY:

IR 1726 - Adopting Local Law No. -2014, A Charter Law to update the County's ethics statute (Gregory). I'll make a motion. Second by Legislator Schneiderman. Any questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1862 - Directing the County Attorney to determine the feasibility of Suffolk County bringing an action against manufacturers of prescription opiates (Calarco). Motion by Legislator Calarco. I'll second. Any questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1865 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Jose L. Campos (Gregory). Make a motion to approve. Second by Legislator Schneiderman. Any questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1894 - Approving list of Title Insurance Companies as designated by the Division of Real Property Acquisition and Management (Co. Exec.). Motion by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1921 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Smithtown - (SCTM No. 0800-164.00-02.00-046.002 f/k/a part of 0800-164.00-02.00-046.000)(Co. Exec.).

LEG. KENNEDY:

Motion.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1926 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Raymond Winslow and Deborah Winslow, his wife (SCTM No. 0800-164.00-02.00-046.006 f/k/a part of 0800-164.00-02.00-046.000) (Co. Exec.). Motion by Legislator Kennedy, second by Legislator Calarco. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1920 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Joseph D. Iamartino (SCTM No. 0400-257.00-02.00-012.005). I'll make the motion. Second by Legislator Lindsay. All in favor? Opposed? Abstentions.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 1997 - Directing the Board of Elections to post referendum propositions online (Cilmi). Motion by Legislator Lindsay. Second by Legislator Trotta. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2002 - Authorizing the renewal of the lease of premises located in the Town of Islip, NY for use by Suffolk County District Attorney's Office (Co. Exec.). Motion by Legislator Calarco, I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2003 - Approving a settlement agreement to a class action relating to the right to counsel of indigent defendants (Co. Exec.). Motion by Legislator Calarco. Second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. If you go to the manila folder we have an amended copy of ***Procedural Motion No. 26 - Amending rules of the Legislature to further paperless initiative (Lindsay).*** We have a motion by Legislator Lindsay, a second by Legislator Calarco. Any questions? In the manilla folder. Legislator D'Amato, did you have a question? Procedural Motion No. 26, Amending the rules of the Legislature to further paperless initiative.

LEG. D'AMARO:

I don't have it.

P.O. GREGORY:

See, you don't have the paper because we already initiated the initiative.

*(*Laughter*)*

Is everyone good?

LEG. D'AMARO:

I don't have it. Can we just get a brief explanation, please.

LEG. LINDSAY:

The premise of the legislation was just to try to eliminate what we have in front of us, the thousands of sheets of paper. According to the Legislative Clerk, over the last five years he's printed out over a million pages of paper just to distribute throughout the 18 Legislators that we have here, so in an effort to try and reduce that huge sum of paper that we just shuffle back and forth amongst ourselves. Now we can opt out of receiving the paper. Instead of doing that, you'd have to opt in to receive the paper, so everything would come automatically electronically. If you don't want to receive it electronically you'd have to ask to receive it by paper form.

P.O. GREGORY:

Any questions?

LEG. D'AMARO:

Thank you.

P.O. GREGORY:

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

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

All right. Stay in that folder. ***IR 2067A - Resolution of the County of Suffolk, New York, amending Bond Resolution No. 810-2014, adopted on October 7, 2014 authorizing the issuance of \$1,500,000 bonds to finance a portion of the cost of the design and construction of the parking expansion – Ammerman Campus of Suffolk County Community College (CP 2152.310).*** A motion by Legislator Trotta I'm sure.

LEG. TROTТА:

No.

*(*Laughter*)*

P.O. GREGORY:

I know, I'm only kidding. Motion by Legislator Trotta, second by Legislator -- I got you right -- Muratore, and second by Legislator Anker. This is a technical correction to a prior bond resolution.

MR. RICHBERG:

Who was the second?

P.O. GREGORY:

Muratore and Anker. And third in spirit, Legislator Trotta.

LEG. TROTТА:

Opposed.

P.O. GREGORY:

All in favor? Opposed? Abstentions?

MR. RICHBERG:

Sixteen (Opposed: Legislator Trotta - Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2068A -- I'm sorry, my fault. So we had a motion and a second to approve 2067A. Roll call.

(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)

LEG. MURATORE:

Yes.

LEG. ANKER:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. HAHN:

Yes.

LEG. CALARCO:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. TROTTA:

No.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Sixteen (Opposed: Legislator Trotta - Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. ***IR 2068A - Resolution of the County of Suffolk, New York, amending Bond Resolution No. 254-2014, adopted on March 19, 2014 authorizing the issuance of \$75,000 bonds to finance the cost of planning of the Optical Imaging System used by the County Clerk's office (CP 1751.113).*** Another technical correction. Motion by Legislator Kennedy,

General Meeting - 11/18/14

second by Legislator Calarco. Roll call.

*(*Roll Called by Mr. Richberg - Chief Deputy Clerk*)*

LEG. KENNEDY:

Yes.

LEG. CALARCO:

Yes.

LEG. KRUPSKI:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. HAHN:

Yes.

LEG. ANKER:

Yes.

LEG. LINDSAY:

Yes.

LEG. MARTINEZ:

Yes.

LEG. CILMI:

(Absent).

LEG. BARRAGA:

Yes.

LEG. TROTTA:

Yes.

LEG. MC CAFFREY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. SPENCER:

Yes.

D.P.O. SCHNEIDERMAN:

Yes.

P.O. GREGORY:

Yes.

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. If you go to the small manilla folder we have the tax warrants. ***IR 2056 - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 3 - Southwest in the Towns of Babylon, Huntington, and Islip (Presiding Officer Gregory).*** Motion to approve by Legislator Schneiderman. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2057 - Levying Unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 14 (Parkland), Suffolk County Sewer District No. 15 (Nob Hill) and Suffolk County Sewer District No. 18 (Hauppauge Industrial) in the Town of Islip (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2058 - Levying unpaid sewer rents and charges in Suffolk County Sewer Districts; No. 1 (Port Jefferson), No. 2 (Tallmadge Woods), No. 7 (Medford), No. 10 (Stony Brook), No. 11 (Selden), No. 12 (Birchwood N Shore), No. 14 (Parkland) No. 19 (Haven Hills), No. 20 (William Floyd), and No. 23 (Coventry Manor) in the Town of Brookhaven (Presiding Officer Gregory). Motion by Legislator Muratore. I'll second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2059 - Levying unpaid Sewer Rents and Charges in Suffolk County Sewer District No. 6 (Kings Park), Suffolk County Sewer District No. 13 (Wind Watch), Suffolk County Sewer District No. 15 (Nob Hill), Suffolk County Sewer District No. 18 (Hauppauge Industrial), Suffolk County Sewer District No. 22 (Hauppauge Municipal), and Suffolk County Sewer District No. 28 (Fairfield at St. James) in the Town of Smithtown (Presiding Officer Gregory). Motion by Legislator Kennedy. Second by Legislator Trotta.

LEG. D'AMARO:

I think it's 22 instead of 20.

P.O. GREGORY:

Twenty-two, I'm sorry. I stand corrected. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2060 - Approving the return of the fund balance of the general fund, police district fund, and District Court District Fund to the taxpayers of the towns of Suffolk County (Presiding Officer Gregory). Motion by Legislator Krupski. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2061 - Determining equalized real property valuations for the assessment rolls of the 10 towns (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2062 - Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns under the County Budget for Fiscal Year 2015 (Presiding Officer Gregory). I make a motion. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2063 - Approving and directing the levy of taxes and assessments for Sewer Districts of Suffolk County under the County Budget for Fiscal Year 2015 (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2064 - Affirming, confirming, and adopting the assessment roll for Suffolk County Sewer District No. 3 - Southwest and directing the levy of assessment and charges within the Towns of Babylon, Huntington, and Islip for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2015 (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2065 - Extending the time for the Annexation of the warrant to the Tax Rolls (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2066 - Approving the tabulations of Town Charges and fixing the tax levies and charges to the towns for the MTA Tax under the County Budget for Fiscal Year 2015 (Presiding Officer Gregory). Same motion, same second. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen. Who was the motion and the second?

P.O. GREGORY:

It was the same. Okay. Red folder. CN's. Did you call it?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

IR 2072 - Authorizing public hearings pursuant to Article 2 of the Eminent Domain Procedure Law of the State of New York in connection with the acquisition of properties to be acquired for the reconstruction of the Fire Island Barrier Beach and Dune Network from the Fire Island Inlet to Moriches Inlet, Towns of Brookhaven and Islip, Suffolk County New York (CP 5382)(Co. Exec.). Motion by Legislator Calarco. Second by Legislator Barraga. On the motion, Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

Just a little explanation, maybe Commissioner Anderson. So we are using our powers of eminent domain but ultimately the State is going to pay for this? Is that correct? Or the Federal government?

COMMISSIONER ANDERSON:

Yeah. This really is to set up a public hearing to begin the eminent domain process. We're not looking at this point to condemn anybody or, you know, we're trying to do this under friendly acquisition, but we want to be in a process to that if somebody comes back and says they don't like the offer that's made, then we have to go into eminent domain, we want to be in a position where we can go and go right to vesting at court, rather than having to have public hearings. So this serves two purposes. It puts us ahead of the track a little bit, but it also creates that public purpose that we need to establish legally under the process.

D.P.O. SCHNEIDERMAN:

Gil, so this is part of our reconstruction project, their lands that we may need for that, or is this part of that program where the State is acquiring properties.

COMMISSIONER ANDERSON:

We're acquiring the property under Fire Island and Moriches Inlet Project.

D.P.O. SCHNEIDERMAN:

So this is part of FIMI. This is FIMI.

COMMISSIONER ANDERSON:

This is FIMI, yes.

D.P.O. SCHNEIDERMAN:

Okay.

P.O. GREGORY:

Okay. Any other questions? All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. I'd like to make a motion to waive the rules and lay the following resolutions on the table: IR 2069 to Economic Development; IR 2070 to Public Works, Transportation and Energy; IR 2070, Public Works, Transportation and Energy; IR 2073 to Government Ops; IR 2074 to Government Ops; IR 2075, Ways and Means; IR 2076, Ways and Means; IR 2077 to Parks; IR 2078 to Public Works; IR 2080 to Ways and Means; IR 2081 to Parks. Do I have a second? A second by Legislator Lindsay. All in favor? Opposed? Abstentions?

MR. RICHBERG:

Seventeen (Absent: Legislator Cilmi).

P.O. GREGORY:

Okay. That is our agenda. Before we release, have a happy Thanksgiving, everyone. We stand adjourned. Thank you.

(*The meeting was adjourned at 6:27 p.m. *)

{ } - Denotes Spelled Phonetically