

**GENERAL MEETING**

**TWELFTH DAY**

**December 2, 2014**

**Verbatim Transcript**

**MEETING HELD AT THE EVANS K. GRIFFING BUILDING  
IN THE MAXINE S. POSTAL LEGISLATIVE AUDITORIUM  
300 CENTER DRIVE  
RIVERHEAD, NEW YORK**

***Taken & Transcribed By:***

***Lucia Braaten & Alison Mahoney - Court Stenographers***

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

**P.O. GREGORY:**

Good morning, Mr. Clerk.

**MR. LAUBE:**

Good morning, Mr. Presiding Officer.

**P.O. GREGORY:**

Good morning. Do the roll call.

**MR. LAUBE:**

Yes, sir.

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

**LEG. KRUPSKI:**

Right here.

**LEG. BROWNING:**

Here.

**LEG. MURATORE:**

(Not Present)

**LEG. HAHN:**

Present.

**LEG. ANKER:**

Here.

**LEG. CALARCO:**

Present.

**LEG. LINDSAY:**

Here.

**LEG. MARTINEZ:**

Here.

**LEG. CILMI:**

Here.

**LEG. BARRAGA:**

(Not Present)

**LEG. KENNEDY:**

(Not Present)

**LEG. TROTTA:**

Here.

**LEG. MC CAFFREY:**

Here.

**LEG. STERN:**

Here.

**LEG. D'AMARO:**

Here.

**LEG. SPENCER:**

(Not Present)

**D.P.O. SCHNEIDERMAN:**

Here.

**P.O. GREGORY:**

Here.

**MR. LAUBE:**

Fourteen. (Not Present: Legislators Muratore, Barraga, Kennedy and Spencer.)

**P.O. GREGORY:**

Legislator Barraga has a funeral this morning. He'll be here to join us a little later.

Okay. We're going to salute to the flag that's going to be led by Legislator Kara Hahn.

**(\*Salutation\*)**

Okay. The invocation will be given by Kate Jones Calone, Assistant Pastor of the Setauket Presbyterian Church in Setauket, guest of Legislator Kara Hahn.

**D.P.O. SCHNEIDERMAN:**

Please turn your cell phone ringers off.

**LEG. HAHN:**

Okay. Thank you very much. Kate Jones Calone, as the Presiding Officer said, is the Assistant Pastor at the Setauket Presbyterian Church. She serves on the Public Issues Committee of the Long Island Council of Churches, as well as on the Shepherding Council and Committee on nominations for the Presbytery of Long Island, and as a member of the Three Village Interfaith Clergy Association. Prior to her ordination in the Presbyterian Church, she was an attorney, practicing in the areas of criminal defense and criminal justice policy. She lives in Setauket with her husband, David, and three children, Sarah, Peter and Meg. So I welcome my friend, Kate Jones Calone.

**(\*Applause\*)**.

**PASTOR CALONE:**

Thank you, Legislator Hahn, and to this entire assembly for having me here this morning. Let's all come together in a moment of prayer and reflection.

Divine Spirit, we gather this morning with Thanksgiving still pulsing in our hearts, with recognition of all those things in our lives that give us joy, and peace, and wholeness. So we start from that place, with thanks again for the gift of family and friends, for the gift of a free nation, for the gift of a vibrant, and beautiful, and diverse County where we live and work, and for the gift of service. May our shared gratefulness translate into a cooperative stewardship for the people and land entrusted to our care. May this Body approach its work with energy, wisdom, mutual respect and commitment, and with great reverence for the privilege of representing each life within its bounds. May we remember especially those who are suffering, those without a warm house or enough to eat, those without meaningful work to do, those who feel unsafe or unloved, those who cannot access the services they need for their own joy, and peace, and wholeness. Turn our attention most urgently to their needs, for in every tongue and in every faith, you insist upon the priority of the least among us. Inspire and guide the work of today, so that in this season of hope, we all might build the future you imagine and proclaim. Amen.

**P.O. GREGORY:**

Okay. If you'll all remain standing for a moment of silence. Lester Siems, husband of former Legislative Aide Fran Siems, passed away recently.

Also Anthony Pace, Islip Town Republican Committee Chair for 18 years, until 1988, passed away last week. Pace started working for Islip Town in 1963, became Town Attorney in 1967, and served as an Assistant County Attorney for 11 years.

And, as always, let us also remember all those men and women who put themselves in harm's way every day to protect our country.

*(\*Moment of Silence\*)*

Okay. Thank you. Okay. We have several proclamations this morning. First is Legislator Krupski, who will present several proclamations. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. It really gives me great pleasure this morning to introduce three Mattituck teams that all won County titles, Long Island championships, and went on to the States. And I'll start by introducing the Mattituck Boys Soccer Team, who won the State Championship. If you could come up, please.

*(\*Applause\*)*

Congratulations to Coach Litchult. And if you or the boys could give us a summary of your season, and how you advanced through the playoffs, we'd appreciate it.

**COACH LITCHULT:**

Well, thank you for having us here today. With me today, I have Captain Paul Hayes and Captain Kevin Williams. Both are seniors; both had a tremendous year this year.

The playoffs started with a County Championship win against Center Moriches on a cold, nasty day. We won 2-0 to advance. We moved on to the Long Island Championship against the Nassau champion, Wheatley. That day we won 4-1. We progressed to play in the Southeast Regional Championship against a team called Rye Neck. They played us pretty tough that day, and we won 3-1, to advance to go up to the New York State Final Four. Upstate, we pretty much dominated, had a wonderful ride. In the semifinals, we played a team from outside Syracuse, a team called Skaneateles. Tough to say and tough to spell, but we won on that day 6-0, a pretty impressive score for a semifinal game, and we moved on to the finals. We played a team called Beekmantown

outside of Plattsburgh, well up north. And on that day, we won 3-0 to claim the State Championship in Class B. They were all held in Middletown, New York.

We have a very big senior-laden team, and, you know, for these boys to go out on top, it was a tremendous accomplishment. But thank you for having us here today and recognizing us.

*(\*Applause\*)*

**LEG. KRUPSKI:**

Thank you for your hard work, really. It's really exciting. Here's your -- you can give these out to the boys.

**COACH LITCHULT:**

Okay.

**LEG. KRUPSKI:**

And there's one for the team.

**COACH LITCHULT:**

Okay, great. Thank you very much.

**LEG. KRUPSKI:**

Now I'd like to bring up the Mattituck Cross Country Team.

*(\*Applause\*)*

And I'd like to ask Coach Miliman or one of the girls to give a summary of their season.

**MS. HOEG:**

Hi, good morning. My name is Audrey Hoeg and I'm a Co-Captain from the Mattituck Girls Varsity Cross Country Team.

This year, we had an incredible season. We went 4 and 1 in our regular season. We were Co-Champs with Mercy in our league, and we were also Divisional Champs, which is the first time that the Girls Cross Country Team were ever Divisional Champs in Mattituck history. We also continued on to win the Class C County Championships, which is the third year in a row that we've done. And we went up to SUNY-Canton to compete in the New York State Championship meet. We came in seventh in the state for Class C at the New York State Championships, and we also were Long Island Championships, beating Oyster Bay, the Nassau County team that went Upstate with us. Thanks.

*(\*Applause\*)*

**LEG. KRUPSKI:**

Thanks for your hard work. This school must be very proud of you. Congratulations.

**MS. HOEG:**

Thank you.

*(\*Applause\*)*

**LEG. KRUPSKI:**

And now I'd like to bring up Mattituck Girls Volleyball and Coach Frank Massa.

**(\*Applause\*)**

Coach Massa has made a habit of taking his team to the State Championship. And I'd like to ask either one of the girls or the Coach to give us a summary of their season.

**MS. REIMER:**

Hello. How are you? I'm one of the Captains from the Mattituck Varsity Volleyball Team. This year, we had a 10 and 8 record in our regular season, and we advanced to a playoff game against Greenport-Southold. We beat them 3-2, which was a dogfight and one of the hardest games that we had to play. We advanced to the Suffolk County Championship against Babylon, who we continue to see them there, and we beat them 3-1. And we went on to the Long Island Championship, and for the first time in Mattituck history, we won 3-0 in the Long Island Championship, and we ended up fourth in the New York State Championship. It was a great season, and I'm happy to end my season Upstate. Thank you.

**(\*Applause\*)**

**LEG. KRUPSKI:**

Congratulations. There's proclamations for you and for the girls. That's great.

**COACH MASSA:**

Thank you.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Congratulations. Next, we have Legislator Schneiderman, who will present several proclamations as well.

**D.P.O. SCHNEIDERMAN:**

Good morning, everybody. You just heard from Legislator Krupski, who's the Legislator for the North Fork. I represent the South Fork region, and I'm a very proud Legislator as well. You'll find out why in a moment; had three State Champions -- I'm sorry, County Champions that were shipped here, so they're here today. And I wanted them to meet the Governing Board of the County, but also the Governing Board of the County to meet some of the kids who really have made our County very proud.

So, first, I'm going to bring up East Hampton Bonackers Soccer Team. They were Class A Soccer Champions, County Champions. They also went on to Long Island Class A Championship title. So if I could bring up the East Hampton Bonackers, led by their Coach, Rich King.

**(\*Applause\*)**

Now these guys have been County Champions three out of the last four years. Hey, Rich. Good to see you, Coach. I have a proclamation for them. I won't read it, but it speaks of their great season. Congratulations to all of you guys. Rich, you want to say a word or two about the season?

**MR. KING:**

Sure. Thank you, Mr. Schneiderman. And thank you to the Board for inviting us and having us here today.

This is a record-setting team for the East Hampton High School Boys Soccer Program. We captured our first Long Island Championship after three tries in the past four years. We beat Southside High School in the Long Island Championship by a score of 2 to 1 in an overtime game. And then we went up to Middletown, New York for the State Final Four, where we played a team from the Syracuse area, Jamesville-DeWitt High School. We were able to beat them 3-0. And then we, unfortunately, lost in the State Final match versus a team from outside of Rochester, Greece Athena, by a score of 4 to 2.

I'm very proud of the boys. We finished with a record of 17-2 and 2, our only two losses coming to Saint Anthony's High School, which is a national powerhouse, and, of course, the final match against Greece Athena in Rochester. So I couldn't be more proud of the boys.

And once again, thank you, everyone, for having us here today.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

Here's the proclamation. We're going to grab a quick -- you want to do it right here or around the horseshoe? Okay. We're going to take a quick picture, and then we'll bring up the next team.

*(\*Photograph Was Taken\*)*

Congratulations, you guys.

*(\*Applause\*)*

All right. We're going to move a little bit to the west now. I've got two teams from Southampton, also known as the Mariners. We're going to start with the Boys Cross Country Team.

The Southampton Boys Cross Country Team wrapped up the League 7 Championship with a win over Mercy on the 5K. That's a 3.1-mile course at Indian Island in Riverhead on October 14th. The Mariners were dominant in the win over the Monarchs, taking the top four spots in the race, and eight of the top nine spots. They're going to be joined by their Coach, Eddie Arnold, if I could bring them up.

*(\*Applause\*)*

**COACH ARNOLD:**

Hey, how are you?

**D.P.O. SCHNEIDERMAN:**

Congratulations. This is an interesting sport. I'm just learning a little bit more about cross country, because my son is in the intermediate school cross country at Southampton, a different coach. And it's really -- it's a really difficult sport, mixed terrain. These guys are doing a 5K, which is a good distance, out in the woods. And it's hard for me to -- you know, the way they score this, they look at, I think, the top five runners, is that how it works, or top 10 runners?

**COACH ARNOLD:**

It's actually the top five scorers, but it's actually the top seven.

**D.P.O. SCHNEIDERMAN:**

Right. So to have -- in a County Championship race, to have the top eight or nine runners -- right?

**COACH ARNOLD:**

Yes, top seven.

**D.P.O. SCHNEIDERMAN:**

It's pretty amazing. So this really a remarkable team, a lot of fast runners. I'm really proud of these guys. I have a proclamation for them as well. And maybe I'll have their Coach, Coach Arnold say a word or two about the season.

**COACH ARNOLD:**

Well, first of all, I'd like to say this is an honor to be here, and I want to thank everyone for inviting us here. I'm not going to bore you with stats or any statistics, but, honestly, these children are my family. That's part of our success, is because we stay together, we work together, we eat together, we laugh together, we cry together. And part of our success was because these boys here. I have five children at home myself, and, you know, sometimes a void is there because I miss my children. But these children fill that void for me, and I love giving them every bit of coaching I can give them, and I'm very proud of them.

They accomplished something that hasn't been done since 1951. Southampton won the Counties way back, 63 years ago. And these boys here had a goal this year, and I can honestly tell you that I can't be more proud as a father, as a coach, and as a friend to these kids, because these kids are my family.

And I thank you for your time. And what can I say? We'll be back again next year.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

I'd like to present your Coach with this proclamation on behalf of the County. Congratulations for a great season, and we'll get a -- we got a quick picture in before, right? So we're good, we got the picture earlier. So thank you all for coming.

*(\*Applause\*)*

Okay. Lastly, this morning I want to bring up the Lady Bonackers. Coach Zukosky is with them. Let's see. I'm sorry, not the Lady Bonackers. The Lady Mariners are the 2014 Suffolk County Class E Girls Field Hockey Championship. In a rematch with -- last year, you may remember, last year we had Pierson, who won the County and went on to the State Championship as well. They had back in Dowling defeated the Lady Mariners. This year it was the Lady Mariners who defeated Pierson for the All County.

So let me bring those guys -- let me bring the Lady Mariners up with their Coach, Coach Zukosky. Let's give a big round of applause for County Championship.

*(\*Applause\*)*

Class C Girls Field Hockey Champions. And where is -- oh, Coach Zukosky is not here. So does somebody want to say a few words? Tell me your name.

**MS. RICCA:**

Caroline Ricca.

**D.P.O. SCHNEIDERMAN:**

All right. This Caroline Ricca.

**MS. RICCA:**

I'm the captain.

**D.P.O. SCHNEIDERMAN:**

Okay. And Caroline is the captain of the team.

**MS. RICCA:**

Hi. Our season was extremely tough, considering how we were the underdogs last year, so everyone was kind of aiming for us this year. So we definitely showed them all how we just really wanted it. And we played an extremely hard game, really tough game against Pierson for the Class C Championship and we won. Unfortunately, we lost the Long Island Championship, but it was a great run for us. And it was a great way to end my high school career.

*(\*Applause\*)*

**D.P.O. SCHNEIDERMAN:**

So to all of you, I present a proclamation on behalf of Suffolk County. Congratulations on a great season. Congratulations on the County Championship. It's great to see you all here. Sorry we pulled you out of school. You probably don't mind so much. But, as your Legislator, I'm really proud to have you guys all as my constituents. And to be able to show you off to my colleagues, it's really special for me. So congratulations again.

*(\*Applause\*)*

We're going to take a quick picture.

*(\*Photograph Was Taken\*)*

**D.P.O. SCHNEIDERMAN:**

Congratulations.

**P.O. GREGORY:**

Next, we will have Legislator Anker make a presentation.

**LEG. ANKER:**

Okay. As the kids leave, I'm going to have a couple of more kids here today. It's amazing how many students and young folks we have here and recognizing their abilities. I have two young men who I met. Actually, I didn't know them as I decided -- when I decided to give the recognition. So let me explain how I got to know -- got to meet them.

On Veterans Day, that was Wednesday, November the 11th, I was driving back in my car from the Calverton Cemetery, after, you know, staying -- participating in a presentation there. And, you know, prior to that, I had gone to the Sound Beach Vets Day, and then I was at the Rocky Point Vets service, and it was just amazing. And it was such a great feeling to know how the men and women have supported our country, you know, through the military. And as I waited in Miller Place at the crossing between, let's see, 25A and -- what is that, Miller Place -- Miller Place Road by the Stop & Shop, I noticed a young man, his car had broken down, so he was blocking traffic, he was trying to make a right turn. And then I noticed -- you know, and I was just sitting there waiting, just observing, and then I noticed another young man stop his car behind the car that had stopped, got out of his truck, and helped push the car out of the way. Now you don't see that, you know, as often, or I don't see that a lot, but it was just a beautiful, beautiful sight, but they were struggling to push the car. So, you know, this all happened within probably a 45, one-minute time span, it was

so fast, and to make that quick random act of kindness, and that's why these two boys are here today. Now, Kyle and Jack didn't participate until about maybe 30 seconds later.

So, as I approached the car in front of me, a young -- a woman, actually she's a 57-year-old woman, who has called my office, who I'd like to also recognize, she came and she started pushing the car. And then all of a sudden, then here comes Jack and Kyle coming from behind, pushing, helping push the car out of the road. So it was just amazing. Again, in the season of giving, you know, with the holidays, and just to recognize the random act of kindness that you have given to the community.

I am very proud to recognize you boys, Kyle Mazza and Jack Hewson, for your contribution to our community. So thank you so much, I really appreciate it. I'd like to give you a round of applause. Thank you.

*(\*Applause\*)*

And I also just wanted to mention, again, Kyle, he's a 9th grader. They're both 14 years old. They attend the Miller Place High School. Kyle is a Junior Honor Society member, and he works -- he's on the JV Soccer. He is also the Junior Counselor to the North Shore Youth Council, and he hopes to participate in computer studies when he attends -- in high school, when he attends college.

And Jack Hewson also is a 14-year-old freshman at Miller Place High School. He is participating in sports, track, lacrosse. He also works at North Shore Youth Council's summer Big Buddies Program, and he is currently investigating the Miller Place Junior Firefighting Program. And, also, he wishes one day to attend the U.S. Naval Academy.

So, again, for your wonderful efforts, I applaud you and wish you the best, and success in your future endeavors. So thank you so much. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Okay. Thank you. Congratulations, boys -- young men. Excuse me. I have an announcement. At 12 noon today, there will be an Executive Session for Legislators to discuss the Poospatuck settlement and Pine Barrens decision.

Right now, we will go into the Public Portion. First speaker is Scott Maskin, and then on deck is Thomas Walsh. Each speaker will have three minutes.

**MR. MASKIN:**

Good afternoon, Legislature.

**P.O. GREGORY:**

Good morning.

**MR. MASKIN:**

It's nice to see where you guys work. I've seen most of you at my construction projects, so it's nice to see where you work.

Good morning, and thank you for listening today. My name is Scott Maskin, and I own Sunation Solar Systems, based in Oakdale and Southampton. We currently employ about 45 people, and should reach 70 in 2015. Ninety percent of them are Suffolk taxpayers and voters, and should have the right to work in Suffolk County projects. Under the current legislation regarding the apprentice training programs, they will not, and I urge you to vote no on it.

I'm under the impression Sunation is the only solar-specific contractor on Long Island with a New York State approved apprentice training program. Around 2006, I was a successful bidder on a Bellmore School District project. They had a requirement that a contractor needed an approved apprentice training program, and was fully willing and capable to start a program, but the Governor's Office placed a moratorium on new programs. At that time, I was the most qualified solar integrator on Long Island, but was not awarded the project. The result cost the Bellmore taxpayers \$60,000 more for the number two bidder, who at the time had completed many less projects than I had. Since then, we've completed over 30 municipal projects in every one of your districts on time, safely and on budget.

As a small business, all I ever asked for was a level playing field. Some projects I win and some I lose, but this legislation prevents me from delivering value to your constituents. The legislation once again tips the balance towards union contractors, and you'd be hard-pressed to have any one of them comment negatively on Sunation's performance, safety, knowledge or reputation. Many subcontract to me.

I consider proper training of my staff not a burden, but a duty to ensure the stability and success of my company and my staff's future. It costs me many thousands of dollars and countless hours to maintain this program, a luxury that union contractors can spread over hundreds of companies. The program itself takes a five-year commitment from an employee. We're graduating our first apprentice this year, and have two enrolled, and a third going back, as he was unable to complete his training for personal reasons. Quite frankly, the horizon of spending Suffolk County dollars on solar is not too good, because there's not a lot of money to go around, but I do work on many Suffolk IDA funded projects. And if this legislation passes, they will be next on the chopping block, and then on to commercial projects in Suffolk as well. That will crush my expansion plans and growth. What I would focus more on is making sure County money stays on Long Island, rather than which Suffolk -- rather than which Suffolk residents could work on Suffolk projects.

Most Suffolk solar projects specifically were built by Local 25 electricians, are owned by out-of-state and even non-U.S. companies. The playing field is somewhat level right now. I urge you to keep it that way and vote no.

And just to let you know the timeline on this apprentice training, in my company, I usually wait about six months on a new employee to see if they're worth their salt, if they're going to make it in the field, and stay loyal, and be worth putting the investment in. Then it takes another six months to get them into the program, and it's a five-year commitment. So the way this is worded, I'll have no apprentices able to do the work. Thank you for your time.

**P.O. GREGORY:**

Thank you, Mr. Maskin. Thomas Walsh, and then on deck, James Sutherland.

**MR. WALSH:**

Good morning, everybody. My name is Tom Walsh, I'm an attorney. I work, well, from Melville to Montauk, and I represent a lot of contractors.

This bill, 1866, the previous speaker just discussed, is a bad bill. It's unnecessary, it will not accomplish what it sets out to do, and it essentially will hurt small businesses; not only small businesses, it will also hurt those employees who work for them.

I -- you really don't want to hear from a lawyer so much as you need to hear from the actual people who do this work, so I'm not going to take much of your time. The bottom line here is that this is a bill that would create artificial barriers to the labor marketplace for the County, and would essentially

disenfranchise almost all the employees of small businesses in Suffolk County in each of your Districts. The vast, vast majority of employees working in the construction field do not work for companies that do or could even meet the standards of this statute. So, you know, for that reason, I ask you to consider carefully what it is that you would be doing to the voters in your Districts by essentially telling them that they're not welcome to perform work and earn a living on public work in their own county. And that's really all I have to say today. Thank you.

**P.O. GREGORY:**

Thank you. Okay. Mr. Sutherland, and then on deck, James Burke.

**MR. SUTHERLAND:**

Good morning. My name is James Sutherland. I'm the owner of Hi-Lume Corporation, located in Huntington Station. We are a carpentry company. We employ approximately 80 carpenters, with a majority living in Suffolk County. We have had and have a New York State approved apprentice program for approximately eight to nine years. The bill as written is onerous to our company and our employees. We feel that it's a -- it's a barrier for us to work, and really would exclude us from all County work.

I brought with me some of my employees here. We feel very strongly about it. When I first heard about this, and we sent an email to our employees, I really didn't think I would get much of a response. Well, I got a great response. And I just want to reinforce that we feel the bill is onerous, and we ask you to please consider not altering it as it stands. Thank you.

**P.O. GREGORY:**

Thank you. And we have a rule that no signs or placards are allowed in the auditorium. Thank you for complying.

All right. Mr. Burke, and then John Chevez, looks like.

**MR. BURKE:**

Good morning. I'm a 37-year resident of the Town of Miller Place. A live adjacent to the Cordwood Landing Preserve. And I recommend strongly and support the acquisition of the last remaining undeveloped parcel adjacent to this park. Thank you.

**P.O. GREGORY:**

Thank you, sir. Mr. Chevez, and then P. Kenneth Komoski on deck.

**MR. CHEVEZ:**

Good morning, everyone. I'd like to thank you for the opportunity to talk today. I am an estimator for a nonunion merit shop, carpentry contractor, and I'm here to voice my opinion about the apprenticeship program.

We are a registered apprenticeship -- we have an apprenticeship program, and I know firsthand working in the office how long it takes to register a person. And like somebody else mentioned, you have to give them a little bit of time to work with the company to see if it's worth investing the thousands of dollars that you're going to invest in their schooling, paying them for the day when they go to school, and providing a whole bunch of other things that you have to do, the time in the office, the paperwork, just to keep them in school, and that's for one person.

Now, if I understand the legislation correctly, you guys are saying that you want to have four graduated within 48 months. That would basically put us out of business, because we'd be paying guys to go to school and not to go to work.

And just so everyone understands, and just so everyone knows a little bit of my background, I am 33 years old. I'm a Suffolk County resident. I own a house, I pay taxes, and I vote. And statistically, nonunion contractors make up 75% of the construction workforce in New York; 25% is made up of union contractors. So statistically, you're basically excluding three out of every four workers by passing a bill like this, that's what you're doing. You're going to exclude 75% of the local workforce, local people like myself that live in this County, that vote for you guys, that pay taxes here, and that's just something that's not right.

I would say that you completely get rid of this Legislature (sic), don't even bring it up anymore, and leave it as a level playing field. Let everybody bid the way that we're going to bid. And like the other gentleman said, sometimes we get the work, sometimes we don't, but at least it's a level playing field. We're not being completely excluded from even bidding a job because we can't pay ourselves to maintain four workers to go to school, paying for everything that we have to pay for.

So I thank you guys for your time and I appreciate it.

**P.O. GREGORY:**

Thank you, sir.

*(\*Applause\*)*

Mr. Komoski, and then William Woody Brown.

**MR. KOMOSKI:**

Good morning to you, and I appreciate being here very much. Last time I worked with people in this Legislature was 20 years ago, and they were very helpful. And I want to tell you a story that led to all of that.

I was driving along the highway one day 20 years ago and I saw these women along the highway. They were wearing kind of orange jackets; they were picking up stuff on the highway. And it suddenly dawned on me, oh, you know what they're doing, they are putting in their 30 hours a week to earn their welfare money that was now coming down from Washington, and they were doing this work in order to get the money to help themselves live with their families. These are mostly single mothers, not graduated from high school, pregnant when they're 15 or so, and that's who they were. I talked with some of them. Yes, they had dropped out of school, and so forth and so on.

So I came back and I went over to a hearing in the town hear, and there was a big center on Main Street. Do you remember this Main Street where the Department of Labor was? And they would go there and get put in -- this is their job, you're going to go out and pick up stuff on the highway. This is a highly unmarketable set of -- you know, what they were doing, this is not very much of a marketable skill.

And so I went back to my church on that weekend, and I said, "Let's get together and see whether we could have these people learn and earn their way to a better life." And so we had in the church basement, North Magee Street in Southampton -- I live in Southampton, and have since the '50s, and been an educator, and I was able to make more money coming out here and teaching tennis in the summer than I could teaching school in New York City. That was in the -- that was in the '50's. And so, at any rate, what I discovered was that these people would come in the evening to this church and they'd learn how to use a computer. They learned how to get ready for life in the digital age, family literacy that they would need, that they themselves would have to know how to use a computer. They and their children had to learn how to do that, and together they would be able to do better. And we had, with the help of people like you, we had the help of the County then coming in and providing us with the resources to spread that. And we went from that basement to

basements, and churches, and --

**P.O. GREGORY:**

Mr. Komoski, your time has expired, please wrap up.

**MR. KOMOSKI:**

I hope that one or more of you will -- I'm going to stay until the end of this meeting, and if you just listen a little more, those of you who are interested in helping people really learn and earn a better way of life, that you could help me meet with the people in the County to do what the County did then, was provided us with \$60,000 a year to do this, and we spread it right across Long Island on the LINCT Program, Long Island Networking Communities via technology.

**P.O. GREGORY:**

Thank you, sir.

*(\*Applause\*)*

All right. Mr. William Woody Brown, and on deck, Barry Lipsky.

**MR. BROWN:**

Hello, and good morning, everyone. I'm Woody Brown from Miller Place Civic, I'm the President. I'm here to support the Resolution 2040 for a piece of property located in Miller Place.

I'd like to start out, first of all, by sincerely thanking Legislator Sarah Anker and her staff. She clearly embodies everything that we've asked for as a civic in the best practices of government, opening the doors and opening it to dialogue, attending meetings, encouraging us to participate openly and freely with her. And so I just want to thank her, first of all.

The Miller Place Civic has been part of that process of saving this parcel since about 2005. We initially identified it as an -- for importance in preservation. In 2011, we talked with Sarah, actually, 2010, and said, you know, we needed this thing done. She jumped on -- right up, right immediately and we got a resolution to acquire. Unfortunately, the amount of money that we offered was not sufficient, and the buyer turned it down, or the owner turned it down at the time. Consequent to that, another owner purchased the property. We got wind of it. They were willing sellers, and we contacted Sarah again. She jumped right on it and here we are today. So, once again, thank you, Sarah, for that.

I just wanted to go over a couple of points for everybody else, so they understand how important this piece of parcel is to the community. It's contiguous with 65 acres of nature preserve. The vistas and beauty of that area, Miller Place Historic District, are unparalleled on the North Shore, they're quickly vanishing. It's on the Town's acquisition list. It drains it -- it's got drainage into the Long Island Sound, affecting water quality, into a national estuary. It lies within the Long Island North Shore Heritage area. It's listed as a critical environment area. It contains species of concern. It contains native plant species that are protected. It lies within the Long Island Comprehensive Conservation and Management Plan, and it lies within the transition zone of our Historic District. It also lies adjacent to a designated historic trail, the Cordwood Path, and so history abounds, beauty abounds. We've got natural environment we need to save. It's all of the above.

I've got a little bit of a document as well that I'd like to submit. We went over the point system and did a lot of homework. We found initially it was 13 points, it's been revised to 51 points. We did some additional work. We got up to an additional 22 points, that takes up to 73. And we need to look at the property contiguous with what's already there. We'd get two more points for 75. May I submit?

**P.O. GREGORY:**

Thank you. Submit it to the gentleman right there. There, behind you, sir.

**MR. LAUBE:**

Sir. Sir.

**P.O. GREGORY:**

You guys got to be quicker.

**MR. LAUBE:**

I could tackle people.

*(\*Laughter\*)*

**P.O. GREGORY:**

All right. Mr. Barry Lipsky, and Michael Todisco.

**MR. LIPSKY:**

Good morning. My name is Barry Lipsky. I'm the owner of Lipsky Enterprises. I'm a general contractor from Suffolk County.

First, I'd like to thank all those Legislators who took my phone calls in the last several days regarding the apprenticeship proposed changes.

Just a quick short history. I'm a family general contracting business from Long Island for the past 50-plus years. We do both public and private construction work. We've probably worked on over 300 schools throughout Long Island, and done many of the County projects that are in existence today. We are both union and nonunion construction contractors, although, as most general contractors on Long Island, we're not signatory to the unions. However, we do use a lot of the union trades for our contracts. We are very, and I want to emphasize, very pro training of apprentices and pro education.

The proposed amendments to the apprenticeship program don't work the way they're proposed at the point right now. I don't know of any industry at all that exists that requires an employer to hire a certain quantity of people in their employment, and that's what the proposed amendments are requiring, quantity of people.

Most of the general contractors on Long Island have about six to ten trade people, work people working for them. They don't need a whole lot of people to do the work for them. However, the way the amendments are written, at least the way that I interpret them, is in order for me to go to contract with the County, I must have the apprenticeship program. I want you to note that I was probably the first one, or one of the first ones, in Suffolk County to get that apprenticeship program several years ago. But the way it's written right now, we would need to have that program continue in order to contract with Suffolk County. In order for me to fulfill the requirements, I'd have to have four new employees hired in the next four years and graduate through the program.

So, as a general contractor, where I just have a few people working for me, because we do subcontract most of our work out, as most general contractors do, what am I going to do with these people? And I'm going to give you something that went through my head the other night, and it's similar to the young students that you saw here a few minutes ago. In essence, what I'd be required to do is go to my next door neighbor and say, "I've got a great deal for you. Give me your sons. I'm going to put them to work, even if I don't have work for them, so they're going to get a

paycheck every week, and then I'm going to train them and put them through school, and I'm going to pay for that, even if I have no work for them."

I don't know about the rest of you, but I raised four children, put them through college, and I barely did that. I don't know how I'm going to do what's proposed in these changes, it just simply doesn't work. Again, I'm pro apprenticeship and I'm pro education. But, please, let's reconsider the way this thing is written, find out what the essence of the real problem is, because I'm still trying to find out why we're here today. And then let's work through this thing in a way that we could make it work with proper amendments, so that we can get to the essence of the real problem here. Thank you very much.

**P.O. GREGORY:**

Thank you, sir.

*(\*Applause\*)*

All right. Mr. Todisco, and then on deck, Carmine Martuscello.

**MR. TODISCO:**

Good morning. My name is Michael Todisco and I'm the Regional Vice President of the Empire State Chapter of the Associated Builders and Contractors, otherwise known as ABC. We represent dozens of merit shop and open shop construction contractors and subcontractors that employ hundreds of workers throughout Suffolk County. I'm here because we find the amendments to the I.R. 1866, especially the changes you're looking to make towards the apprenticeship program, to be extremely detrimental to the lifeline of merit shop contractors from doing public work in Suffolk County. This especially will affect all small, mid-sized W -- MWBE contractors, which are the mainstays of Suffolk County.

First, I would quickly want to make sure everyone here understands what the apprenticeship program is. In the State of New York, the contractor must apply for a program, if they're lucky enough to get approved. They partner with the State Department of labor to ensure the program is performed to the highest standards set by New York State. This involves making significant investments in terms of time, money and resources. They also work with an employee to enter them into the program as an apprentice, which includes anywhere from three to five years of on-the-job training and classroom training, which costs about on average of \$10,000 per year.

Mandating -- mandating that a contractor must now additionally meet arbitrary set graduation rates is erroneous. Basically, what you're doing is eliminating the competition, and, therefore, increasing the cost to the taxpayers. Additionally, you could potentially be putting thousands people from these small to medium size companies out of work by not allowing the merit shop contractor to bid on the work and keep their employees working.

For example, I will take one of our current members now, an average merit shop Long Island contractor. They have a modest ten-person employee workforce that's been doing training, and involved with the apprenticeship program from the very beginning. They are the ones that are showing a great commitment to training. They are accountable to the Department of Labor in graduating their apprentice, and investing significant time to ensure the program operates to the high standards we expect a registered apprenticeship program to demand, not to mention they work to recruit the right person, provide thousands of hours in on-the-job training, hundreds of hours in classrooms. This is all done after putting in a full day worth of work in. This is not an easy task.

Over the past couple of years, this contractor has gone through a few bumps along the way, whether it's an increase in workers comp, or an increase in general liability insurance, not to

mention lower margins due to the economy still recovering. Either way, they're doing the best they can, but they're surviving.

If I.R. 1866 were in place today, this would ruin them. They would have no choice but to close the doors. The additional cost alone would -- they would no longer be able to do actual work; leaves them no choice but to close the doors. I ask, how is this fair?

Take that same company and change the owner. Let's say he's a young 24-year-old on the North Shore, we call an emerging contractor, which is someone that's less than three years old, and he wants to get involved in public work. Or about that medium-size subcontractor looking to expand his business? All three of these examples -- another example is a minority business owner in the South Shore. None of these people will be able to do any work because of I.R. 1866. I ask what could we do to make the changes?

In summary, the legislation's only lasting effect would be the diminishing competition on County let projects, and less opportunity for Suffolk County workers and MWBE firms to be able to work where the pay -- where they pay taxes. There are better alternatives.

In closing, I ask that you table this resolution. Clearly, more work needs to get done. Please feel free to contact me at the ABC office in Ronkonkoma to continue any dialogue on this issue, and if you have any questions on this related matter. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. I apologize. Carmine Martuscello, is it?

**MR. MARTUSCELLO:**

Yes.

**P.O. GREGORY:**

Okay.

**MR. MARTUSCELLO:**

Hi. I'm Carmine Martuscello. I'm with Racanelli Construction. We also do union and nonunion work. And we're happy to do business with the union people, but we strongly are against any changes to the apprenticeship program. We've been an approved apprentice -- we've had an approved apprentice program for about eight years, it works well, but they seem to be changing it. First, you had to have it for a year, then it had to be two years, then it had to be three years. And the unions keep coming up with ways -- bigger hoops for you to jump through. Like I say, we have no problem working with the unions. Half our work is union work. But this thing that they're -- this new resolution they're trying to pass is unfair to the smaller businesses. It will affect how you bid projects, and the smaller companies ability to bid it. And that's our take on it, as Racanelli, which is a good strong contractor, and we're third generation. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. All right. Mr. William Marquardt, and then Leonard D'Aluce.

**MR. MARQUARDT:**

Good morning. Thank you for allowing me the time to speak to you. I'm also speaking regarding

the apprenticeship proposed changes. I'm the co-owner of Stout Construction. I live in Islip. Our offices are in Patchogue, and we also have properties in East Patchogue and West Sayville.

We started our business, my partner and I, Robert Brandt, about 33 years ago. Presently, we have 19 employees, and they're all residents of Suffolk County. We have had New York State Department of Labor approved apprenticeship training programs since 2002, and since that time, we have complied with all the requirements of these programs. We've passed numerous reviews by the New York State DOL, and have graduated apprentices. The program and the training it provides is an excellent way to produce skilled employees, and we really value it. It is a little bit of an expense for us, but on the whole, we think it's a very good thing to have. We presently have apprentices in four programs.

Over the years, we have worked with Suffolk County Department of Public Works. We've completed numerous projects; also, the Parks Departments. Our projects have always been completed on time, at or under budget, and to the complete satisfaction of the County.

The requirements proposed in this bill are designed so that only companies that are signatory to Collective Bargaining Agreement will be able to work with Suffolk County. With the size of our workforce, we would not be able to comply with these onerous changes that are not required by the State, who originally designed the apprenticeship program and still administers it, but they come to the County from an outside source. To meet the requirements of this proposed bill, the number of apprentices and associated journey workers required to provide on-the-job training for the apprentices is so extreme that it will eliminate my business and many other excellent companies from bidding on Suffolk County projects. I believe that is the intent of this bill. It will also serve to reduce these valuable apprenticeship training programs in our County, as the smaller companies will not be able to -- will no longer be able to use them.

Please see these proposed requirements for what they truly are, an attempt to exclude qualified bidders from Suffolk County projects. It will result in less competition for the projects, higher project costs for County residents, and the exclusion of Suffolk County businesses and their employees from participating in this work. I'm at a loss to understand how this bill that would eliminate qualified proven contractors from the County's bidding list is beneficial to the citizens of Suffolk County, whose interests you're obviously elected to represent.

I urge you to send this bill back to committee, at the least. I really urge you to just vote no on it. But if not, send it back to committee to provide time for all the Legislators to hear from their constituents regarding this matter. Thank you for this -- for your time.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, sir. Mr. Leonard DeLucci (phonetic), and then Kevin Cirincione.

**MR. D'AMICO:**

Good morning. It's Leonard D'Amico. Thank you. Thank you for this opportunity. I'm here on behalf of D & F Development, in conjunction with the Long Island Housing Partnership, to speak in favor of the acquisition loan for property, eight acres of property on Ruland Road and Ruland Place to develop a limited equity co-op for 117 cooperative units. The site is part of a ongoing lawsuit that was developed 15 years ago that was part of a set-aside for a larger project in Huntington. There are many participants in the project. New York State HFA, New York State AHC, Long Island Housing Partners, all contributing funds to make this project a success, and to provide ownership to affordable families in the area. And I hope that you vote in favor of this loan. Thank you.

**P.O. GREGORY:**

Thank you, sir. Okay. And then on deck, Kevin McAllister.

**MR. CIRINCIONE:**

Hello. My name is Kevin Cirincione. I'm the owner of County Energy Controls. We're a local Suffolk County contractor. We are a specialty trade. I'm speaking about the apprenticeship bill.

As a specialty contractor, we applied for an apprenticeship program about ten years ago, where we were trying to create a trade with the State, because we don't fall under the typical categories exactly of electrician, plumber, carpenter, etcetera. Long story short, that was denied. We tried again a couple of years ago and it ended up taking two years. We applied as electrician and were denied.

The point of all this history is that although we support apprenticeships and training, it's not possible for a lot of small contractors to actually get a program. So when you take this kind of legislation and tighten up the requirements for having a program, you're actually blocking out a lot of small contractors. We can sub out work to other contractors who have a program, but the more you tighten up, the less that we can actually get the work.

I have seven employees, they all live in Suffolk County, and if you vote yes for this, you'll be basically putting them out of work. Thank you for your time.

**P.O. GREGORY:**

Thank you, sir.

*(\*Applause\*)*

Kevin McAllister, and then on deck, Lance Reinheimer.

**LEG. MC CAFFREY:**

Good morning. My name is Kevin McAllister. I'm founder of Defend H2O. I've spoken to this panel for the last 16 years on basically your Vector Control Plan, and I'm back to speak to the 2015 plan.

A couple of components, obviously, the wetlands management. I was a little concerned about some notation within that plan referencing more extensive marsh restoration activities in 2015. It's not quite clear exactly what that means, but I will tell you my experience with some of the management activities, and I am certainly well qualified to speak to the science here. The activities are not mutually exclusive. Marsh restoration versus mosquito control are exclusive items. I've been in the field where I have seen what the previous prescriptions were on some of these wetlands, pans that perhaps are mosquito breeding areas, and the prescription was to carve them out into pond building. With our need to be very cognizant of wetland protection going forward, particularly with sea level rise, we can't afford to lose one square meter of wetland out there. Ultimately, these are the primary sponges for flood protection, so we're talking about a significant contribution to our -- basically, our welfare.

With respect to the pesticides, you've heard me speak to this a number of years, and this is my objection to the continued use of Methoprene or Altosid. This is a larvicide that's sprayed, deployed by helicopter generally over these salt marshes. You've heard me speak to the committees, and I believe, Mr. Gregory, you were front and center on this with some folks from Connecticut objecting to Suffolk County's continued use of this product.

Both Rhode Island and Connecticut have placed restrictions on its use. For the life of me, I don't understand why Suffolk County can't follow suit with that. Certainly, the science has been provided

that speaks to its deleterious impacts in the aquatic environment for non-target organisms, particularly crustaceans. I know certainly Vector Control has come forward with science, or I will say junk science, that refutes that contention relative to impacts on, again, non-target organisms.

Removing this, while there's an alternative use with BTI, I really don't see an issue here. And I'd love to test it to determine whether or not -- this effectiveness. And, quite frankly, we are not seeing the implications in the water column. We don't know what's happening, but, certainly, in a laboratory analysis, it does speak to impacts.

Lastly, I see Resmethrin is no longer being registered. And the point I want to make here -- I guess the expired use will be through 2015. The point I want to make here is oftentimes the registration lacks or lags the science. I don't know with specificity why EPA and New York State is removing this product from use. I would surmise that it has implications, again, in an aquatic environment. That I don't know with certainty, so that will have to be determined. But the point is, relative back to Methoprene, with implications in the aquatic environment, because EPA continues to register this product does not necessarily mean it's appropriate and has a benign impact in the aquatic environment.

Suffolk County has led the nation back in, I think, late '60s in banning DDT. You showed great courage in doing so. I think it's extremely important you once again show some leadership. Don't let the tail wag the dog here. Again, I recognize this is not your expertise, but exclusive deference to Division of Vector Control does not serve the County well. Thank you.

**P.O. GREGORY:**

Thank you, Kevin. Lance Reinheimer, and then on deck, Mario Mattera.

**MR. REINHEIMER:**

Good morning. Lance Reinheimer, Executive Director of the Vanderbilt Museum. I'm here to speak on tabled Resolution 1378, which is a capital appropriating resolution. This resolution appropriates \$200,000 for waterproofing the various buildings at the museum. We have 11 major buildings.

I provided a document with -- for you that shows pictures of some of the areas that we have problems in the mansion, the Marine Museum, the Education Center. Interesting, yesterday, when I went out to take pictures, my Head of Grounds said, "You got to see the Education Center." We had water on Wednesday cascading over a 400 amp electrical service. So, you know, we have some water issues. It's the biggest enemy to the museum.

We have -- in addition to that, we've made some renovations to the Planetarium, as you all know. The dome has started to leak in one area. We are looking into that. It's just an ongoing problem when you have 100-year-old buildings.

This resolution appropriates \$200,000 for the size of the physical plant of the museum, the age of the buildings. This is critical to at least keep the buildings from getting worse than they are now. And I urge you to support this.

The museum is making great strides. This Saturday, we had our tree lighting. We had 300 people attend our tree lighting. This next Saturday, we have a fundraiser, we have a holiday dinner in the museum, only 100 people. We have a waiting list of 20 people that are looking to get into this. We'll net about \$4500 from that event on Saturday. So we're doing our part to raise money for our operating budget, we're serving the people of Suffolk County, and this is critical to preserve and maintain our buildings. Thank you very much.

**P.O. GREGORY:**

Thank you, Lance. Mario Mattera, and on deck, Supervisor Throne-Holst.

**MR. MATTERA:**

Good morning, Mr. Presiding Officer Gregory and all Legislators. Thank you very much for letting me speak here today. My name is Mario Mattera. I'm the Business Agent with Plumbers Local 200. I represent approximately 1100 members, and 150 of them are apprentices within a New York State indentured apprenticeship program, a five-year program, a real program.

I'm here to discuss 1866. I am in favor of this new resolution, this new bill. This bill is about protecting the apprenticeship programs that graduate apprentices for our future workforce. The problem is that the contractors that are bidding on County work right now do not graduate one apprentice. They have programs that are over a decade old, and not one apprentice actually graduates. This is shameful, this is terrible. We need an education workforce in the construction field.

The only way we could fix a problem like this is with enforcement, and the only way you can enforce things is with construction contracts. Writing the specs goes right in the contract and shows that, in other words, you need to graduate a certain amount of apprentices. Yes, there needs to be a number. I wish the State we get involved with more with enforcement; they don't have enough people. How we have to do is in the County with the Legislators to make sure that this is going to be enforced by the contracts with any agency with DPW, or with the -- with any kind of contract that's given out.

The problem we have is bogus programs. Just like with a couple of my apprentices, this actually came from a different agency, organization, and there they were. They were playing cards, they falsified the blue book. They don't have any kind of education at all, and all it is is these companies are coming in with programs that they have and they do not teach the program at all, and no one gets graduated.

Just so you know, the DA's Office actually is involved with this bill, helping with this bill. And I'm very, very happy with Mr. Spota's office, that this has come forth.

This is not a nonunion or a union bill. I'm listening to some contractors here. This has nothing to do with union or nonunion, this is something to do with open shop, this bill. And I commend Legislator Browning for coming forward with this, because this is definitely necessary.

Our apprenticeship program is, yes, two nights a week, three-and-a-half hours a night, and it's on the student's own time, that's the difference. I was listening to gentleman before saying they're going to have to pay for this. You know what, people go to school, they go to college, they go to work, and they go at nighttime to college. Just like with our programs, they go at nighttime, they have to be there, there's a certain amount of time.

I, please, urge you to really please consider this, and let's move forward with some kind of language to protect our future workforce. Thank you.

**P.O. GREGORY:**

Thank you, Mario. Supervisor Throne-Holst, and then on deck, Jordan Christensen.

**SUPERVISOR THRONE-HOLST:**

Good morning, everyone. How are you? Thanks for letting me speak. I'm here to speak on -- you have a Resolution 2078 before you which addresses an IMA between the County and the Town of Southampton, and it actually presents a pretty unique opportunity for us to protect a threatened

piece of land. We have just west of Tiana Beach in the Hampton Bays, East Quogue area, an area that has experienced three overwashes just in the last six months, and is then at great risk of breach, which then is at great risk of affecting properties, both on that stretch, as well as on the inland stretch in East Quogue and Hampton Bays, should that -- should that breach occur. The silver lining, if you will, to that is that it enables the State Breach Contingency Fund to be invoked, which allows the State then to disperse emergency funding to deal with this.

And as chance would have it, the renourishment project at Westhampton Dunes is underway, so we were able to appeal to the State here to piggyback on that project. It is underway at the moment, so timing is of the essence here. But the State has now agreed to approximately \$1.4 million, with a 70/30 cost share.

The land is, in fact, County land. And in conversation with your DPW, we will be able to jointly, between the Town and the County, see to that 30 share in-kind with trucks, and personnel, and such, to move the sand once it's been dredged. So it's a great opportunity at no taxpayer money to protect this very sensitive piece of land.

And so I'm asking that you would kindly consider supporting the IMA, and, again, timing is very much of the essence here. But, again, it's a way to protect this at no cost to the taxpayer. I thank you for your consideration.

**P.O. GREGORY:**

Thank you, Supervisor. Jordan Christensen, and then on deck, Annie McClelland.

**MS. CHRISTENSEN:**

Hello, and thank you for the opportunity to speak to you today. My name is Jordan Christensen and I represent Citizens Campaign for the Environment, and I'm here today to strongly support I.R. 1942, which increases the fine for buying, selling or using fracking waste in the County; increases the fine to \$25,000 in an effort to deter people from bringing the waste in.

First off, I'd like to thank the Legislature for passing the ban on fracking waste, Local Law 13, earlier this year. Throughout the state, the potential exists for significant risk to human health and water quality from hydro -- waste from hydrofracking operations. The drilling waste is caustic, it's toxic, it's hazardous. But due to an unfortunate loophole, this waste is not classified as hazardous, but is classified as industrial. The loophole allows this toxic mixture to be disposed of in our wastewater treatment plants, in our landfill, and spread on roads, which are clearly not equipped to handle this sort of waste. Despite the risk, several municipalities and counties in western New York have approved the acceptance of this waste. Pennsylvania and other nearby states have amassed flow-back fluid, drill cuttings, brine, and other sorts of hydrofracking waste with no plan for safe disposal. Accepting the waste is shortsighted, with environmental and economic risks very clear.

The lack of leadership by the State has led local states -- has led local counties and municipalities to be proactive and ban the waste themselves. So, similar to Suffolk County, from Westchester to Putnam to Onondaga, other counties have already passed these bans, but they, however, had fines of up to \$25,000. I.R. 1942 would simply bring Suffolk's legislation in line with the other counties.

Here, we sit atop a sole source aquifer, and we rely on our land and water resources to support a billion dollar tourism and recreation economy. By providing a better deterrent for those looking to bring dangerous drilling byproducts into the County, Suffolk would be able to ensure the cost of fracking waste disposal is truly not worth it. Allowing contamination from this waste would be irresponsible.

The science is clear now that hydrofracking waste presents human health and environmental risks

that aren't worth it for the County, and we ask you to please raise the fine to \$25,000 for bringing the waste in. Thanks again.

**P.O. GREGORY:**

Thank you. Okay. Annie McClelland, and on deck, Joe Montalbano.

**MR. MC CLELLAND:**

Hi. My name is Annie McClelland, and I'm the Long Island Program Coordinator for Citizens Campaign for the Environment. CCE is a not-for-profit grassroots environmental organization with extensive expertise in cleanups of hazardous waste sites. We strongly support I.R. 2016, a bill directing the Department of Health Services to conduct groundwater tests for toxic chemicals at Roberto Clemente Park in Brentwood. We ask the Legislature to pass this legislation today for immediate implementation.

According to Newsday, the Suffolk County DA's test results revealed toxics illegally dumped at Roberto Clemente Park include asbestos, dangerous heavy metals, banned pesticides and petroleum products. These chemicals were found at the soccer fields and in the recharge basin, which is designed to recharge Long Island's sole source aquifer.

CCE carefully reviewed the Town of Islip's Draft-Material Removal Work Plan for the park and found it to be painfully substandard and inadequate to protect the public health. The cleanup plan doesn't do enough to monitor groundwater or air quality, and it is woefully anemic in its ability to keep residents engaged and informed throughout the process. This legislation is necessary to fill some critical gaps left out of the cleanup plan.

The number of monitoring wells for groundwater contamination in the draft cleanup plan is inadequate. It nearly calls for one up-gradient and two down-gradient monitoring wells, one south of the recharge basin, and the other south of the soccer fields. Given the large amount of material, the heterogeneity, of the material and distribution of contaminants, the large amount of material, the large aerial extent of contaminated material, and the two separate and distinct areas that need to be assessed, the proposed groundwater monitoring will not be sufficient to appropriately assess potential impacts to the groundwater, putting the public health at risk. Therefore, it is critical that Suffolk County Department of Health Services assess potential groundwater contamination at the recharge basin at the soccer field and south of the park.

To appropriately assess potential groundwater impacts from the 50,000 tons of contaminated materials disposed at the park, a minimum of three down-gradient monitoring wells and one up-gradient monitoring well is needed at each location, and this is according to New York State DEC regulations.

In addition, CCE has called for split sampling to be included in the final plan with the Suffolk County Department of Health and with the consultant as a way to ensure accuracy of test results, and also to establish trust by the community. A split sample test is a method in which a sample is divided into two sub-samples, which are then tested by two separate entities.

Split sampling has been utilized in the past by the County, most notably with the remediation efforts at Brookhaven National Laboratory. Legislation directing the Health Department to test groundwater split samples with the Town's consultant and require test results are made public will go a long way to protecting the health and restoring trust.

In addition, we'd like to also see increased air monitoring. There are only two proposed in the plan, which is insufficient.

And I'd like to thank Legislator Monica Martinez, Kara Hahn, and Thomas Barraga for their leadership on this issue, and for the opportunity to comment today. This legislation is absolutely critical, and we hope that you pass it. Thank you.

**P.O. GREGORY:**

Thank you, Annie. Joe Montalbano, and then Robert Terry.

**MR. MONTALBANO:**

Good morning. My name is Joe Montalbano, and I'm with Greater New York Laborers Employers Cooperation Education Trust, and I represent the men and women of Laborers Local 66 and Laborers Local 78. I'm here today to speak about I.R. 1866.

Someone had mentioned today that they wanted to know the root of the conversation with this bill, and I think that the root is the apprenticeship in New York State, there is no oversight when it comes to graduating apprentices. There are contractors, like Mario Mattera said, that have a program in the State of New York for apprenticeship who haven't graduated one person since they started the program.

I'm going to speak a little bit on behalf of the building trades today, when I let you know that the building trades nationally spend over a billion dollars a year training the men and women that are affiliated with the building trades construction. They're the best, safest workers in the country. We invest in our apprenticeships, and it shows in the industry that we have a seriously trained workforce, building schools, the malls, the hospitals, the Public Works buildings that our family and neighbors visit daily. Even in this room, this room was renovated by the journeymen and the apprentices of the Laborers Union. So, in closing, we are for I.R. 1866. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Joe. Robert Terry.

**MR. TERRY:**

Hi. I'm an open shop contractor from Riverhead. I've had an apprenticeship program for, I think it's about ten years now. It really -- the way you have presented this, it really is going to eliminate every nonunion or open shop contractor from your bidders list. Nationally and locally, that's two-thirds or better of the competition. If these guys are that good, I don't think they need an advantage. If they're really that good at everything they do, they'll win the jobs fair and square. I don't think they need this advantage.

You're taking away -- on the East End, we don't have apprenticeship requirements at all. The five East End towns, none of them have it. I have a program. I'm not against it. I do what I'm supposed to do. We are checked every six months by the Department of Labor.

I'm really troubled that the District Attorney has come out and said there's fraudulent programs, yet the Department of Labor isn't aware of it. They didn't realize that he has fraudulent programs out there. I really wonder if that's what's going on.

I think the main thing is you would be eliminating the largest portion of the competition. You'd be eliminating more than two-thirds the competition on the bids, and I don't think you need to do that. We all pay prevailing wage on your work, it's fair. We don't win every job when we bid against union contractors. There are really good union contractors and there are some that don't get the work sometimes. They don't need that edge.

When you do work at your own homes, I'm sure you don't restrict two-thirds and say, "I'm only going to have a union guy do work at my house." I don't think you're going to do that. I don't see anybody at this table doing that. I think you're going to look for the best price from the most qualified contractor. I'm just asking you to do that with our money in Suffolk County, not just at home, do it here for us as a County. Leave it open to the best qualified contractors. That's all. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you, Mr. Terry. That's all the cards that I have. Is there anyone else that would like to speak that hasn't spoken? Please come forward.

**MR. STRAUSS:**

Good morning, Presiding Officer Gregory and Members of the Legislature. Alex Strauss, 184 Radio Avenue in Miller Place.

First, let me say that I don't know of any of these contractors, except for one contractor, I skipped the name. I don't know of any of them. They might all be upstanding, great, beautiful contractors. But you know what, there's not one contractor, a union contractor that ever has not paid the prevailing wage. There's not one apprenticeship program in the union sector that's ever been disbarred, gotten rid of, and had to be reapplied.

Most of the people -- I'm a graduate of the apprenticeship for Local 25. We are probably one of the best electricians on Long Island. We are the most skilled, and most taught, with the utmost of all the new stuff that comes through the thing, we have it. We have a six-year apprenticeship, and the kids pay their own freight. They don't get paid one day a week, they go to school, and it's a school where you have to be there. If you're not there, you get thrown out. And we graduate apprentices. We have a graduation dinner that probably some of you have been to that we have 60, 70, people, apprentices graduate. We don't have an apprentice that goes through four years and then, all of a sudden, he decided to leave on his own, or maybe the job that he was on finished, they don't need him anymore. So they just get rid of him, we don't need that apprentice anymore, because he's getting up in pay now. And then you start a new job and you get a new apprentice. None of them ever graduate, they just go. They just get a lesser scale, and so what if they don't know everything. So what if the school is eh.

You know, I hate to be the person of -- you know, we're a very small amount here. We have a lot of contractors here, and it's good that they come out and speak their minds. I only heard one contractor say that he graduated apprentices. Isn't that kind of different, even with the way the law sits now? He only graduated -- one contractor graduated apprentices? None of them, even the last gentleman that was up here, he said, "I have an apprenticeship program." "Well, how many did you graduate?" "Oh, uh (mumbling), I don't know."

**AUDIENCE MEMBER:**

You didn't ask.

**MR. STRAUSS:**

Well, you didn't have to ask, he should have stated himself. Okay. With that, my time is up. Thank you very much for listening, and I hope you pass this bill. Thank you.

*(\*Applause\*)*

*(\*The following testimony was taken & transcribed by*

***Alison Mahoney - Court Stenographer\*)***

**P.O. GREGORY:**

Thank you, Al. Okay, that's all the speakers that we -- okay.  
Mr. O'Kane?

**MR. O'KANE:**

Good morning. Thank you for the privilege of speaking in front of this organized Legislative body. I just want to confirm a couple of facts, and I'd like to start with, you know, the conception that everybody that says they have an apprenticeship program has one. I'd like to just let you know that three years ago the Department of Labor, New York State Department of Labor suspended a hundred apprenticeship programs for being -- you know, investigating them to see the authenticity. Numerous people in the building trades have done surveillance of numerous job sites and buildings where their proposed place of training takes place and nobody comes in, nobody comes out, morning, noon and night. And I would just like you to be aware of that, and they're looking at suspending more. So it's one thing I can tell you, and the gentleman just said there, I don't know anybody who was ever suspended or a contractor that's suspended on Long Island, you know, and in New York City for not doing the right thing as far as being a bona fide apprenticeship contractor.

One of the other things you need to know is that we have the trainer, as the gentleman stated earlier. We go to school three, four, five years depending on the trade and we have usually a large crowd in each affiliate that we have, 34 of them in every trade, and that cost of that training is 35,000 to \$50,000 per student. Who says -- you know, somebody just said that, well, we need that and all of that; I would rather have somebody that was trained or not. You know, it doesn't make any sense not to have it. You get a better quality project, you don't see the builders falling down and things like that.

So I just wanted to get those couple of facts in there so you know.

A hundred apprenticeship programs suspended at one-shot and they're looking at more. We are losing jobs. Two years ago -- last year, in 2013, {Morano} lost 1500 construction jobs, and that was because people are coming in from out-of-state, from all over the place; we're sick of that, too, by the way. Revenue is down in all the municipalities because they're not paying taxes and they're not taking care of, you know, their responsibilities, so you should know that, too, as well. But we lost 1500 jobs to out-of-state contractors that don't have anything. You know, I want somebody coming in here that has some credentials, you know. And there's ways of working things out if they want to come in here. But the idea is to just come in and take it over, and half the times they come here they leave and they don't pay, so that's another problem.

So these are considerations why having an apprenticeship program means something. You know, it meant a lot to me. I'm a product of an apprenticeship program 43 years ago and I don't know what I would have done when I was 15-years old if I didn't have an opportunity to get into an apprenticeship. You know, anybody that I know that completed apprenticeship in a career is living pretty good on Long Island and, you know, they earned every penny of it and they did a lot of great work around here. Look at these complexes here, all built with union labor and, you know, I just have to say that for me, I was able to get, you know, a good education in the construction industry and I survived 43 years and I'm proud to be an apprentice and a union member of an organized local. So thank you very much for -- I totally support this bill. We need this. This is not a union/non-union thing. This is just, you know, support for, you know, our people that live here and the training that they go through. Charity begins at home and we need to make sure that what goes on here stays here. Thank you.

**P.O. GREGORY:**

Thank you, Dick.

***Applause***

Okay. All right, that is it. We will go to --

**MR. NOLAN:**

Motion to close.

**P.O. GREGORY:**

I have a motion to close public portion by Legislator Spencer. Second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Sixteen (Not Present: Legislators Barraga & Anker).*

**P.O. GREGORY:**

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

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Fifteen. *Sixteen (Not Present: Legislators Barraga & Anker).*

**Resolutions Tabled to December 2, 2014**

**P.O. GREGORY:**

Okay, Resolution ***IR 1324-14 - Directing all County departments and agencies to update multi-line telephone systems to directly dial 911 (Trotta)***. Motion to table by Legislator Trotta. I'll second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Sixteen. *Seventeen (Not Present: Legislator Barraga).*

**LEG. BROWNING:**

Mr. Presiding Officer?

**P.O. GREGORY:**

Yes?

**LEG. BROWNING:**

In the interest, I think the next bill may create some more conversation. And I would like to ask if I could take 1866 out of order, because I know we do have some people here.

**LEG. SPENCER:**

We have the -- the next bill, we have the Executive Director standing by for that. So I think I've already spoken with everyone, I don't know if it's going to be that long of a conversation.

**D.P.O. SCHNEIDERMAN:**

I also want to take CN 2078 out of order.

**P.O. GREGORY:**

All right, hold on.

**D.P.O. SCHNEIDERMAN:**

Supervisor Throne-Holst is here, too, so.

**P.O. GREGORY:**

All right, all right.

**LEG. BROWNING:**

Okay.

**D.P.O. SCHNEIDERMAN:**

I'd like to let the Supervisor go back to --

**LEG. BROWNING:**

Well, I've made the request.

**LEG. CILMI:**

I'll second Kate's motion.

**P.O. GREGORY:**

All right, let's get through 1378, then we'll do 1866 and then we'll do the other bill. All right?

**LEG. BROWNING:**

I was kind of hoping, because I was only going to make a motion to table, because I know the next one's going to create a lot of conversation.

**P.O. GREGORY:**

All right.

**LEG. BROWNING:**

I'm assuming, I'm guessing.

**P.O. GREGORY:**

All right. So you're making -- we'll make a motion. Is that okay, Doc? We're just going to table it.

**LEG. SPENCER:**

Absolutely.

**P.O. GREGORY:**

All right. So make a motion to take 1866 out of order.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

The motion is before us. ***IR 1866-14 - (Strengthening apprenticeship training requirements (Browning).***

**LEG. BROWNING:**

Okay. In light of a lot of the conversation that's occurred, I did have an original bill which I felt was not as restrictive and would have been a better bill. However, conversation occurred and it's changed. So out of respect for some of the people who have been here today, I'm going to be meeting with them, talking with them so that we can kind of come back together with a bill that could work for everyone. So I'm going to make a motion to table.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Motion to table IR 1866. Second by -- by Legislator Browning. Second by Legislator Schneiderman. All in favor?

**LEG. CILMI:**

Mr. Presiding Officer?

**P.O. GREGORY:**

Yes.

**LEG. CILMI:**

Could I just offer, and ask the sponsor, a motion to recommit to committee? There was a lot we heard today and there was questions I had in committee that I've gotten some answers since committee. I did have an opportunity to visit with Local 25's apprenticeship program, I found it incredibly impressive. I also had an opportunity to speak with the New York State Department of Labor representative that oversees apprenticeship programs on Long Island and they have some problems with this, I'd love to hear from them in committee. Our own Department of Public Works who spoke to me about some of the contractors that we're using that are non-union contractors for certain things, they had some concerns. You know, I think Mr. O'Kane brought -- said that DOL has actually thrown a hundred contractors off of the apprenticeship program because they're not doing what they're supposed to be doing. So that tells me that whatever New York State Department of Labor is doing is working, to some extent at least.

So I would love an opportunity to actually, at committee, have a conversation between, you know, the folks that want to have quality work done on our assets and that want to protect their employees and folks that say they're doing that, that say they'll be excluded by this. I'd love to have that conversation in public so that we can really get to the bottom of this and get to a bill that we're all happy to support. So I made a motion to recommit.

**LEG. TROTTA:**

I'll second it.

**P.O. GREGORY:**

Second by Legislator Trotta.

**LEG. BROWNING:**

You know, again, I'm going to invite you to come to any future meetings, and anyone who has an interest in this issue is more than welcome to come. Like I said, I do have the card for the gentleman from Huntington. And I know that it's a necessary meeting to have with the open shops, with the unions, that we all sit down at the same table, because I know that the small businessman is going to be affected.

I don't necessarily think it needs to go back to committee. I think that what needs to be done is the conversation with the people that are affected by the bill, and I think that we can have an honest conversation around a table without having to do it in a committee process, and of course, the person from the Department of Labor would be welcome to join us.

But, you know, again, I think I've explained why I did this. When I see people who receive a County contract and are not doing the job in a safe manner and puts the County in jeopardy, I think we need to be really seriously looking at, well, what kind of apprenticeship program do they have when their employees are not being trained properly? So I don't necessarily think it needs to go to committee. I will be making sure that you're aware of when the meetings are. And anyone else, I know Kevin, coming from a labor background, more than welcome, and I'd certainly extend it to any Legislator who wants to come.

**LEG. CILMI:**

Well, I'll take the sponsor at her word that she'll keep those meetings open and listen, and I appreciate the fact that you're tabling this today for that purpose. I'll withdraw my motion to recommit to committee and I look forward to those conversations. Thank you.

**LEG. BROWNING:**

Thank you.

**P.O. GREGORY:**

Okay. All right, progress. Oh, Legislator Krupski.

**LEG. KRUPSKI:**

I have a question to the sponsor. This is really a serious bill, you know, bill. And you've made, you know, a good effort and I'm sure you'll make a good faith effort to reach out to everyone and work with everyone on this. But what's the timeline? I mean, is this -- if it goes back to committee we know what the timeline is. Is this something that's going to be coming up for a vote in two weeks at the next meeting?

**LEG. BROWNING:**

No, not necessarily. I mean, clearly we want to sit down and talk with everyone. And we have an upcoming holiday, so I can't promise that we're going to have everything done before Christmas and I'm certainly not going to rush it.

**LEG. KRUPSKI:**

Okay.

**LEG. BROWNING:**

So you know, if we're not ready by December 15th, we're not ready.

**LEG. KRUPSKI:**

Good.

**LEG. BROWNING:**

I just want to make sure that it's a bill that's going to work for everyone.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. As a cosponsor on the bill, I think Legislator Browning is on the right track and we should get the input and the dialogue. Certainly I will be very interested to hear what the State Department of Labor representative has to say about the actual licensing and the operation of the apprenticeship programs. And then, of course, we have the whole aspect of actually paying contractors and their wage compliance, which I will be looking at much more exhaustively in another month from now. So I'm eager to see what the input is here. So I'll support the table.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay. ***IR 1378-14 - Appropriating funds in connection with waterproofing, roof and drainage at the Suffolk County Vanderbilt Museum (CP 7439) (Spencer).*** I have a motion to approve by Legislator Spencer.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco.

**LEG. KENNEDY:**

How much on this?

**P.O. GREGORY:**

On the motion? This is 200,000, is it, Doc?

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

There's a packet that Director Reinheimer has passed out. The Vanderbilt has suffered tremendous damage from a leaky roof and this has to be approved by the end of the year or the funding for the project expires.

**LEG. KENNEDY:**

Who's the contractor that's going to do this work, do we know yet? That would be statewide (*laughter*). All right, fine.

**P.O. GREGORY:**

All right? All in favor? Opposed? Abstentions?

**LEG. KRUPSKI:**

Opposed.

**MR. RICHBERG:**

*Sixteen (Opposed: Legislator Krupski - Not Present: Legislator Barraga).*

**P.O. GREGORY:**

All right. ***IR 1378A, Bond Resolution (Bond Resolution of the County of Suffolk, New York, authorizing the issuance \$200,000 in bonds to finance the cost of waterproofing, roof and drainage improvements at Suffolk County Vanderbilt Museum (CP 7439.315), same motion, same second. Roll call.***

**MR. LAUBE:**

Can I check on the motion and the second?

**P.O. GREGORY:**

It was doc and myself.

**MR. RICHBERG:**

Yes.

***(\*Roll called by Mr. Richberg - Chief Deputy Clerk of the Legislature\*)***

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**LEG. KRUPSKI:**

No.

**LEG. BROWNING:**

Okay. Do we know who the contractor is?

**LEG. KENNEDY:**

I'm not sure.

**LEG. BROWNING:**

Okay. I guess yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Not Present).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**MR. RICHBERG:**

*Sixteen (Opposed: Legislator Krupski - Not Present: Legislator Barraga).*

**D.P.O. SCHNEIDERMAN:**

All right.

**D.P.O. SCHNEIDERMAN:**

Motion to take 2078 out of order so that Supervisor Throne-Holst can go back to Southampton. It's in the CN packet.

**LEG. KENNEDY:**

She's in Southampton.

**(\*Laughter\*)**

**D.P.O. SCHNEIDERMAN:**

She can go back to work.

**P.O. GREGORY:**

I'll second the motion.

**LEG. CILMI:**

I'll second.

**P.O. GREGORY:**

All right. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay. Motion by Legislator Schneiderman to approve IR **2078-14 (Authorizing execution of an Intermunicipal Agreement with the Town of Southampton in connection with the Tiana Beach Stabilization Project (County Executive)).**

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco. Any questions? No. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay, right back to the agenda.

**Resolutions Tabled to December 2, 2014, (Cont'd):**

***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 make a motion to approve.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

Second by Legislator Calarco. On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

I would just like to thank the Pipeline Debt Committee for its work for reconsidering this. There's some important parcels that need to be preserved and you hate to have the funding not be available if they, in fact, are available for acquisition. So I just want to thank the committee for its work.

**P.O. GREGORY:**

And I would also like to thank the committee as well. And I thank my colleagues on the other side for working together in a bipartisan way to come up with the solution to address the concerns that were brought up in the Capital Budget process as well as working with the Administration and their input on this bill as well.

We have an agreement. I've spoken to Dick Amper and Bob DeLuca, they're going to come up with a tentative list to this agreement for Legacy and the Multi-Faceted Programs. So taking those out, part of those out has reduced it to address your question, Legislator Kennedy; it's going from 80

million to 66 million is the final number.

**LEG. KENNEDY:**

All right, fine. Thank you.

**P.O. GREGORY:**

Okay?

**LEG. KENNEDY:**

Some better than none.

**P.O. GREGORY:**

All right. So all in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

All right, page five.

**Introductory Resolutions for December 2, 2014**  
**Meeting of the Suffolk County Legislature**

**Budget & Finance**

***2015-14 - Approving County funding for a contract agency (Southside Hospital) (Martinez).*** Motion by Legislator Martinez.

**LEG. CALARCO:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

***IR 2027-15 - Amending the 2014 Operating Budget and appropriating funds in connection with bonding for a judgment for a liability case against the County (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator D'Amaro.

**LEG. KENNEDY:**

Second.

**P.O. GREGORY:**

Second by Legislator Kennedy. All in favor? Oh, Legislator Spencer.

**LEG. SPENCER:**

There was a -- one of the cases that I needed to abstain from, I needed to -- I'm not sure, I need to find out information with regards to --

**P.O. GREGORY:**

We have -- I see Counsel from the County Attorney's Office here.

**LEG. KENNEDY:**

Who's the party?

**MS. LOLIS:**

It involves the motor vehicle accident involving the Sheriff's Office, a Deputy Sheriff.

**LEG. CALARCO:**

This isn't it, Legislator Spencer. That just came through Ways & Means very recently, this is not that specific issue.

**LEG. SPENCER:**

Oh, okay.

**MS. LOLIS:**

Yeah, this isn't a settlement. This is seeking to bond a judgement after a trial.

**LEG. SPENCER:**

All right, thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay. ***IR 2027A***, Bond Resolution (***Bond Resolution of the County of Suffolk, New York authorizing the issuance of \$463,846 bonds to finance the settlement for an auto liability case against the County***), same motion, same second. Roll call.

***(\*Roll called by Mr. Richberg -  
Chief Deputy Clerk of the Legislature\*)***

**LEG. D'AMARO:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. KENNEDY:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

Yes.

**P.O. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

*(Not Present).*

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay, ***IR 2051-14 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2014 Adopted Mandated Budget from the 2014 Adopted Discretionary Budget (County Executive).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay, ***IR 2052-14 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2014 Adopted Mandated Budget (County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**Economic Development**

**P.O. GREGORY:**

***IR 2026-14 - Appropriating funds in connection with renovation and construction of facilities at Frances S. Gabreski Airport (CP 5702) (County Executive).*** Motion by Legislator Schneiderman.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

***IR 2026A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of \$200,000 bonds to finance the cost of renovation and construction of facilities at Francis S. Gabreski Airport (CP 5702.322),*** same motion, same second. Roll call.

***(\*Roll called by Mr. Richberg - Chief Deputy Clerk of the Legislature\*)***

**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:**

Yes.

**LEG. BARRAGA:**

*(Not Present).*

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**P.O. GREGORY:**

Yes.

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay. ***IR 2031-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with Master Plan for Aviation and Economic Development at Francis S. Gabreski Airport (CP 5738).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**MR. VAUGHN:**

Pardon me, Mr. Presiding Officer?

**P.O. GREGORY:**

Yes?

**MR. VAUGHN:**

I'm sorry, we need to ask that you please table this motion today. We have an amendment that we need to make to it.

**P.O. GREGORY:**

You have an amendment you have to make?

**MR. VAUGHN:**

Yep. Sorry about that.

**P.O. GREGORY:**

Okay. Motion to table.

**D.P.O. SCHNEIDERMAN:**

Motion to table.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**LEG. CILMI:**

On the motion. Tom, if you would just, after you make that amendment, just get back in touch with me specifically and let me know why we need to spend \$50,000 on planning for the airport? I mean, it seems like we've done a pretty good job of managing the operations there at the airport. I'm not sure why we need to spend \$50,000 on a private contractor to do that. Okay? Thanks.

**LEG. TROTTA:**

And after you get back to him, explain to me why we have to bond the \$50,000.

**LEG. CILMI:**

Unless you'd like to talk about it now.

**MR. VAUGHN:**

I have no desire to talk about this now.

*(\*Laughter\*)*

**P.O. GREGORY:**

Okay. So we have a motion -- motion by Legislator Schneiderman, second by Legislator Cilmi. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay. ***IR 2037-14 - Amending Resolution No. 517-2014, authorizing Film Promotion funding for 2014 (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 (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

***IR 2041-14 - To extend the deadline directing the Department of Economic Development and Planning, in partnership with State and County Institutions of Higher Education, to study the feasibility of constructing affordable housing for young college graduates (Anker).*** Motion by Legislator Anker. I'll second.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Who was the second? I'm sorry.

**D.P.O. SCHNEIDERMAN:**

I seconded it.

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

Okay, you were just handed another CN, IR 2053.

**D.P.O. SCHNEIDERMAN:**

I make a motion to take it out of order.

**P.O. GREGORY:**

It's *IR 2053-14 - Authorizing the County Comptroller and the County Treasurer to transfer funds to cover unanticipated expenses in the 2014 Adopted Discretionary Budget (County Executive)*. I make a motion to take it out of order.

**D.P.O. SCHNEIDERMAN:**

Second.

**LEG. D'AMARO:**

Excuse me.

**P.O. GREGORY:**

Second. I recognize Legislator D'Amaro.

**LEG. D'AMARO:**

Before you call the vote, just note my recusal on the record in compliance with my recusal notice filed with your office.

**P.O. GREGORY:**

Yes.

**LEG. D'AMARO:**

Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Sixteen (Recused: Legislator D'Amaro - Not Present: Legislator Barraga\_.*

**P.O. GREGORY:**

Okay, the motion is now before us. Same motion, same second.

**LEG. KENNEDY:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

I had the opportunity to have a conversation with Connie Corso and the explanation basically that was provided is that we are essentially without any funding in the snow account whatsoever. And in anticipation of our inclement weather today, obviously we want to be able to go ahead and get some sand and salt on the roads. So that being the case, the rest of the transfers, then, kind of lined up, made a little bit of sense, and we talked a little bit about the delay in the expenditure based on the slippage in the timeline with the clinics as well. So based on all that, I'm fine to support it now.

**P.O. GREGORY:**

Okay, great. Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Sixteen (Recused: Legislator D'Amaro - Not Present: Legislator Barraga).*

**Education & Information Technology**

**P.O. GREGORY:**

Okay, ***IR 1995-14 - Providing notice of wireless technology on County property (Spencer).***  
Mr. Spencer?

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer.

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

Second by Legislator Anker. Any questions?

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

If Legislator Spencer could just state for the record the intentions and changes, if there were any changes made to the resolution, subsequent to our committee meeting.

**LEG. SPENCER:**

Certainly. The purpose of this resolution, it's sticking more with the right to know. And I think initially there was language in the exhibit that had warning and that was just a scrivener's error, the final version that was approved is just *"Notice; WiFi in use."*

**LEG. CILMI:**

So we're not warning people of any inherent danger of our WiFi service here in the County, we're just notifying them that there is WiFi in use at certain locations.

**LEG. SPENCER:**

Absolutely, as we do currently with our Suffolk County libraries.

**LEG. CILMI:**

I just have one question. If you could sort of discuss this maybe with our IT department before they implement, assuming this is going to pass today. I was actually having a conversation about this bill with somebody over the Thanksgiving holiday, and apparently where there are routers located, those are the most vulnerable places for cyber intrusion. So if you could just address that with our IT department and make sure that we're not in some way sort of, you know, sending up signals that

say if you want to -- you know, *if you want to invade our computer systems, here are the best places to do it.*

**LEG. SPENCER:**

Certainly. And the issue with that is that they typically will receive a signal. They're not going to look for necessarily a sign on the door, they go through with a meter when they pick up and they look for a vulnerability that way, they're not looking for -- they don't rely on the sign. But I will have that conversation.

**LEG. CILMI:**

Thank you.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes, thank you. Not being at the committee, Doctor, I didn't get a chance to hear what the debate or the dialogue was. Other than a just general need to know that folks should have a right to know everything, I guess, if they chose to, why would somebody want to know that a router is in a particular location?

I have one right in my Legislative Office. What if any -- and I'm remiss to ask you to do this, this really isn't fair. Somebody from the Health Department should be talking about this, but let's face it, you're the expert. Is there a medical issue here; is that why we're doing this, this disclosure and notice?

**LEG. SPENCER:**

There's a lot of research, as with cell phones, there's a lot of concern that's out there. And I think that what my resolution does is to let people make their own choice.

**LEG. KENNEDY:**

Okay.

**LEG. SPENCER:**

It just gives them the option of letting them know that it's existing, and I think that there are those that would want us to put warnings and to go a lot further, but I think as far as creating the awareness, I think it does that.

**LEG. KENNEDY:**

Thank you for that explanation. So then, Mr. Chair, I'm going to, if I can, ask the County Attorney's Office. I see Gail is here. You -- do you -- you've taken a look at the resolution? Do you have any concerns any issues? Are we creating any kind of obligation, right or are we taking on anything that we would not have had otherwise?

**MS. LOLIS:**

No. The office took a look at it, we have no legal concerns.

**LEG. KENNEDY:**

Okay, fine. Thank you.

**P.O. GREGORY:**

Legislator Trotta?

**LEG. TROTTA:**

What is the sign going to say?

**LEG. SPENCER:**

*"Notice, WiFi in Use".*

**LEG. TROTTA:**

Is that like advertising that there's WiFi? I mean, is it going to be next to the router, or is it when you walk in the building?

**LEG. SPENCER:**

I envision just a sticker on the door, just -- nothing that's inflammatory, nothing that's -- just letting people know it's invisible, people -- just letting them know that WiFi is being used.

**LEG. TROTTA:**

Like in advertising that -- what is it going to say, *"Free WiFi in use"*?

**LEG. SPENCER:**

No. I mean, that's been suggested that that would be a good idea, to be able to have public access points, but this is more start as just a right -- because it's invisible, it's not everywhere, it's in some places we're using it, but we don't have it everywhere. But I think that if someone wanted to know that it was being used, then this just -- it allows them to make their own decisions.

**LEG. TROTTA:**

Maybe -- what is the County Executive's position on this, Mr. Vaughn?

**MR. VAUGHN:**

We've spoken with the sponsor and with the County Attorney's Office and we're comfortable with the way the legislation is currently drafted.

**LEG. TROTTA:**

Just that WiFi is in use.

**MR. VAUGHN:**

Correct.

**LEG. TROTTA:**

Is there any way we can maybe charge for this to get some money?

**D.P.O. SCHNEIDERMAN:**

We're not giving them anything.

**LEG. TROTTA:**

Oh, it's not free?

**LEG. SPENCER:**

No.

**LEG. TROTTA:**

Oh. Maybe we should consider -- okay, thank you.

**P.O. GREGORY:**

Legislator Anker.

**LEG. ANKER:**

I want to thank Legislator Spencer for putting forth this legislation. Again, I think, you know, we have to remember that with new technology comes new information. And if we would have known what we know now about asbestos or lead or any of these other chemicals, 2-4-D, which is Agent Orange, we would have been a lot more cautious. And if we think about children, and especially pregnant women, we need to really understand that there could be unknown dangers or unknown concerns. So, you know, it's better to be safe than sorry.

I also wanted to mention, my Dad has an artificial heart valve and it's electrically charged. So this is something we need to think about as we enter into a new step of technology with the wireless component, that there could be issues. And again, it's just good to know. And again, better safe than sorry.

**P.O. GREGORY:**

All right, thank you. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Doc, I'm not aware of issues from WiFi technology. I mean, everywhere you go, you know, it's Optimum on-line. I mean, it's hard if you have an i-Phone and you can see all the different WiFi signals, it's pretty much you're constantly in some private network, you know, within that reach area. So I'm not sure what we're doing. We're going to be creating a lot of these labels on all -- you know, my office has a router. These County routers, although are private, you can't get -- the public can't get on to them. Is there a public health threat that we ought to know about? Because we're constantly under the -- in the area we're being exposed to WiFi, what is it, radiation.

**LEG. SPENCER:**

As far as the specific issue of threat, I think there's a lot of varying opinions. I know that there is a substantial difference in terms of when you're in direct proximity in front of a router versus just in a zone. But we're a fairly rural area in Suffolk County, I think that we're being proactive. We're just letting the public know, I think it's something that we could do very simple with a sticker on the front door. And as we get more information, I think that we're just taking something that's invisible and we're just saying, "*Hey, it's here, be aware of it,*" whatever research you want to consider, but it's a right to know.

**D.P.O. SCHNEIDERMAN:**

I only raise it because they're omnipresent. I mean, you go pretty much anywhere, along the telephone lines, you have the Optimum WiFi boxes hanging from those wires. And if there's a concern, you know, we're being constantly exposed, and I think those routers are probably much more powerful than the ones we typically have in our offices. But, you know, if I go on to my forum, I'll probably see four or five different networks at any location. I haven't heard of any health concerns from WiFi. Is this really necessary? True, we can let people know, but is it -- are we serving a purpose?

**LEG. SPENCER:**

I think any time where you have constituents reaching out and saying, you know, *We want that right to know and we can bring some light to something,* I think it serves a great purpose.

**P.O. GREGORY:**

Legislator Anker.

**LEG. ANKER:**

Thank you. And Jay, just to clarify. The frequency that comes from the wireless technology, it's the

radio frequency radiation. So it's the same as radio waves, it's like a microwave type of thing. So again, just in comparison, this type of frequency that comes from the wireless devices.

**D.P.O. SCHNEIDERMAN:**

Same as our cell phones.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**LEG. SPENCER:**

Thank you, guys. I appreciate it.

**LEG. ANKER:**

Cosponsor.

**Environment, Planning & Agriculture**

**P.O. GREGORY:**

***IR 1971-14 - 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 – Meyer's Plant and Produce Farm property – Town of Riverhead (SCTM No. 0600-098.00-01.00-005.000 p/o) (Krupski).***

**LEG. KRUPSKI:**

So moved.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

***IR 2012-14 - Adopting Local Law No. -2014, A Charter Law to strengthen the County's Water Quality Protection Program (Schneiderman).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. KRUPSKI:**

Second.

**LEG. HAHN:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Barraga).*

**P.O. GREGORY:**

***IR 2016-14 - Directing the Department of Health Services to conduct groundwater tests for toxic chemicals at Roberto Clemente Park in Brentwood (Martinez).*** Motion by Legislator Martinez. Second by Legislator Hahn.

**LEG. KENNEDY:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Didn't we just see yesterday that the DEC has come out and required that there will be three more wells that have to be installed by the town to further delineate what's going on as far as any possible ground water contamination there at the site?

**LEG. MARTINEZ:**

Yes, they have. My office and DEC were in constant communication with that park. The purpose of this bill is to allow another entity to come in and do the water testings as well. Reason being is because many of our residents have lost trust and confidence in what the town is doing and, therefore, has asked if Suffolk County can become involved as well.

**LEG. KENNEDY:**

Do we have anybody here from the Health Department?

**LEG. HAHN:**

Yes, we do. I saw Walter Dawydiak.

**MR. DAWYDIAK:**

Good morning, Legislator Kennedy, Members of the Legislature. Walter Dawydiak, Director of Environmental Quality for the Health Department.

**LEG. KENNEDY:**

Hi, Walter. How are you?

**MR. DAWYDIAK:**

Good morning, Legislator Kennedy. Good. How are you?

**LEG. KENNEDY:**

Good. So tell me a little bit about this issue and tell me about what capability, if any, we have in order to go ahead and augment what's going on. First of all, who's doing the work there now?

**MR. DAWYDIAK:**

In terms of big picture, this is still, to my knowledge, an active criminal investigation that the DA is spearheading. The State Department of Environmental Conservation is a lead agency with jurisdiction over this. This matter has been very closely coordinated with Dr. Tomarken, our Health Commissioner, our Environmental Toxicologist and a number of people within our various offices, including Pollution Control and Water Resources.

I actually did not come prepared to discuss specifics of this and I'd rather avoid doing that given the nature of the proceeding. What I can tell you is that the Health Department has looked into issues within our jurisdiction, including private wells and public water supplies. To date, there have been no contaminants of concern found in those media, which is good news. What I can tell you is that we stand ready to drill wells to support this investigation if directed to do so.

We've already touched base with the Department of Environmental Conservation and the State Health Department. They understand that this issue is brewing, they're ready to work with us. We've begun citing locations for up-gradient and down-gradient wells, we still have some work to do in terms of access and mark-outs. But if their --

**LEG. KENNEDY:**

Okay. But hold on, Walter. See, I'm a little confused. So are we in it or not? Are we there in Clemente Park at this point, or no?

**LEG. MARTINEZ:**

Yes.

**MR. DAWYDIAK:**

Currently the State Health Dept -- the State Department of Environmental Conservation, working with State Health and County Health as the agent, are overseeing the investigation and remediation.

**LEG. KENNEDY:**

Well, so now we've got -- I heard State DEC, State Health and County Health; so we're in it already.

**MR. DAWYDIAK:**

As an agent for the State Health Department --

**LEG. KENNEDY:**

Oh, okay.

**MR. DAWYDIAK:**

-- and coordinating with them, we are a participant in the process.

**LEG. KENNEDY:**

So if directed by State Health or DEC, if we could find a driver and put some gas in the rig, you'd actually be able to go over there tomorrow and drop a well.

**MR. DAWYDIAK:**

Our goal, if directed to do so, would be to install wells by the end of this month, given the logistical preparation that needs to take place.

**LEG. KENNEDY:**

Yeah, but hold on, hold on. Now I'm getting a little confused. So your goal, if directed to do so, that direction being what, this resolution, or the State Health Department or State DEC saying, Go

*drill wells.*

**MR. DAWYDIAK:**

This is a matter of State jurisdiction and we have a discretionary County resource that can be brought to bear on this issue, if the County chooses to do so.

**LEG. KENNEDY:**

But who is ultimately directing the remediation here?

**MR. DAWYDIAK:**

State Department of Environmental Conservation has jurisdiction over the remediation.

**LEG. KENNEDY:**

Okay.

**MR. DAWYDIAK:**

It's very common for the County Health Department to support State DEC in discretionary investigations such as Superfund sites, manufactured gas plants, other investigations that don't rise to that level. We have a certain amount of contracted and mandated activity that are our primary priority and a certain amount of discretionary resources that can be brought to bear on issues such as this.

**LEG. KENNEDY:**

Who has drilled the wells there on the site so far?

**MR. DAWYDIAK:**

It's my understanding that contractor has done those wells under the direction of a DEC approved investigation.

**LEG. KENNEDY:**

Okay. If this resolution was to pass today, who would pay for our crew to go over there and to sink the wells?

**MR. DAWYDIAK:**

This would be supported by the County Health Department. This is part of our source water protection activity which is a State Health Department approved activity; we do receive State aid reimbursement for that well drilling.

**LEG. KENNEDY:**

At the rate of 36%.

**MR. DAWYDIAK:**

Correct, and we also receive grant funding under the pesticide grant.

**LEG. KENNEDY:**

But this isn't pesticide. Well, it may be pesticides, who knows?

**MR. DAWYDIAK:**

That potentially some of it could be chargeable.

**LEG. KENNEDY:**

Okay, Walter. Thank you.

To the sponsor, I would say from what I've seen so far, and particularly in light of what came out yesterday from DEC, my own opinion would be that this would be a little premature. If there is a licensed contractor who's already on the site who's dropped a number of wells, I would assume at this point DEC is the one who's directing them, who's paying for it and who's delineated that, in fact, we need three more wells around that park. I don't understand why we would need to bring the Health Department in at this point; I think it's premature.

**LEG. MARTINEZ:**

Well, as I had stated before, one of the reasons why this resolution is so important is because many of our residents have lost trust in the town. They wanted a third pair of eyes to make sure that the monitoring is done properly, that there are no contaminants left over, and if that is bringing the County Health Department in, that gives them a little more sense of, I guess you can see tranquility to sleep at night knowing that someone else is looking over them.

**LEG. KENNEDY:**

Well, you know, residents can lose faith, I guess, in local government. I mean, that happens and, you know, it's an issue that I guess they would take up with local government. But I would also say from what we've just heard from Mr. Dawydiak, it appears the Health Department's already involved by and through being an agent of the State Health Department. And if DEC is directing the number of wells that are going to be ultimately put in there to monitor, I don't know that this action, A, is warranted at this time.

*(\*Legislator Barraga entered the meeting at 11:39 A.M. \*)*

And quite frankly, I don't know where the expense would be picked up from. A portion of it, it sounds like it would be a direct County cost on something at this point is a town park, and I think it's premature.

**LEG. MARTINEZ:**

Well, this resolution also does not just involve Roberto Clemente Park, but it involves all the other sites that were also contaminated. And currently right now, Veterans Way is being remediated as we're speaking.

**LEG. KENNEDY:**

Right.

**LEG. MARTINEZ:**

For example, in that area, it would allow the Department of Health to also go there after the fact, that the remediation has occurred, and to make sure that all chemicals have been removed and our water quality is also safe.

**LEG. KENNEDY:**

I can understand the objective and the goal and absolutely, it makes sense to want to have the greatest degree of certainty that any pollutant has been removed and that at the end of the day our aquifer and our groundwater is safe. But if I can go back to what Mr. Dawydiak said -- actually, I don't want to put words in his mouth. Can I ask Walter to come to the podium one more time?

**MR. DAWYDIK:**

Yes, Legislator Kennedy.

**LEG. KENNEDY:**

What is the status of this site or sites right now, Walter? Legally what is the status of these sites.

**MR. DAWYDIAK:**

Currently a remedial work plan is being drafted and it will be reviewed by the State DEC to oversee the remediation. And again, I apologize if I was ambiguous about powers and duties of what the County Health Department does as agent for State Health. I mean, we are responsible for the groundwater and drinking water on behalf of State Health. This is a discretionary resource, it's one that we support as a precautionary measure. In the beginning of this it was an active criminal investigation where there was a sole point of custody over the site; at this point, it's matured to a full-blown environmental investigation. We've reached out to the State DEC and State DOH, they don't have any objection to our support. They will work with us and coordinate and we think it's a reasonable approach to rule out potential contamination that may affect drinking water long-term.

**LEG. KENNEDY:**

Okay, so we're moving a little bit from where you were at before. But at the end of the day I come back to, I guess the State agencies are saying if we want to take an extra measure of precaution or monitoring that's our prerogative. You have the authority. Who's going to bear the freight? Who's going to pay for it?

**MR. DAWYDIAK:**

This expense will be paid for out of the Health Department's operating budget with reimbursement from the State Health Department under Article 6, State aid, as well as potentially pesticide grant reimbursement.

**LEG. KENNEDY:**

If there's an active criminal investigation going on, and ultimately there's some party that's found responsible for having dumped or having caused a variety of contaminations, isn't that party, then, ultimately held both; you know, liable? They're charged criminally, but typically they're also held financially liable.

**MR. DAWYDIAK:**

That's correct, and that's a very lucid observation. In the past, Superfund and liability has typically not trickled down to local health departments. We have looked into that issue, we have not solved that problem, but they do fund us with respect, the State aid under Health Department Article 6 as well as a pesticide grant which substantially offsets the well-drilling rig operation.

**LEG. KENNEDY:**

So if we incur a cost to put these wells in and we ultimately get, you know, Acme Dumpers who's deemed liable, are they going to wind up reimbursing us for putting in the wells?

**MR. DAWYDIAK:**

This is a legal case that I'd have to defer to the County Attorney and the DA on. It has happened on a case-by-case basis, there's no blanket formula that guarantees our funding, to my knowledge.

**LEG. KENNEDY:**

Oh, so many lawyers. How about if we invite Ms. Lolis to the podium, then, Mr. Chair?

**P.O. GREGORY:**

Okay.

**MS. LOLIS:**

I'm not really sure of the answer to that. I'd have to --

**LEG. KENNEDY:**

Outstanding. Okay.

**MS. LOLIS:**

I mean, it's a possibility. There's a lot of different ways that it could be accomplished, but I don't have all of the answers you now. You could possibly work with DA's office for restitution.

**LEG. KENNEDY:**

Okay. All right, again, I'll go back to the sponsor, that I think it's a little premature. I mean, if there has a cost aspect that's open, if there are some other aspects that are open, I think ultimately if those things can be delineated and it gets brought back, then maybe it bears fruit. I think it's a little premature.

**LEG. MARTINEZ:**

Legislator Kennedy, I understand your concerns, but we're looking at the bigger picture right now, not just in the immediate moment. But part of the material that is going to be removed from Clemente Park might also be going to Blydenburgh Park. So I think sometimes when we put resolutions on the table it may be premature, but we need to also put them on the table and make sure that they're passed in order for us to continue making sure the work is done correctly for our residents of the entire County of Suffolk. So you may think it's premature and you may vote however you want, but I know that my job and my duties as the Legislator of the 9th District is to protect my residents and this is what they wanted and this is what I will give them. So if I don't have your support on this, then by all means, you vote the way you want, but I will continue with my support, supporting my constituents and making sure that they are at least sleeping well at night knowing that the County is supporting them as well.

**LEG. KENNEDY:**

All right, you should call the vote. And it's not an issue of the constituents in the 9th Legislative District or any other Legislative District, Legislator Martinez. I believe it's an issue of what the various agencies are doing at this point going through it. There have been monitoring wells sunk. The DEC has indicated that there's three more monitoring wells that have to be sunk; I presume that it's by a licensed contractor that's sinking those wells. So it is not an issue of your district or anybody else's district, it's a matter of looking at, involving yet another agency and, quite frankly, looking at what the expense is associated with it. If the County Attorney's Office was prepared to stand up and say whoever ultimately was legally responsible would be charged with and reimburse us, I'd cosponsor it with you; that's not the issue.

**LEG. MARTINEZ:**

Well, unfortunately we don't have that answer and unfortunately we are facing one of the biggest tragedies in the Town of Islip, and I think it's very important that we do move forward with this. And I understand what you're saying, but as you just heard Department of Health also say, that they have been in communication with DEC, and so have I. They know that this is being brought to the table today. I have been in constant communication with them since this happened and they are very well aware that I would love to see Suffolk County involved in this. So again, it may be premature to you, and hopefully at the end of this criminal investigation is concluded, we do have someone who may be charged with it and hopefully they will also incur the damages and pay for what has happened. But as of right now, I think it's very important that we move forward with this legislation.

**P.O. GREGORY:**

Okay, we have several speakers. Next, Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. I was also going to ask Mr. Dawydiak to speak, but I don't think that's necessary. I think Mr. Kennedy asked most of the questions that I was going to ask about the way -- what the County's roll was going to be in that active investigation. I guess it's more -- and he also -- Legislator Kennedy also made the observation that I was going to make, that the County should be reimbursed for any work. The State should be reimbursed if there's illegal dumping and there's a criminal investigation. Every government entity should be reimbursed so the taxpayer doesn't have to bear the cost of that extra investigation.

So how -- I guess to Ms. Lolis; how can -- how does that happen? What are the mechanics, legal mechanics to make sure that the County, in fact, gets reimbursed for the extra work, man power, well-drilling, water testing that's going to take place there; which should and the County should have a role there, absolutely. But how do we make sure that we get reimbursed after the investigation's completed?

**MS. LOLIS:**

It's going to take some research, because it's not a simple answer when you have DEC jurisdiction, we don't know if they're going to be asserting their authority to get reimbursed for the contamination. So I'd have to look into a lot of factors in order to give you a well-reasoned answer to that. I certainly have a note to do that research, to find out how he could get reimbursed.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

All right, Legislator Trotta.

**LEG. TROTТА:**

Yeah, after the County Attorney again. I know a little bit about this. Have you -- I mean, clearly you identified who dumped it there. Have you put restrictions on their properties? Have you put pends on them? Because typically what they do is when this is happening, they sell everything and they change corporate names and things like that.

**MS. LOLIS:**

We haven't done anything. There was an ongoing criminal investigation, as I'm sure you're aware. I don't know if the District Attorney has taken any such actions; the County Attorney's Office, I can tell you, has not taken any action. And again, it's just something that we will look into to see what rights we do have.

**LEG. TROTТА:**

Well, I mean, it's a criminal investigation, but there's the civil part of it, I'm sure there's civil laws that cover this. I mean, I know there's something, the mantra in the State is the polluter pays.

**MS. LOLIS:**

Absolutely.

**LEG. TROTТА:**

And that, you know --

**MS. LOLIS:**

Environmental conservation Law, but I don't know the answers off the top of my head.

**LEG. TROTTA:**

At this point, you know who dumped the stuff there. Whether they knew it was in or not, it really doesn't matter. So I would suggest that maybe the County Attorney look at their assets before they hide them and put les pendens on the property so they can't sell them so that we do get reimbursed for this. Because, you know, it's a town park, really the County issue is sort of just incidental to it. But I would support my colleague in this, but I want to make sure we get reimbursed. Do you have any idea what this is going to cost?

Mr. Lipp, do you know?

**MR. LIPP:**

We weren't able to come up with a number. I do have an e-mail in to the analyst to see if he could elaborate, but as of now we don't have the number. I mean, it will be done by Division of Environmental Quality, perhaps Walt Dawydiak could shed some light on it.

**MR. DAWYDIAK:**

We have a ballpark number for this type of geo-probing on the order of two to \$5,000 a well. I'm just estimating that it will be about a half dozen wells, plus or minus, so the ballpark figure would be on the order of 20 to \$30,000. Probably more than half of that would be reimbursed by State aid and the pesticide grant, so you'd be talking about a number on the order of \$10,000.

**LEG. TROTTA:**

Okay.

**P.O. GREGORY:**

Okay, Legislator Lindsay.

**LEG. LINDSAY:**

Pass.

**P.O. GREGORY:**

Okay. Legislator Hahn.

**LEG. HAHN:**

I know a lot has been said here, but clearly I do want to weigh in as cosponsor. And I feel it's extremely important. This community is crying out for real expertise in this and to feel secure that they are protected. Our Health Department has a role to play here, they have an expertise. We spend a lot of money on groundwater modeling, on understanding groundwater flow and the geography all across Long Island, our aquifer system and how it all works and I think it's critically important that we have folks in there who are directing where the wells are placed, how deep they are dug, and we have that expertise, we have that knowledge. And I don't think it's -- you know, it's out of place to ask that we have this other level of oversight that is very appropriate for our Health Department, our Water Quality Division. And that is why I decided to cosponsor this and work with Legislator Martinez on it and that's why I ask for everyone's support here.

**P.O. GREGORY:**

Okay, Legislator Anker.

**LEG. ANKER:**

And also, I just want to compliment the Health Department. You know, 20 years ago when I was advocating for Lawrence Aviation in Port Jefferson, you know, Gerard Cohen, the owner of this property, polluted half of Port Jefferson. And what happened, it got worse because the EPA and DEC waited and waited, and it wasn't until Suffolk County Health Department stepped in to do the testing that there was actually action done. So I have to, again, compliment the Health Department and

also compliment Legislator Martinez for moving forward and doing the right thing. Thanks.

**P.O. GREGORY:**

Legislator Barraga.

**LEG. BARRAGA:**

I strongly support the Health Department of Suffolk County getting involved in this as quickly as possible. I think that if you take a look at past history in terms of the New York State DEC, I'm not sure in this particular case if they've been actually designated the lead agency or they're nothing more than the agency that the Town of Islip has to put a 250 page report to get a sign-off before they can actually clean up the facility.

We in the State have something called manufactured gas plants, over 200 of them. And I can remember 10 or 12 years ago getting very actively involved in an MGP facility in Bay Shore, which these MGP facilities, what they do is they were originally designed to produce gas from coal, C-O-A-L, and then the byproduct was cold tar which really went into the ground and made all sorts of toxic plumes, and one of the largest in the State was in the Hamlet of Bay Shore. And the original history, it went from LILCO to KeySpan, I got involved with KeySpan, and then to National Grid. And not a great deal was really in print on this problem, and yet it took years and years for clean-up and it still isn't completely cleaned up yet. That plume is still there, it has shrunk. What I can recall at the time, going back over ten years, how New York State DEC was designated the lead agency, but Suffolk County, the Health Department, the Health agency was heavily involved as well, and often at times there was agreement and disagreement between the two entities. So there was a real advantage having the Suffolk County Health Department involved in this, because there were times when they were correct and the State was wrong, because the State, with 200 MGP facilities, they operated out of Albany, even though they had a regional office down here in Stony Brook. And the people making the decisions in Albany didn't have a clue as to what was really going on in Bay Shore.

And at times, politically there was some pressure to actually move National Grid's effort to clean up this particular facility, just another location. And I was dead-set against that because we wanted this thing cleaned up and it was a real headache, and it still is, to some degree, today. But the value of Suffolk County getting involved was exceptional from my perspective, they had a great deal of expertise that wasn't coming from DEC in Albany. And my impression with this particular operation is that they're supposed to run it really out of the regional office, but I want the Health Department involved.

Cost wise, if this is going to run 20 -- even if it runs \$100,000, I can tell what that MGP facility clean-up has cost so far; \$150,000,000 in Bay Shore, and it's not over. I remember Irving Like who testified before this committee, the Legislature a number of times, even years ago, indicating he felt that one facility, that one MGP facility would run between 250 million and \$1 billion to clean up. So if the figure is 50,000 or 100,000 or 200,000, so be it, but I want them involved and I want them involved now. The people in that area deserve it. You know, before Assemblyman Ramos, Brentwood was represented by two Assembly people, Paul Harenberg and myself. We saw the tremendous demographic change in that area. Even in my former -- before reapportionment on the Legislative District, I still had a piece of Brentwood; those people up there, they're mainly Hispanic, good people, but they fear government. They don't trust government. I just don't want to go through the whole process and then have people say later on that, you know something, the County should have been brought in. Something should have been done here. Let's cover all of the bases so that when this is finalized we can say to those people, We've done everything possible to clean up this facility. We've had all the appropriate levels of government involved and we feel now the job has been done. And bringing Suffolk County into this is a real decided plus for those individuals, they deserve it.

**P.O. GREGORY:**

Okay, that is all the speakers I have. Mr. Clerk, we have a motion and a second?

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Abstain.

**MR. RICHBERG:**

*Seventeen (Abstention: Legislator Kennedy).*

**P.O. GREGORY:**

Okay, it is twelve o'clock, we are -- I'm going to make a motion to recess to go into Executive Session. Actually, we're going to recess to go into Executive Session to discuss litigation involving the Pine Barrens Society case and the Poospatuck settlement. Okay. Do I have second?

**LEG. TROTTA:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Trotta. All in favor? Opposed? Abstentions?  
Please clear the room.

**MR. RICHBERG:**

Eighteen.

***(\*Executive Session: 11:58 A.M. - 12:54 P.M. \*)***

**P.O. GREGORY:**

Okay. We are officially back on the record and we are going to recess for lunch. We'll be back at 2:30.

***(\*The meeting was reconvened at 2:29 P.M. \*)***

**P.O. GREGORY:**

Good afternoon, Mr. Clerk.

**MR. RICHBERG:**

Good afternoon, Mr. Presiding Officer.

**P.O. GREGORY:**

Do the roll call.

***(\*Roll called by Mr. Richberg -  
Chief Deputy Clerk of the Legislature\*)***

**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:**

Here.

**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.

**MR. RICHBERG:**

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

**P.O. GREGORY:**

Okay. We have several ***Public Hearings***, the first of which is ***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 for this public hearing, but is there anyone that would like to speak on this matter? Please come forward. Seeing none, Legislator Schneiderman?

**D.P.O. SCHNEIDERMAN:**

Motion to recess.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Sixteen (*VOTE AMENDED TO - Eighteen*).

**P.O. GREGORY:**

Okay. (***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 don't have any cards for this public hearing. Is there anyone that would like to speak? Please come forward. Okay, seeing none, Legislator Lindsay?

**LEG. LINDSAY:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Lindsay.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Eighteen.*

**P.O. GREGORY:**

(***Public Hearing on IR 1736-15 - 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 for this public hearing. Is there anyone in the audience that would like to speak? Please come forward. Seeing none, Legislator Hahn?

**LEG. HAHN:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Hahn. Second by Legislator Calarco. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Eighteen.*

**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 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.

**D.P.O. SCHNEIDERMAN:**

Motion to recess.

**P.O. GREGORY:**

Seeing none, motion to recess by Legislator Schneiderman.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Eighteen.*

**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 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. Okay, Legislator Spencer?

**LEG. SPENCER:**

Motion to recess.

**P.O. GREGORY:**

Motion to recess by Legislator Spencer.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Eighteen.*

**P.O. GREGORY:**

***(Public Hearing on) IR 1859-14 - Adopting Local Law No. -2014, A Local Law to prohibit the use of unauthorized tracking devices (Browning).*** I do have one speaker; Mario Mattera.

**MR. MATTERA:**

And I'm back. Hello. It's Mario Mattera. Good afternoon, Presiding Officer Gregory and all Legislators. Thank you very much for letting me speak today on this very important bill that I'm

going to commend, again, Legislator Browning for coming forward with this.

I just want to let everybody know that I am a victim of this. A cowardly act of someone putting a tracker on my vehicle for a whole month, from February 12th to March 12th of this year, and to go and try to slander my name. And one thing I have to say is it's been very, very upsetting, not just to myself but to my family. Cowardly act means that, please, come forward. If anybody has an issue, I feel I'm a debater, come forward. But to go and then put a letter, tracking times that were false and to go put a thumb drive also, too, because the tracking device gets just put on, someone can go right in that parking lot right now, they can go with this little box, snap it, it goes with a magnet, it goes right on to your car and it's not illegal. If they put it on your driveway and you catch them, that's trespassing. Right now Police Officers, they have to have a subpoena for them to do a tracking device, but a regular ordinary person, a private eye, whatever, could go right now, right to my truck right now and put a tracking device on my truck. And what happened with this person, they went and they then spent time and money with the DA's -- I actually had investigators look into this, over \$10,000 they spent on trying to slander my name. And you know what? They got nowhere with it. But I am here to please pass this cowardly act, please pass this tracking device. It's illegal, we need to please prosecute to the letter of the law with this, and I just, please, need this to be voted today. Because like I said, what happened in my family with this, watching my daughter being filmed coming off the school bus was probably the worst thing that ever happened with my family -- that ever happened to me. And now I know why my wife says to me, *We don't want our kids to* -- and I live in Smithtown, a beautiful area; why we want to make sure that somebody is picking our kids off the school bus. You know, things like bringing food, you're saying, There's Mario walking in with a bag into some house at 200 Mark Tree Road and coming out with nothing, and I was bringing Meals-on-Wheels to my in-laws, my sick in-laws, and my father-in-law passed away, just passed away.

So this is a cowardly act. Don't mind me, because when I talk about my girls I get a little emotional. It's a cowardly act. We're in a position -- yes, I am the business agent with the plumbers union, I do whatever I have to do to get people working and I care about our area, so I do fight for the working person, the labor person very, very much so and I will continue, and this just makes me stronger. So please, Kate -- wow.

*Beeper Sounded*

As a matter of fact, I still have probably a minute left over from this morning.

*Laughter*

Kate, thank you very, very much for bringing this. Please pass this, this is very, very important. Thank you.

**P.O. GREGORY:**

Thank you, Mario. And I'm sorry that your family had to endure this situation.

Is there anyone else that would like to speak? Please come forward. Seeing none, Legislator Browning?

**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:**

*Eighteen.*

**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 have several cards, the first being Gene Wislode? Wishlod?

**D.P.O. SCHNEIDERMAN:**

Wishod.

**P.O. GREGORY:**

Wishod? I'm sorry, it looks like an L.

**MR. WISHOD:**

Good afternoon, Mr. Chairman, Members of the Legislature. I spoke at the last public hearing, so I will be quite brief today. One of the chief arguments that the Homeowners Association is making is that there are several homeowners associations in Suffolk County that own and operate -- that operate sewerage treatment plants. In all those cases, the HOAs own the plant. They own the plant because that's the way the offering plan was set up. It was part of the common elements, and after a certain period of time, they would take over control. In this case, that's not what happened. The offering plan left control and ownership of the sewerage treatment plant in the hands of the sponsor and the sponsor has been operating it and agreed in the offering plan, and all the homeowners who bought knew from the offering plan, that the sewerage treatment plant and the sewerage facilities would be dedicated to the County of Suffolk, and that's what the agreement provided. It would be unprecedented for a homeowners association that does not own the sewerage treatment plant to own and operate a plant unless the plant is dedicated to them by the sponsor, by the owner.

I wish to make it perfectly clear, as Richard Nixon used to say, that under no circumstances is the owner prepared to sell, donate, convey the sewerage treatment plant to the Homeowners Association. We're doing that because we crave finality, and we do not see the prospect of finality if the HOA owns and operates this plant. There could be litigation by dissident homeowners, by mortgagees, because of the violations of the offering plan, and that will most certainly result in the joinder of GHH as a party. That is not finality. The only finality that we can achieve is if we effectuate the provisions of the offering plan and dedicate the plan to the County of Suffolk. We have been working meticulously with the County, with great cooperation from the County, to take all the necessary steps, which are complex and time consuming, in order to get to this point where we're ready to take over and operate the plant. And that's basically my point.

I would also like to note that we are prepared to dedicate to the County --

*Beeper Sounded*

-- to dedicate to the County, along with the sewerage treatment plant and sewerage facility, \$425,000, which is what is required by the operating fund and the Capital Fund, set under the SPDES permit by the New York State Department of Environmental Conservation. So that's basically where we sit, and those are my two chief points. One, we will not turn over this plant to the HOA because it lacks finality; and two, we're prepared to do everything that's required by the County, including the payment of \$425,000.

**P.O. GREGORY:**

Thank you, Mr. Wishod. There is a question that Mr. -- Legislator Krupski has for you.

**MR. WISHOD:**

Sure.

**LEG. KRUPSKI:**

Thank you, Mr. Presiding Officer. So just to get a better understanding or so I have a better understanding of the situation here. You represent the owners of the plant.

**MR. WISHOD:**

Yes. And the sponsor of the various condominiums.

**LEG. KRUPSKI:**

Please --

**MR. WISHOD:**

I'm sorry.

**LEG. KRUPSKI:**

No, that's okay. Please explain to me, do they have any -- if they convey it to anyone, whether it's Suffolk County or to a group that I just formed yesterday, wouldn't that give them finality if they conveyed it and no longer had an ownership interest in it?

**MR. WISHOD:**

No. The only --

**LEG. KRUPSKI:**

Or responsibility?

**MR. WISHOD:**

No, because unless you give me a specific example, I don't know how we can guarantee finality if we transfer it to anyone other than the County.

**LEG. KRUPSKI:**

I don't understand that. Because once it's transferred, it would be gone from their responsibilities, right?

**MR. WISHOD:**

No, no, no. Not if there's litigation challenging the grant to the particular private party to whom they would convey it. Once we convey the plant and dedicate it as the offering plan explicitly comprehends, we're at -- we're off the hook. The County owns the plant, they have the staff to operate it. If we transfer the plant voluntarily to a private party or to anyone other, that may give rise to some litigation, either by dissident homeowners. Because there's an issue whether this HOA has the authority to operate it, to operate a plant. We say it doesn't, they say we do; well, there's room for disagreement there. But we do not envision finality as anything other than a dedication of this plant to the County, because any other conveyance will leave the real prospect of litigation.

**LEG. KRUPSKI:**

What leads you to believe that conveying it to the County will eliminate any prospect of litigation?

**MR. WISHOD:**

Because the County won't take it until they're a hundred percent satisfied, like they've taken the other 25 sewer districts. They're going to look at the plant, they're going to test it, they may require certain repairs.

**LEG. KRUPSKI:**

Right. No, I'm on the Sewer Agency, so I'm familiar with what the County's going through. I'm just trying to understand it from your point of view. Thank you.

**MR. WISHOD:**

Yeah. Well, we could require indemnification, that may not be worth the paper it's written on. And why? We're carrying out the expressed provisions of the offering plan, namely we dedicate this to the County. And that's what everybody who bought a unit bargained for when they bought a unit. And we deliberately, the sponsor deliberately retained control of the sewerage treatment plant; and by doing so, it retained the ability to dedicate it to the County in accordance with the offering plan. And they are not going to convey it to anyone else because we view that as filled with peril. And we don't want to be sued, we don't want to be back in here owning and operating it. We're going to give it to the County, we're going to do whatever the County wants by way of repairs and we walk out the door and we're done and it's final and it's over with. And that's the only thing we are willing to do. I don't think we can be compelled to do anything else.

**LEG. KRUPSKI:**

I just want to play devil's advocate. If the County, for whatever reason, all right, because there's a lot of votes here and I'm surprised on a continual basis. For whatever reason the County decides we're going to vote we're not going to accept the plant, then you would just retain ownership; your clients would retain ownership?

**MR. WISHOD:**

Yes, with whatever other remedies we may have at that point. We don't anticipate that. We've been at this for a year and a half or more with the County, we've cooperated and the County has cooperated splendidly at every step, and there are many, many steps in order to create a district. And we don't anticipate that because the County has been very cooperative. So, but I can't underline any more strongly that whether you understand or agree with our position, we will not sell this plant or convey it to anyone other than the County.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Okay. Mr. Wishod, we have several more Legislators that want to ask you questions.

**MR. WISHOD:**

Sure.

**P.O. GREGORY:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Mr. Chair. Counselor, it's nice to see you again.

**MR. WISHOD:**

It's always a pleasure to see you.

**LEG. KENNEDY:**

Thank you for making the trip down here to talk with us. I want to come back to a point that we had talked about the last time that you were here. And certainly, as I've said, you're kind of the Book of Genesis when it comes to how sewer plants are first conceptualized and approved, if you will.

When the developer of The Greens first brought their maps to the Town and then had them filed across the hall here in the County Clerk's Office, and the Health Department Wastewater Section looked at the operations of the STP, there were probably some documents that were generated; right? Maybe a covenant and restriction that said that the developer, at some point in the future, would -- not maybe, but would transfer the plant to the County of Suffolk.

**MR. WISHOD:**

Yes.

**LEG. KENNEDY:**

Okay. There was nothing in there that said if another entity came along and said, *Well, but we'd like it*, you and I will agree, that's probably not in that covenant. You've seen them over and over and over again.

**MR. WISHOD:**

Well, a condition of us doing business and building a sewerage treatment plant was our agreement to dedicate the plant to the County as if and when the County wanted it.

**LEG. KENNEDY:**

Exactly.

**MR. WISHOD:**

Yes.

**LEG. KENNEDY:**

And that was for no consideration either.

**MR. WISHOD:**

Correct, that's correct.

**LEG. KENNEDY:**

Great.

**MR. WISHOD:**

It wasn't the good ole days with Levitt where the County would pay millions of dollars to buy a plant for cost, less depreciation.

**LEG. KENNEDY:**

That was before my time, Counsel.

**(\*Laughter\*)**

That was way before my time. As I approach the Comptroller, trust me, that was way before my time.

**MR. WISHOD:**

Unfortunately it was very much in my time.

**LEG. KENNEDY:**

Well, okay (*laughter*). So as the good ole days. That's all, thank you.

**MR. WISHOD:**

Okay.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Gene, how are you? Right here.

**MR. WISHOD:**

Oh, I'm sorry.

**LEG. D'AMARO:**

That's okay. I just wanted to ask you, I understand that the representations were made in the offering plan to convey the sewer treatment facility to the County.

**MR. WISHOD:**

Absolutely.

**LEG. D'AMARO:**

Right, and that's the basis upon which all homeowners purchased in the development.

**MR. WISHOD:**

Absolutely, that's certainly my understanding.

**LEG. D'AMARO:**

Okay. And so what you're saying, I believe, is that all you're trying to do is carry out the plan and you want finality and you want to know that you won't be open to a claim that the developer did not fulfill the commitment and representations that were made in the offering plan.

**MR. WISHOD:**

I couldn't have said it any better.

**LEG. D'AMARO:**

Right. Okay, so -- but the question I have is if you're looking for that finality, the offering plan -- if you did something contrary to what the offering plan provided, couldn't you just make a condition to the conveyance to the Homeowners Association based on getting a general release, or would there be some other liability that you're concerned about?

**MR. WISHOD:**

Well, what if we get a general release and some mortgagee says, *You didn't have authority to do this. I'm going to institute a lawsuit because my security is in jeopardy.* Is there any doubt there won't be a party to that lawsuit?

**LEG. D'AMARO:**

Right. So a general release given by the Homeowners Association would not necessarily be effective against, let's say, a mortgagee, or maybe even the Attorney General's Office for that matter.

**MR. WISHOD:**

Or the dissident members of this HOA. This is not a unanimous vote.

**LEG. D'AMARO:**

As individuals, right.

**MR. WISHOD:**

Yes, exactly.

**LEG. D'AMARO:**

Right, it would only be a release -- it would only be effective against the party who delivers the release which would be, let's say, the Homeowners Association.

**MR. WISHOD:**

Right. And I don't know -- I don't want to cast dispersions on their financial stability, I don't know anything about it.

**LEG. D'AMARO:**

Right.

**MR. WISHOD:**

But it's not acceptable because it's not final.

**LEG. D'AMARO:**

So all you're asking to do is to follow through on the very representations that were made in the offering plan that were filed with the State Attorney General's Office and that were given to every single purchaser when they bought a home here.

**MR. WISHOD:**

Absolutely, yes.

**LEG. D'AMARO:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. Thank you, Mr. Wishod.

**MR. WISHOD:**

Thank you.

**P.O. GREGORY:**

Okay, next speaker is Mr. Hamburger, and then Mr. Resch on deck.

**MR. HAMBURGER:**

Good afternoon, Mr. Presiding Officer and Members of the Legislature. I'm Richard Hamburger, the attorney for the HOA. I want to update the Legislature on what has happened since we were here last time.

Number one, The Greens Board has adopted a formal resolution approving the acquisition of the STP, not unexpectedly by a 5 to 2 vote; that's attached to the supplemental binder that I have distributed as Exhibit J.

Number two, the State and Country Pointe have confirmed in writing their consent to the

acquisitions of the STP by the HOA that's in writing from the Attorney General and from the President of Country Pointe in Exhibits K and L. And just before the hearing began, I got an e-mail from Bob Flynn, Huntington lawyer who represents Dunkin Elder, confirming the consent of Dunkin Elder as well, and I e-mailed that to Mr. Stern so that could be available to you if you wanted to see it sooner. So all three of the connectees have consented.

In addition, and which has not been mentioned -- and I think which was deliberately overlooked the last time by Ms. Coil and Mr. Moore in their presentations -- we were asked in November by the sponsor if we would indemnify the sponsor for any litigation that challenged the transfer of the plan to the HOA as being without authority. I said, *That's very fair question to ask. Let me talk to my client, let me think about it and get back to you*, and we did. And I notified the County that we would agree to defend and indemnify the County from the kind of litigation that they're talking about, and that's in the resolution that was adopted by the Board in its 5 to 2 vote.

I also think the issue of is it legal is one which has been briefed by both sides. I'd be very curious to know what the County Attorney's opinion is as to who has the better part of the argument as to whether the HOA has the legal authority or not; I believe it clearly does.

In addition, I think the anticipated savings, if the HOA owns the plant, become clearer and clearer. If you look, for example, at what I've attached as Exhibits M and N, I have the current {Severin Trent} contract in which they're billing 5500 a month, which is \$60,000 a year; that's the labor cost. That's in comparison to the County's estimated labor cost of \$200,000. So it's a \$150,000 saving right there, plus, of course, the \$253,000 spread cost.

In addition, I spoke to {Severin Trent} and I have a letter from them which is attached as Exhibit O in the supplemental binder, they're willing to continue to operate the plant after December 31st. Their proposal is very specific; \$7,000 a month as opposed to the current \$6,000 a month -- as opposed to the current 5500 which is being charged. That's a slight increase, but there's no issue about what would happen to the plant after December 31st and the change would be invisible.

In addition, the HOA has had two Town Hall meetings in an effort to address the concern expressed by the Legislature to gauge the feeling of the community. The result of that is of 200 --

*Beeper Sounded*

Mr. Perry can go into the details of that more, but basically we are winning the issue and the more people know and the more they have an opportunity to have their questions answered, the more they are in favor of the HOA acquiring the plant.

**P.O. GREGORY:**

All right, thank you. You do have a -- Legislator Stern has a question for you.

**LEG. STERN:**

Thank you, Mr. Presiding Officer. Community engagement, of course, as you know, is very important, not only to me but to the members that have expressed that concern here in the Legislature.

You had said that there are two -- there have been two Town Hall meetings, I've joined my neighbors at those two Town Hall meetings. In addition to the Town Hall meetings that you've been able to hold, what else have you been able to do as a meaningful outreach effort to so many residents; so many residents that are here and, of course, so many residents that are spending time out of state while all this discussion is going on.

**MR. HAMBURGER:**

Well, it's the experience of the Board members who are advocating for acquiring the STP that the more you know and the more opportunity you have to have a dialogue, a question/answer dialogue, the more clear it is that this is in the interest of The Greens community. An e-mail correspondence and notifications have had a tendency perhaps to scare people. *Why would you want to own a sewer treatment plant?* They explode, they blow up at all kind of frightening things that never really happen. So in furtherance of having a dialogue with people, in addition to the two Town Hall meetings, Mr. Perry, the Treasurer, is holding a series of events in his home where he's inviting people to come to his home -- beginning tonight, I believe -- to learn more and to discuss it. Plus, Mr. Perry and Mr. {Swersky}, another board member, are flying down to Florida, because as we mentioned, many of the residents of The Greens live in Florida, about 40% during the winter, and they are localized in two areas, one on the west coast and one in Naples and one in South Florida, and they're flying down to convene meetings of The Greens residents so they can, in person, have this dialogue.

**P.O. GREGORY:**

Okay. All right, thank you, Mr. Ham -- oh, Legislator -- I'm sorry. Legislator Spencer, then Legislator D'Amaro.

**LEG. SPENCER:**

I took a look at the exhibit in the back of the -- what was handed out, and I understand the idea of being able to operate it for less. And I think that the County, if we had built in just our costs for -- we're a County and have labor costs that may be higher.

My question to you, and I see that there's 10% that's kind of built in for like emergency services, and I did a little research. My question to you is, you know, a lot of times we step in as a County to do things that are in the best interest of everyone that a township can't do. And the issue with a {ferry over} sewer treatment plant is the environmental implications. And so we're looking at it from a cost of small piece of equipment going out, but in the catastrophic situation it may seem like the savings are lower. But has that been taken into consideration, that if there is a piece of very expensive equipment that goes out, is that built into your lower cost estimates?

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

**MR. HAMBURGER:**

Yes, in this way: The most expensive piece of equipment is a \$150,000 generator, and that's the basis for the County fixing the cost of the capital reserve at \$75,000, which is supposed to be 50% of the replacement of the most expensive piece of equipment. But understand, Dr. Spencer, that the rates are approved by the County, and for the same -- and we're not allowed to have an indefinite reserve, because that would be increasing what's being charged to people. If we get the plant on the identical conditions that the plant is being offered to the County with the \$425,000 reserve that the sponsor is required to give the County, that's the reserve that the County requires based upon the current operating costs. If we spend into that reserve because we need it for a capital replacement, then we have to replenish it, and we replenish it by building into the rate, with the County's approval, and enough to bring the reserve back up to that acceptable level, of which we pay 78%, because the other connectees pay 22%.

And I honestly don't believe -- and this is more a question for Mr. Resch, and the engineers, and the professionals. The things that go wrong in a sewer treatment plant could be a piece of equipment failing, the most expensive of which I just mentioned is the generator, but the other is a broken pipe. And the cost savings from having a \$250,000 a year operating cost savings, plus starting with a reserve of \$425,000, that means in two years you're already a million dollars ahead of the game. The likelihood of a meteor hitting the plant and blowing it up is pretty slim, and it would take that

kind of event for them to fall behind in a financial analysis.

**LEG. SPENCER:**

Okay. And that makes a lot of sense. And I understand, you know, we're trying to view our obligation where if something that was an environmental spill that goes outside of The Greens, because if it goes into the ground, it affects the aquifer, and that cleanup --

**MR. HAMBURGER:**

But it's not a hazardous material spill, it's a sewage spill, and the consequences and the cleanup associated with that are far different. It's not a hazardous material.

**LEG. SPENCER:**

And my last question is, you know, I was involved as a Housing Authority Chairman in terms of looking at these sorts of situations, where -- isn't the offering plan there to be able to be kind of the fallback document that governs when there are disputes like this? I mean, how do we --

**MR. HAMBURGER:**

The offering plan -- I'm sorry to interrupt. Dr. Spencer, the offering plan is a disclosure statement, of course, required by the Attorney General. There isn't a single governing document, no declaration of condominium -- no declaration of covenants and restrictions, no bylaws, no governing document which is attached as an exhibit to the offering plan which prohibits the HOA from doing this. A condominium could not do it, because the condominium could not acquire property outside of the boundaries of the condominium. But as this was set up under the Not-For-Profit Corporation Law and under the HOA governing documents, it has the power and authority.

The quote that is being given to the Legislature on several occasions by the sponsor is that in the offering plan it says, and I'm more or less quoting it, that the sponsor will build the plant and the plant will be dedicated to the County. And I would suggest to you, Dr. Spencer, that's exactly right. The sponsor did build the plant as a condition of getting the increased density and developing the whole property. And it will be dedicated to the County, because we're going to dedicate it to the County, because that's what the County requires. It's just one private operator replacing another private operator. But under the agreement, the County is going to insist that we either take a transfer, an assignment of the existing agreement, or give us a new agreement. But, in either case, we are going to make an irrevocable offer of dedication to the County of the plant. So the conditions in the offering plan that everybody signed up on are the same. It was built by the sponsor at sponsor expense, and it's part of the community, and it's dedicated irrevocably to the County.

**LEG. SPENCER:**

You are extremely well prepared. Thank you.

**MR. HAMBURGER:**

Thank you, Dr. Spencer.

**P.O. GREGORY:**

Legislator D'Amaro?

**LEG. D'AMARO:**

Yes. Hi. How are you? I have a few questions. But just to follow up on that last thought, how is it -- the Homeowners Association plans to dedicate this to the County, this facility?

**MR. HAMBURGER:**

In the agreement that we have to sign with the County, we have to agree to a number of things. We have to agree that we will only charge the operating costs and expenses of the plant to the

connectees, because we're not allowed to make a profit on it. We have to agree that we're going to follow the rules and regulations of the Health Department. We have to agree that our books are going to be kept open and allowed to be audited. And we have to agree to an irrevocable offer of dedication, which is really important, because in the event that there were a lawsuit challenging the authority and it were successful, it would then be dedicated to the County. It never is going to go back to the sponsor.

**LEG. D'AMARO:**

Oh. So it's an open irrevocable offer of dedication.

**MR. HAMBURGER:**

Yes.

**LEG. D'AMARO:**

Not an actual dedication.

**MR. HAMBURGER:**

It's an open irrevocable offer of dedication identical to the one which Mr. Wishod was talking about.

**LEG. D'AMARO:**

No. But didn't the disclosure document say it would be dedicated to the County, not that just an offer would be made? What did it say?

**MR. HAMBURGER:**

It said it would be constructed by the sponsor and dedicated to the County.

**LEG. D'AMARO:**

Okay. So I understand what you're saying, that there's -- this is not in any file document in a sense of any other document other than the offering plan. It's not in the covenants and restrictions that are filed.

**MR. HAMBURGER:**

Correct, correct.

**LEG. D'AMARO:**

It's not in the bylaws and all of that. But, nonetheless, there is a representation made in the operative document that's used to sell the units, making the representation that it would be dedicated to the County.

**MR. HAMBURGER:**

And it is dedicated. Offer of dedication is a dedication to the County.

**LEG. D'AMARO:**

Well, that's two different things in my mind.

**MR. HAMBURGER:**

Okay.

**LEG. D'AMARO:**

If I'm buying a unit, I might say, okay, in ten years, I know there's light at the end of the tunnel as far as the builder or sponsor running this plant, because the County of Suffolk eventually is going to own it.

**MR. HAMBURGER:**

I understand the distinction you're making, and I won't argue with you, that I understand that distinction. But let me just say this to that: For ten years the plant has been in the private ownership of the sponsor.

**LEG. D'AMARO:**

Right.

**MR. HAMBURGER:**

So if people thought that after they purchased the community and after all the infrastructure was built, it would be dedicated to the County for their protection, that never happened. And all we're doing is substituting one private owner for another.

**LEG. D'AMARO:**

Right, but two wrongs don't make a right. But I got your point there also. So let me just go back to the few questions that I had.

So the sponsor is talking about, as Mr. Wishod brought up, the finality of the transfer to the developer. Needing finality, a release wouldn't do it, because it wouldn't be binding on the potential plaintiffs in a lawsuit who might challenge the conveyance. So then you fall back into indemnification that you said the Homeowners Association would be willing to provide indemnification?

**MR. HAMBURGER:**

The Homeowners Association is going to defend and indemnify the sponsor from any litigation challenging the authority of the HOA to accept the transfer and to operate the plant. I don't see that there's any issue with that. We have a four, five million dollar budget --

**LEG. D'AMARO:**

Right.

**MR. HAMBURGER:**

-- with ample reserves.

**LEG. D'AMARO:**

Right. Well, as an attorney, I think you would see where there's an issue, where there could be an issue with that, because indemnification, like anything else, is open to interpretation. It's also, in a practical sense, dependent upon the indemnifying party's ability to pay, is another factor. So I will agree with you, that that is some higher level of comfort, but it's not an end-all. It doesn't guarantee that ultimately the indemnification will materialize. It is a legal document, I understand that, but there are risks inherent in an indemnification agreement as well.

**MR. HAMBURGER:**

I understand. But may I add?

**LEG. D'AMARO:**

Yeah, sure.

**MR. HAMBURGER:**

The key to the indemnification here is the defense, although we're also willing to indemnify damages, because there aren't going to be any damages --

**LEG. D'AMARO:**

Okay.

**MR. HAMBURGER:**

-- if any anyone has -- if the HOA is in ownership of the plant, they're not going to be paying more.

**LEG. D'AMARO:**

Right.

**MR. HAMBURGER:**

It's going to be a challenge, if it happens, by somebody who says, "You can't do this." And as someone pointed out, as Legislator Krupski pointed out, someone could sue if the County accepts the sewer district on the basis that they shouldn't have done that, it should have gone to the HOA. I mean, regardless of the merits of the lawsuit, people can sue. But our defense is a broad indemnification that we can honor, we can live with, and we would prevail in. And if it didn't work, then where would we be? We'd been in the same position we're in today, where we have an irrevocable offer of dedication in the document. And, at that point, the DPW would come and ask the Legislature to do the same thing, to establish a sewer district, and we would have had for a period of whatever a litigation takes, six months, 12 months, 18 months, a period of lower payments that benefit everybody and that everybody wants.

**LEG. D'AMARO:**

All right. And then my last question was, we did have a hearing on this, I think it was two weeks ago.

**MR. HAMBURGER:**

Yes, sir.

**LEG. D'AMARO:**

We were in Hauppauge. And, you know, one of the points that were made -- that was made by myself and some others was that, you know, we're a County, we were -- we're in the business of taking these sewer treatment facilities. And, you know, the developer is there. If the Homeowners Association wants to deal with the developer, you're welcome to do so, but it doesn't necessarily mean that we would stop, or slow down, or delay our own process, because we also have an obligation to move forward with that for County -- for County residents.

So my question is, in those intervening two weeks, has any progress been made on the -- with discussions with the developer between the Homeowners Association and the developer as to coming to a meeting of minds on this?

**MR. HAMBURGER:**

The developer has made it perfectly clear that at this point in time, and I believe it's totally out of vendetta and totally out of spite, because there's no rational economic reason and no rational legal reason for it, now that we have the indemnification, that he will never, no how, under no circumstances agree to transfer the plant. So we must rely upon the Suffolk County Legislature and its powers to accept or not accept the sewer treatment plant to try and change that chemistry.

**LEG. D'AMARO:**

Right. And then we did talk about that last time, and I'm not quite sure that's a property role for the County to be playing in this process. I don't want to be put in the position of having to assess your credibility, your client's credibility, the builder, the builder's credibility, who's right, who's wrong. I mean, we're not sitting as judge and jury, we're simply -- we have a legitimate offer of dedication being made to the County. We're going through a process, and that in no way, shape, or form

impedes your client, the Association's ability to go out and try and come to terms with the developer, so --

**MR. HAMBURGER:**

I can't disagree with that.

**LEG. D'AMARO:**

Yeah.

**MR. HAMBURGER:**

But the -- if the County plays an important role to continue the operations of the sewer treatment plant as they are currently being undertaken, which is acceptable in terms of the health and dealing with -- and is the wish of the additional connectees, and a critical majority or consensus of the residents, and it saves everyone there in my community \$250,000 a year, and the changes are otherwise invisible, that would be in the public interest, is what I'm saying.

**LEG. D'AMARO:**

Okay, fair enough. Thank you.

**MR. HAMBURGER:**

Thank you very much.

**LEG. D'AMARO:**

I appreciate it.

**P.O. GREGORY:**

Okay. Legislator Stern.

**LEG. STERN:**

Yeah, thank you. In terms of the indemnification, we're talking about indemnification, you've made the representation about indemnification, has there been any formal resolution, or part of the HOA's Board resolution as to indemnification, has that been reduced to writing?

**MR. HAMBURGER:**

Yes, it's in Binder -- the resolution that's in Binder J, it's the last paragraph. "Resolved, that in connection with the transfer of the STP from GHH to the HOA, the HOA will defend and indemnify GHH from any and all claims challenging such transfer where such claims assert that the HOA lacks the authority to own and operate the STP, provided the County agrees that if such a challenge were successful, the County will take action to promptly establish a sewer district and accept dedication of the STP from the HOA."

And I want to add, I didn't add that last phrase on my own, I did discuss that with the County Attorney's Office.

**LEG. STERN:**

Okay. And that appears on Page 5 of 6 of --

**MR. HAMBURGER:**

That's correct, Mr. Stern.

**LEG. STERN:**

-- the HOA's resolution approving the STP acquisition. Thank you.

**P.O. GREGORY:**

Okay. Thank you, Mr. Hamburger.

**MR. HAMBURGER:**

Thank you very much.

**P.O. GREGORY:**

All right. Bob Resch, and then on deck, John DeGregoric.

**MR. RESCH:**

Good afternoon. My name is Bob Resch. I want to say hello to the Chairman and the Legislators. I'm a licensed professional engineer in New York and New Jersey. I'm a member of The Greens Sewage Treatment Plant Committee.

We visited the plant and inspected it, and we reviewed the reports completed by two independent engineers, consultants, and we agree with them, the plant is in above average condition. But one of the reports indicate there's several items or many items of equipment that seem to be past their due maintenance, and these need to be corrected. We believe that maybe economical conditions were at stake here, and maybe the sponsor decided to postpone a year or so on some of the maintenance. This is something that, if we were running the plant, we would never do.

I want to mention that in -- if we were to take over the plant, we would have several layers of oversight. We plan to continue employing a sanitary engineer, consulting engineer, with major credentials. He's engineer of record for 63 independently owned sewage treatment plants on Long Island. We'll continue to work with him to provide oversight to Severn Trent, who's the current operator. The Sewage Treatment Plant Committee would provide oversight over the consultant and the operations of the plant and would report to the Board. It's in our interest to see that the plant is run effectively, with reliability, and economical. As a matter of fact, the committee made some recommendations that some critical equipment that has redundant equipment behind it, in some cases we need a shelf item as well.

All the equipment that operates 100% of the time is redundant at the plant. There's two pumps for every process, but we recommended in a couple of areas there be a third one for reliability.

I also want to mention that the committee is made up of professional engineers, a retired engineer from the New York City Department of Environmental Protection and Bureau of Water Pollution Control. We have the owner of a major plumbing company out here in Long Island. And it's a good committee and we're very active.

Last thing I want to mention, we are the true people who are the stakeholders. We have the vested interest in this plant. We paid for the plant. It's obvious to all of us that the cost of the plant was included in the cost of the homes we purchased. How else could the sponsor transfer the plant over to the County free of charge? So we have a vested interest in seeing that the plant run reliably, effectively, meet the law, and we've got the layers of oversight to make sure that happens. Thank you.

**P.O. GREGORY:**

Thank you, Mr. Resch. Legislator Stern, you had a question?

**LEG. STERN:**

Thank you, Mr. Presiding Officer. It's good to see you. Much has been made of this -- the reserve fund, the \$425,000 reserve fund. It was clear. Mr. Wishod on the record, I believe it was made very clear two weeks ago that the sponsor was ready, willing and able to forward not only the keys to the STP to the County, but also the \$425,000.

I think it was made very clear, but I think it was also made just as clear today about what was not said, which is that there seems to be no willingness on the part of the sponsor to transfer the \$425,000 to the HOA. So I was wondering if there was any thought given to that, and what, if any, kind of an impact would it have on the HOA's ability to take possession, to take ownership of the STP, and to operate it going forward without that reserve fund, if that turns out to be the case?

**MR. RESCH:**

Yeah. The reserve fund is necessary for the transfer. As I mentioned, H2M, a very -- a consulting engineering company on Long Island, specializing in sanitary engineering, pointed out that there are several items of equipment that are past their manufacturer's guarantee that need to be maintained, they may need to be rebuilt, and so forth, and we identified all those items. We have a budget to replace or repair them, and we need that reserve fund to do that. It appears to us that some of the repair work that should have taken place under the sponsor has been postponed. So one of the things we would do is we would use elements of the reserve fund. And we have in the Operating Budget, we have monies to replenish the reserve fund.

We also talked about certain redundancy. As I mentioned, all equipment in this plant that operates all the time, that has to operate full-time, they will have a redundant piece of equipment. Every pump that has to operate all the time has a redundant pump, and they switch back and forth.

A couple of critical items. We want to add a shelf pump to make sure that we have the reliability. In the case, say, one pump is out for maintenance, the other one trips for unknown reasons, we put the shelf pump in. We have monies in the reserve fund to take care of that. So it's very important that if the plant were to transfer to the HOA, that the reserve fund come with it.

**LEG. STERN:**

So what you're saying, then, is that it's not only theoretical, but based on the analysis that you've done, it is a necessary part, because you already have plans on how at least a portion of that reserve fund might be used for capital improvements going forward.

**MR. RESCH:**

Absolutely.

**CHAIRMAN STERN:**

All right. Thank you.

**P.O. GREGORY:**

Thank you, sir.

**MR. RESCH:**

Thank you.

**P.O. GREGORY:**

John DeGregoric, and then on deck, Herbert Schoenfeld.

**MR. DE GREGORIO:**

Thank you very much. My name is pronounced DeGregorio, John DeGregorio. I'm a resident of The Greens. I've been there since 2004. I purchased my unit in 2003. As a resident of The Greens, within one year of being there, I was elected to the Board of Directors, while the sponsor was in the majority position with four votes. Three homeowners sat in the other three seats and I was one of them. And I was elected vice president of that board and sat to the left side of the sponsor from 2004 until 2010, when he sold the last unit and had to leave the Board.

Subsequent to him leaving the board, we had all resident representatives, and they elected me as their first resident president. And when my term expired, I stayed on the Board for another two years, then I chose not to run. So, in terms of experience, I've been there from the beginning.

I do not doubt that the plant is run very efficiently, that everything happens that's supposed to happen. In ten years, whenever I flush my toilet, it worked, so something's happening that's positive, I guess. And in that period of time, we have had our differences. It's not that I'm representing the sponsor or anyone other than myself, and maybe some independent residents who may be concerned about the HOA taking it over.

There's much litigation between the HOA and the sponsor. My name is a prime plaintiff on several of those bills, which are before the Appellate Division as we speak. So it isn't that I'm a friend of the sponsor and I'm on that side, but I question very deeply whether this Legislature should let the HOA take it over, and I say that for a number of reasons. First reason, you all know it's a senior community; that means 55 or better. It's been in existence some ten years. The current majority on the Board, the five people -- and it's a changing community. Much change has taken place over these ten years for various reasons, some good, some not so good. In any event, the five positive votes, two of those five members who are endorsing this have only been on the Board of Directors for five months. They were elected last June and it's now November. Two other Board Members endorsing the concept have only been on the board for just about 17 months. And the president, who is the senior one on that side of the aisle, has been on the Board for just about two years, and he was not elected by the residents, but appointed when an interim position opened. Over the next five to ten years, this Board will change dramatically, dramatically.

I do not question the good will of this majority, that they want to do the best thing, that they believe --

**(\*Timer Sounded\*)**

Could I go on?

**P.O. GREGORY:**

Sir, please wrap up. You do --

**MR. DE GREGORIO:**

Okay. I believe that they do want to do the right thing. However, there's a problem. So with this change that's taking place, in three, four years, we will have other people there who may not have the same expertise, same input, same involvement, and who knows what's going to happen.

And if I could just conclude with a question to you, Ladies and Gentlemen. When we uncovered that we were being overcharged, roughly \$600,000 as opposed to 300, the Courts and Department of Public Works reduced it to roughly \$300,000, which is what we're paying now. But I understand that if the County took it over, the 300,000 would turn into 475,000. So the question is, if 300,000 was a legitimate number for the sponsor and for us to pay, why wouldn't the \$300,000 be the same legitimate number for us to pay to the County if the County took it over?

**P.O. GREGORY:**

Okay, sir. Legislator Spencer has a question for you.

**LEG. SPENCER:**

I appreciate your question. I think that is, you know, a legitimate issue.

As I look at this issue, I understand the two sides. But when I look at it as a Legislator and I see an offering plan, and I understand why you may be able to question why the Homeowners Association would have right to be able to have this action, but if I look at my role as a County Legislator, there's an agreement that we have on this offering plan. And if I just took it as far as this being brought to us, we would just be keeping our end of the bargain. And so, basically, what the Homeowners Association is asking us is not to uphold our end of the bargain because of these issues where there could be lower costs. And I don't know what kind of precedent I'm establishing if there's a -- you know, I almost view that as a matter of course that we have to honor our agreement. You say don't break -- "Don't keep your word, because we have" -- "we have a claim to this." And my other -- the other part of that is that even if we did turn around and say, "Okay, we're not going to take the" -- "we're not going to take the transfer," where you have direct testimony from the owner that's saying, "I'm still not going to sell it," we have no reason or no authority to compel them to do it.

So I'm kind of wondering, what are you asking us to do, to -- and if you say that we don't move on this, are you saying that they are compelled to make this transfer?

**MR. DE GREGORIO:**

No, I'm not -- I'm not taking the legal what it's saying what you must do or not do. I know the two sides are saying differently things. I'm saying the practical question of a Homeowners Association, which is constantly in flux, especially a 55-year-plus homeowners, that this could prove to be very dangerous. In addition, that we are going to provide the services to other organizations and entities outside our gates. So if we were only within the gates and we screwed up, that's our problem. But if we mess up for Sagamore School, Country Pointe, the firehouse that feeds into it, the Federal group rental buildings and so forth, we have an obligation in terms of providing that service.

And I'm saying, because we have this transition and change of residence, which has been going at 50 homes a year for a long time, I don't know whether the people who will be seated on the positive side or the negative side are going to be on the Board in five years, and whether they have the expertise of Bob Resch, who just spoke, or the Treasurer, Joe Perry, who will be speaking, and the dedication that they have, and that concerns me. The continuity of it five years, ten years, fifteen years, when a lot of us are not going to be around, as I said, for various reasons.

**LEG. KRUPSKI:**

I mean, that concerns me, too, if I look at it, that if it was just an entity to The Greens within of itself, but we're talking about other school district, other public entities that are not part --

**MR. DE GREGORIO:**

Absolutely.

**LEG. SPENCER:**

And so I don't know what --

**MR. DE GREGORIO:**

And in addition to that, I was not at the last hearing, but in reading the transcript two or three times, I think someone testified that there's excess capacity, and we can go out and get other people to feed into it, so it's a business. I did not buy there to go into business outside the gates.

**LEG. SPENCER:**

Thank you sir, appreciate it.

**P.O. GREGORY:**

Thank you.

**P.O. GREGORY:**

Thank you. Legislator Stern.

**LEG. STERN:**

Yeah, thank you, Presiding Officer.

**MR. DE GREGORIO:**

Where is he? Oh.

**LEG. STERN:**

First of all, Mr. DeGregorio, thank you for being here today. I just wanted to mention to all of my colleagues that Mr. DeGregorio had prepared his own personal analysis, which was submitted to the Clerk, and it's available for everybody to see.

**MR. DE GREGORIO:**

Appreciate that very much.

**LEG. STERN:**

So I just wanted to make sure that all my colleagues knew that, and that you knew that as well.

**MR. DE GREGORIO:**

Thank you.

**LEG. STERN:**

You are not a member or present member of the HOA.

**MR. DE GREGORIO:**

I'm retired without a pension.

**LEG. STERN:**

You're appearing on your own, you're not associated with the sponsor either. So I wanted to get your personal opinion on the efforts that have been made and continue to be made to make the entire community aware of this issue, to make sure that everybody has the type of accurate information that might be necessary to form an opinion. Not everybody that lives in The Greens or beyond has your experience with this as an issue. So I was wondering if we can get your take on what the results have been and the efforts that have been made to raise awareness within the community.

**MR. DE GREGORIO:**

Up until two weeks ago, no effort whatsoever was being made. And a number of the Legislators, according to the transcript, raised the question, what are you doing, how are you polling the people, what are you doing with them? And I guess that lit a fire, and in the last two weeks, on very quick notice, there were two, quote, open meetings, one with five days notice and the other with about eight days notice, one the Monday before Thanksgiving, and the second the Monday after Thanksgiving; wonderful times to meet on these issues.

The resolution, even though it was being pursued by the Board to take ownership of it, was not passed until last Tuesday. There was no resolution on the books, and, yet, for two years there were many meetings taking place with the County trying to convince whatever had to be done to be done.

I was on the Board when I voted for the authorization of H2M to give us a preliminary assessment as to the condition of the plant. That was two years ago. The report came out in 2013. So why would

we authorize spending some \$7,000, get a report, if we were not thinking about the possibility of assuming the ownership at that time? And, all of a sudden, in the last testimony, there was one person who said he only learned about it on November the 7th that this was on the fast track. It's been cooking for two years plus.

In terms of the meetings, we had the hearing. I was at the first open meeting, and I saw you at it, of course. And at the last minute, the president heard -- told the people there would be sheets of paper on the tables outside for you to vote or indicate your feelings, or something, and there were sheets of paper. A minute's notice, just filling in your names, back and forth, names, addresses. We have a system. We have a rule on voting, that votes will be by secret proxies, which was not the case when the sponsor was in charge; secret proxies or a ballot, and by definition, a ballot is secret. Why isn't that being followed?

I mean, I hear today that people are flying down to Florida. I could tell you, I have a place in Florida, I go back and forth. I'm not a snowbird, as they say, I'm just a snowflake. In many ways I am, I guess.

**(\*Laughter\*)**

In any event, they're going down there. Where is the opposition or the people who are contrary to this? Are they being flown down also? Is the HOA paying for it? This got on the fast track to get it through with pieces of paper, rather than a legitimate campaign, people coming forth, sending the proxies out, having the ballot voted, and everything put out there. None of this is taking place. And the questions I heard or read about from the last hearing maybe put them on first track. And Mr. Hamburger, my friend, Richard Hamburger, said we voted on it last week as a result of what you said at the last meeting. Well, we had to be told by you folks that we had to vote on something before we pursue it, such a major decision?

**P.O. GREGORY:**

Okay. Thank you, sir.

**MR. DE GREGORIO:**

Thank you.

**(\*Applause\*)**

**P.O. GREGORY:**

Herbert Schoenfeld, and on deck, Joe Perry.

**MR. SCHOENFELD:**

I can't even answer John De Gregorio, there's too many inaccuracies in that. So, if you could ask me questions on that, I would appreciate it.

I'm Herb Schoenfeld, and I testified on November 18th. I'm the president of the Homeowners Association. At the last meeting, you asked us to consider holding a referendum. We had started that process, and we wanted to know what a referendum was, and you told us it was a majority. We're trying to bring this up to date. I want to bring you up to date on the progress of what we've done. We've had two, now, town hall meetings, and I believe we had 292 people -- units show up at that meeting, those two meetings. Right now, with all the negative items that were sent out in the community, which was about 5 to 0, negative to the positives, because we're not talking to the community unless they come to the meetings, and we will tell them more as they go on further. So far, for is winning and against is losing. That's with all the negativity that's been going on.

What we've done is -- and we appreciate Legislator Stern has come to both meetings, and we do appreciate that very much. What we've done is videotape both meetings, put it on YouTube, and have sent it to anyone who wants to see it. So all the people in Florida who could not attend the meetings were updated on everything. I'm getting emails constantly about more information, and a request with the handouts that we gave that they can't see. We're now putting that on an email, and anybody who requests this, anyone that had -- we're sending them all the handouts that were given, so they could understand what's going on.

Yes, we have decided to send two members to Florida, but, at the same time, we were and are going to ask the opposition to join us. One of our opponents as a director is a snowbird, he will be in Florida. We'd pay for it, it's not a problem, but he's already down there. We intend to have East Coast and West Coast, because we have almost a split of where all our people live. And I would love the opposition to be there, because when they go there, more and more people see that we're in favor of it, and that's what the vote will turn out eventually.

So that's where we're going at this point. We're trying to develop a plan to send out a mailing, because 200 of our people do not have emails; another 200 don't even open their emails. So we have to get a mailing out, and the mailing is going to go to the Melville address, and then eventually go to Florida as forwarded, because we have about 40% of our residents are now in Florida. That's become a very important base. So we need to know if we have time to do all this, or do we just go with whatever referenda is, and we've won, and it's over. So I don't know -- I don't appreciate that, because it's not enough people; not indicative to me about how many -- how they feel in the community. I want to get more votes.

The insurance now we've checked into. We have everything covered, an environmental. We need a Phase I study, which we mentioned last time. The plant is not 12 million.

**(\*Timer Sounded\*)**

If you just let me finish, I'll gladly wrap it up. It's \$4 million. We have liability insurance. We're going to have also business interruption insurance, because one thing we haven't heard from the County, if our plant goes down, what does the County connect us to so our sewage flows? We have to know that, because we have to do the same thing. So we got -- we're getting business interruption insurance, because if we have to connect to another plant, we have money to pay for that plant. This is well thought out, this is not just something we're making up.

Today you're also going to get petitions that were signed by people, and I won't go into it, but representative -- Legislator Stern mentioned last time, he asked the same question, were there pros and cons. I'm paraphrasing; I could read it. "What did you write on there?" All it says, "Do you want the sewer plant?" The answer is no. These people are voting without knowledge. The only ones who can vote at this time, to just get an idea of the consensus, are the people who showed up those nights. We've taken their names, they had to sign in, they voted. We're matching them all.

**P.O. GREGORY:**

Okay, sir.

**MR. SCHOENFELD:**

And that's what it is. Thank you very much.

**P.O. GREGORY:**

Hold on. You have a question. Legislator Lindsay wants to ask you a question.

**MR. SCHOENFELD:**

Sure.

**LEG. LINDSAY:**

I just have a few questions. The one thing you just said that jumped out at me, how would you connect to another plant if the plant goes down?

**MR. SCHOENFELD:**

The same way the County will. We don't know that answer, I have to ask the County.

**LEG. LINDSAY:**

I mean, all these plants aren't interconnected, so how would you connect to another plant? If you're going to be operating this plant, you would need to know how that would happen.

**MR. SCHOENFELD:**

Right, and we would have to deal with the County on that to find out if our plant had a catastrophe, which is -- which I think is impossible.

**LEG. LINDSAY:**

Nothing is impossible, so let's take that off the table.

**MR. SCHOENFELD:**

Okay. Well, let's assume it's -- okay. I don't want to argue with you. I was accused of that last time. I don't want to tweak anybody.

**LEG. LINDSAY:**

Okay.

**MR. SCHOENFELD:**

So the point is let's just discuss where we're going with this. The County has the same problem. If the plant has a catastrophe, what does the County do? We'll do exactly what the County is doing. The County tells us how we have to hook in. We'll look into what we have to do to pay for it.

**LEG. LINDSAY:**

But you're coming to us saying that you want to run this independent of the County, that you don't want the County to have anything to do with it, that you guys want to take this all over. So part of your plan can't be that, "We'll do whatever the County tells us to do."

**MR. SCHOENFELD:**

No. You're -- okay let's go back to that.

**LEG. LINDSAY:**

Okay. Let's go back to that.

**MR. SCHOENFELD:**

Let's go back to the plant. What will the County do if our plant goes down? That's a legitimate question. Whatever the County does, we are planning to do. If they tell us that this -- they would connect to whatever plant, we will make arrangements to connect to that plant.

**LEG. LINDSAY:**

There is no plant to connect. This isn't like a big puzzle that's connected with all these pieces. You guys are on your own. There's no big pipe that connects all these plants on Long Island all together. So, I mean, this is -- if you guys want to run this on your own, this is -- you need a plan, and part of

your plan can't be, "Okay, we'll run to the County and ask the County what to do." And this is what I think everybody's overwhelming issue is here. Trust me, I would like nothing more than to say, "Hey, this is your responsibility, this is your liability, it's not ours." It's one less thing we have to worry about as County Legislators. But, ultimately, if it does go south, and the plant has all kinds of issues, we ultimately are the backstop. We have to come in and clean up whatever mess is left, and that's where our major concern is.

**MR. SCHOENFELD:**

Well, I don't know what mess would be there, but we have insurance to cover everything. The main thing is what happens to the sewage if the plant doesn't work. We will sit with the Department of Public Works, even tomorrow, and find out what is -- what would be the best way to do that, to answer that question.

**LEG. LINDSAY:**

Okay. But, see, all those questions need to be answered, and all those plans need to be in place before the disaster that is always possible happens.

**MR SCHOENFELD:**

I agree. I agree with you 100%, and we will find that answer out tomorrow.

**LEG. LINDSAY:**

Okay.

**P.O. GREGORY:**

Okay. All right. Thank you.

**MR. SCHOENFELD:**

Thank you very much.

**P.O. GREGORY:**

Mr. Joe Perry, and then on deck, Michael Yesner.

**MR. PERRY:**

Thank you very much for giving us this time, for devoting all your time to our situation, and it's our situation.

I hope you all had a very good Thanksgiving. I was very fortunate. I had 36 at my house; three days, nine grandchildren. When they came in and they saw the table set, all of them said, "Hey, dessert first, let's go." And then their education started. We had to show them, and speak to them, and tell them, "Well, first we're going to do this, and then we're going to do that, and then we're going to" -- "and then comes time for dessert." And that education process is the same thing we're doing at The Greens.

Every night I've been having people over at the house, three people, five people, seven people; we talk. I don't convince them, we talk facts back and forth, facts to learn the facts, to learn whether it's a good thing to do. And I listen to their comments and they listen to mine. The end result of those discussions have been approximately an 80 to 90% acceptance that these people feel that we should take over.

As Legislators and people who are voted in, I guess we'd all like to see 80, 90% votes. But, as Treasurer, I want to tell you, I've been there for two years. In two years we've had a perfect budget in the black at all times. We've had zero assessments, we've had zero maintenance, we've had maintenance increases, we've had zero debt, and we've contributed \$250,000 and more in each of the consecutive years to our capital budget. We have no bills. We are current on all items, and a

\$500,000 credit line, which we have never had to use.

The budget for the sewer treatment plant has \$150,000 in it for water. It also has \$110,000 in it for electric. Our program is to go ahead. We've contacted California, Orange County, we've contacted Florida, we've contacted Israel. We are going to go to a recycling system and try and take another \$100,000 off of that budget to take the money that we're spending now to irrigate lawns and gardens, and recycle that water out of our plant. We are going to also go to the Federal Government and try a program of solar power, because we have eight acres there, and of those eight acres, we have four of those acres that are not being used, and we could have a solar park over there to cut down the \$100,000 of electricity.

The win/win program is for the Benjamin Group to give it to the County, for the County to immediately give it to us. The seniors get the benefit of our rate structure, because our rate structure charges more to those people who could afford and less to the ones who cannot. The County ends up with a win/win, because we have money to make this plant a state-of-the-art, above and beyond what it is.

**P.O. GREGORY:**

Mr. Perry, please wrap up.

**MR. PERRY:**

Yes. And we can go ahead and we can contribute and have this be the example for the other 25 plants in the County as to what should be the next level. We want to take our STP plant to college. Are there any questions?

**P.O. GREGORY:**

Thank you, sir. Oh, Legislator Browning has a question for you.

**MR. PERRY:**

Yes.

**LEG. BROWNING:**

I have to say, I give you a whole lot of credit for wanting to do this, but, you know --

**MR. PERRY:**

Thank you.

**LEG. BROWNING:**

My parents always said, "You know what, it will be there when I'm not," and I think we can all say that. When I'm not here, that sewage treatment plant will still be here. However, over years, it needs maintenance. It could have -- I see it was what, four-and-a-half million in --

**MR. PERRY:**

Our budget is four-and-a-half million.

**LEG. BROWNING:**

And the surplus?

**MR. PERRY:**

And every year we've been able to save over 250,000. And this year we've done \$486,000 of capital improvements as well.

**LEG. BROWNING:**

Now, because my concern is, is that, you know, again, 10, 15 years down the road, you might have a major problem with your plant that's going to basically use up all of your reserves. And, granted, it is going to build every year, but --

**MR. PERRY:**

Excuse me. What is going to build every year?

**LEG. BROWNING:**

Your reserves.

**MR. PERRY:**

Yes, that's correct.

**LEG. BROWNING:**

Your plan is going to grow every year. But what -- let's say you have one major catastrophe that's going to use up all your reserves. And, you know, I think my concern is, is that while you're saying it's in great shape, and I know you had a great organize -- a great company come in to inspect your plant, but what commitment would we have from you that when it does become an unaffordable catastrophe, that you're not going to turn around and say to Suffolk County, "We now want you to you to take it over"? And we're going to be looking at it and saying, "Oh, that's, you know, a five, \$10 million project. And now you -- I don't want to see us have to now take it -- it's in great shape today. And I think that Suffolk County does a very good job in maintaining their sewage treatment plants, but I have to say, my concern would be somewhere down the road, when we're all not here, somebody's going to come to Suffolk County and say, "Well, we're having some major problems, we want you to take it."

**MR. PERRY:**

Well, when we're all not here, that's another issue. But one of the things, I don't know that Suffolk County can go ahead and take any one of their 25 other sewer treatment plants and bring them to the advances that we can do. We have money to contribute here, when budgets for counties are strife in all directions. And we can go ahead and bring this to a level that is higher, and be the example for all the other sewer treatment plants, where cost savings can go, in effect, in all the other ones as well. I believe that we can go ahead and cut \$200,000 out of this budget, and that would go ahead and be a phenomenal benefit for us, and a tremendous contribution to the community and the County as well.

**LEG. BROWNING:**

And I give you a lot of credit for that. However, when you said, you know, what happens down the road and when we're not here, it is your problem today to worry about tomorrow, and the tomorrows when we are not any longer here. It is a problem and it is something that needs to be thought about.

**MR. PERRY:**

We have a committee for the STP and construction that consists of over 20 people, and we are constantly moving up and bringing others in. We've got engineers, we've got plumbers, we've got electricians, we've got accountants, and we've got excellent financial people who have helped us, guide us through this. I appreciate your concern, but the 20 and 30 and 40-year program, we do have a 20-year program, and our 20-year program falls right in line with this. And we're prepared to have a million dollar reserve, and we're ready to go ahead and do that.

**LEG. BROWNING:**

Thank you.

**P.O. GREGORY:**  
Okay. Legislator --

**MR. PERRY:**  
Any other questions?

**P.O. GREGORY:**  
Legislator Stern.

**LEG. STERN:**  
Yeah. Thank you, Mr. Presiding Officer. Joe, it's good to see you. Let me ask you the question that I had asked before. The sponsor was very clear about the \$425,000 reserve fund, who would get it. And very clear, just as clear about what was not said was who would not get it. Assume for a moment that the STP goes to the HOA without the required \$425,000 reserve fund. What happens at that point?

**MR. PERRY:**  
We don't want it. The \$425,000 is a mark right now, it's not crucial for us. But it's been promised to you, and I don't think you're going to take the plant without giving it up, so why should we? We feel that we should be in that same line. Any other questions?

**LEG. STERN:**  
Let me just follow up.

**MR. PERRY:**  
Please.

**CHAIRMAN STERN:**  
Assume for a -- I understand your position, I appreciate that. But assume for a moment that the STP is offered to the HOA, and it's the will of the majority of the HOA to accept the sewer treatment plant and without the \$425,000 reserve fund. Again, what -- what happens?

**MR. PERRY:**  
I believe we do not take the plant.

**LEG. STERN:**  
Thank you.

**P.O. GREGORY:**  
All right. Thank you, Mr. Perry.

**MR. PERRY:**  
Thank you very much.

**P.O. GREGORY:**  
All right. Mr. Yesner, and then Jack Solomons.

**MR. YESNER:**  
Good afternoon, and thank you for assisting our community on the STP issue. My name is Michael Yesner, and I am an elected Director of the HOA of The Greens. Prior to that, I was elected four times and was a member of the Board in Manhasset, New York. At that time, for many years, I

served as Chairman of the Contract and Construction Committee, and I volunteered the day I got on this Board to be a member of that committee, because our committees always are 100%. There's a reason why there is -- our committees always vote 100%, because Mr. Schoenfeld appoints 100% of the people. And with all the experience that I brought, that I could have lent to this effort and to this specific subject, I was never permitted to be on the Board, either was Mr. Solomons.

There's also a committee with regard to the takeover of the HOA. Mr. Solomons and I are the lone dissenters on the Board. We were not invited to be part of this committee. So I just want to give you an idea of how fair our Board can be.

I wanted to address some remarks, before I go into my prepared remarks, with regard to what Mr. Hamburger said. He told you that a resolution was passed five-to-two for the HOA takeover of the STP. What he didn't tell you is that I made a rider saying that in order for this to come to fruition, that there should be a vote by the community of at least 60%, if not 66 2/3%, before we would go forward. That motion was seconded by Jack Solomons and voted against by the other five people.

Mr. Hamburger also told you that he's going to indemnify the County against everything, lawsuits, catastrophes, whatever could happen. That could run into quite a bit of money, and it's one of the unknowns, and there are a great many unknowns, which I'd get into when I get into my prepared remarks.

Herb Schoenfeld told you one very misleading thing, and he told you two things that were totally untrue. The misleading thing that he told you was that he was told by a member of the Board here that it would only take a mere majority to pass this. Well, if you look at your minutes from the last meeting, that simply is not true. There was -- there was one Legislator who didn't say a majority, he said 60%. Another Legislator said 66 2/3%. And, as a matter of fact, our bylaws require 66 2/3% for what I believe this change entails.

Joe Perry mentioned that he was going to build a recycling plant. Well, at what cost? I mean, those things are expensive. And he claims we're going to do this cheaper while building this expensive piece of technology to recycle the water. I don't believe -- I don't believe that's true.

The other two things that Mr. Schoenfeld, our president, who's never been elected, by the way, said was that he's going to send two people down, which would be Jack or I, to Florida. Guess what? We've never -- we've never been approached by Mr. Schoenfeld. I don't -- this is the first time I ever heard anything about that. That was totally untrue. He also said that the --

**P.O. GREGORY:**

Sir, please wrap up.

**MR. YESNER:**

Let me just finish this point. He also said that the 325 votes we have are not valid, because the people didn't know anything, they just were signing blank papers. That's totally untrue. I gave the submission here of an email that I sent out that was very factual. Jack sent out engineering reports, and there were many, many discussions. In addition to that, since the original hearing, we've had another 125 people --

**P.O. GREGORY:**

Thank you, sir.

**MR. YESNER:**

-- who saw the video and are very knowledgeable about that. You should not discount the 325

people who have voted against --

**P.O. GREGORY:**  
Sir.

**MR. YESNER:**  
-- the HOA taking over the STP.

**P.O. GREGORY:**  
Thank you. All right. Mr. Solomons, and then Kevin McAllister.

**MR. SOLOMONS:**  
Good afternoon. I'd like to correct one statement that Mr. Schoenfeld stated. Last time he was before you, he said that he wasn't for a referendum, that five votes on the Board was enough to pass this. I don't think that's legal, I don't think that's right, but he's changed his tune, and now they're sending people down to Florida.

Last time I was here, I handed in 206 "yes" votes. I now hand in a total of 326 "no" votes coming from Florida by email. And, also, I went around with Shanksmayer (phonetic) and got hand signatures on a petition. I doubt very much if they will keep these. They'll do it their own way and that's the way it is.

I want to correct something that maybe Mr. Stern misunderstood when he asked me have I disseminated any information down to any of the people to get the 203 votes that I brought last time. Oh, yes, Mr. Stern, I have sent many, many emails down all over. I have a list of over 1,000 people, more than the list that the HOA has, and I collected that over many years. I sent everything out to them.

Now, they talked about the offering. I'm talking about, I brought this up before, was a resolution, 2661, September 12th, 2000. Councilman Steve Israel and Supervisor Petrone, and passed by the entire Board. And just let me read one little sentence in there.

"The applicant will upgrade the existing sewer treatment facility, and the approximately 15.5-acre site will be dedicated to the Suffolk County Department of Public Works to operate and maintain the facility."

Now, I'm not on the side of SBJ, but in this instance, I think they're right. Ms. Denise Coyne is an attorney and she believes that it would be an -- it would be against the law to do what we are about to do; Mr. Adler stated the same thing. Mr. Schoenfeld, as I mentioned, said that he wouldn't want a referendum, but now he does, that it's only five members that count, and they could do anything they want, except for Mike Yesner and myself, who are left on the outside.

On Page 20 and 21, in a question of Mr. Werfel by Mr. D'Amaro:

*"I'm sure your attorney will concern himself with whether or not in the first instance the association even has the authority, and, if it does, what the proper procedure to follow would be to make sure it's done correctly."*

*"MR. WERFEL: Agreed."*

*"MR. D'AMARO: Do you think the association has the authority to own the plant?"*

*"MR. WERFEL: Yes, I do, based upon the opinion that has been written by our*

*counsel, and he'll go over that when he speaks."*

On Page 78, Mr. Hamburger got up and spoke very fast in three minutes, and he never mentioned one word about the legality of taking over this sewer treatment plant.

**P.O. GREGORY:**

Mr. Solomons, please wrap up.

**MR. SOLOMONS:**

Yes. I have given handouts to everybody. And this is a seven-page engineering report that I sent to those 1100 people on my email list, along with many, many things about this takeover. I'm against it, it's the wrong thing to do, and 326 people are not going to change their "no" vote.

**P.O. GREGORY:**

Thank you, sir. Kevin McAllister.

**MR. MC ALLISTER:**

Good afternoon, everyone. Kevin McAllister, Defend H2O. I'm here to speak about clean water. And, if I may, what goes to the core of what I do, over the 16 years that I've appeared before this Legislature, is trying to educate.

I want to speak about sewage treatment plants in general. I've written a white paper, "STPs No Panacea", and I want to put that into context. All right. There are two objectives for sewage treatment plants. Are we trying to restore water bodies or protect water bodies, or, on the other hand, there's the potential for economic growth, development growth. The two are not exclusive, but we have to be very serious about the objectives.

I have seen for the last several years STPs featured prominently in the press. Certainly, Suffolk County Executive, the County in general has been really rolling out the notion of sewer treatment plants as the savior for our degrading water bodies. Let's talk about performance. I have done an analysis of STPs, looking at records with -- provided by Suffolk County Health Department in particular on Cromaglass performance. And if you recall going back probably 10 or 15 years ago, as Cromaglass started to really become established, you know, ultimately, that was the -- you know, the STP with respect to performance. Two out of three are underperforming, and this relates to water quality standards for drinking water protection. So that bar is at ten milligrams per liter versus ecological levels of about a half apart. So the difference is striking.

So just in point again for your consideration and deliberation going forward, not only on this district, but other districts that are being floated, for instance, the Mastic peninsula, okay. Are we, in fact, going to sewer Mastic peninsula to treat, effectively treat the wastewater for a dense community, quite frankly? And I want to put this in perspective. STPs on face value can perform high levels of treatment, particularly denitrification. But in simple mathematics, if you're dealing -- treating 100 units, for instance, by virtue of STPs, it allows for increased density up to 1,000 units. And this is just make believe math. The mass loadings could actually be exceeding what the existing conventional systems are, so keep that in mind.

Restoration should be at the forefront of your thinking, as I mentioned to you, certainly, the underperformance. And with respect to -- you know, and I heard today some of the speakers talk about the high performance of this particular plant. Well, my experience, there really is no enforcement police out there. The records that I pulled, there are no NOBs. The State of New York, the DEC, where they're, you know, mandated to actually be the enforcement arm are nowhere to be seen, and the same is true for Suffolk County. So let's not be so quick to say that this is the answer and the solution to our problems. Thank you.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. I don't have any further cards. Anyone else that would like to speak, please come forward. All right, Alex.

**MR. STRAUSS:**

Alex Strauss, 184 Radio Avenue in Miller Place, New York.

As a person just sitting by and listening, it seems to be that there was a covenant or a directive in the people -- when the people bought their condominium that said that it would be dedicated to the County. The person that owns the plant doesn't want to give it to them, he wants to give it to the County. This should be easy, it's black and white. It doesn't matter what they want to fight between themselves, it has nothing to do with it. It has to do with what is written in the laws, in the paperwork that was sent out to everybody that rented a condominium, or a -- whatever it's called, I'm not sure on that. But whatever it is, it's black and white, bingo-bango, end of story. Thank you very much.

*(\*Applause\*)*

**P.O. GREGORY:**

Thank you. Okay. So that's all the cards. Mr. -- did you want to say something, Rob?

**MR. BRAUN:**

(Shook head no)

**P.O. GREGORY:**

Oh, okay. You're looking at me. Okay. Do we have any motions? I'm going to make a motion to close.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. You know, I think we heard a lot from both sides, obviously. It appears from this point that the sponsor does not want to turn it over to the HOA. And I think the prudent thing to do is to go forward with closing the Public Hearing and let it go to committee and go from there. So is there any other --

**LEG. STERN:**

Mr. Presiding Officer.

**P.O. GREGORY:**

Legislator Stern?

**LEG. STERN:**

Yeah, on the motion. I appreciate the motion being made. I mean, we are in Public Hearing phase, which is really for the purpose of hearing from the public. I'm sure colleagues would agree that over the past two sessions, we've certainly heard from a good amount of representatives from the, quote, public.

I have had the opportunity to meet with many more members of the public through two very well

attended town hall meetings, I'm happy to say. This is an issue that will continue to be discussed among residents in several different ways.

As the president of the HOA has suggested, this will be an ongoing conversation, whether that's done electronically or by making visits down south with those that have gone away for the season. I'm sure there'll be some more town hall type meetings along the way over the next few days and weeks as well.

So while I believe that there will continue to be several issues to be discussed, particularly with our own DPW, and perhaps with our own County Attorney's Office, and with our own Counsel about what options might be available going forward, I do appreciate the Presiding Officer's reasoning behind making the motion to close simply for Public Hearing purposes.

So I appreciate my colleagues' support last time around, allowing this part of the procedure to be held open for the purpose of allowing more people to participate, and we will continue to make sure that everybody who wants to participate has the opportunity to be heard. Thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

Okay. All right. I make a motion to set the date for the following public hearings: December 15th, 2014, at 2:30 P.M., at the Rose Caracappa Auditorium in Hauppauge:

I.R. 2084 - A Local Law to save taxpayer dollars on County signs and printed publications (Sponsor: Tom Muratore). Do I have a second?

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

Okay. Back to the agenda. We left off on Page 6. We were up to ***I.R. 2021 - To reappoint member of the County Planning Commission (David L. Calone) (Sponsor: County Executive)***.

**LEG. HAHN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Hahn.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco).

**P.O. GREGORY:**

***J.R. 2022 - To reappointment member of the Suffolk County Planning Commission (Jennifer Casey) (Sponsor: County Executive).***

**LEG. D'AMARO:**

Motion.

**P.O. GREGORY:**

Motion by Legislator D'Amaro, second by Legislator Hahn. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2040 - Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Landing Road property - Town of Brookhaven (SCTM Nos. 0200-027.00-03.00-001.001, 0200-027.00-03.00-001.002, 0200-027.00-03.00-001.003, 0200-027.00-03.00-001.004, 0200-027.00-03.00-001.005) (Sponsor: Sarah Anker).***

**LEG. ANKER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Anker, second by Legislator Hahn. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2043 - Accepting and authorizing New York State Clean Water/Clean Air grant funds, amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget and Program and appropriating funds in connection with the Tidal Wetland Restoration Project at Indian Island County Park (CP 8710) (Sponsor: County Executive).***

**LEG. KRUPSKI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Krupski, I'll second. All in favor? Opposed?

**LEG. D'AMARO:**

Hold on. Hold on.

**P.O. GREGORY:**

Abstentions?

**LEG. D'AMARO:**

Hold on.

**P.O. GREGORY:**

Oh, I'm sorry.

**LEG. D'AMARO:**

Hold on. This is on I.R. 2043, correct?

**P.O. GREGORY:**

Yes.

**LEG. D'AMARO:**

2043. Could I just ask for an explanation of this from somebody?

**P.O. GREGORY:**

Mr. Vaughn or Counsel?

**LEG. HAHN:**

We have -- Frank Castelli is here.

**P.O. GREGORY:**

Okay.

**MR. VAUGHN:**

Yes. Thank you, Mr. Presiding Officer. I'm actually going to defer to Mr. Castelli --

**P.O. GREGORY:**

Gotcha, okay.

**MR. VAUGHN:**

-- to answer some questions on this.

**MR. CASTELLI:**

Hi. Good afternoon. This is a -- this resolution is to appropriate the funding for the Indian Island wetlands restoration project. This project has been planned for several years. We, at the County, have received a \$788,000 grant from New York State DEC for this project. And we are also appropriating an additional 300,000 in quarter percent Water Quality funds from the County for this project.

The quarter percent money has been put aside for this purpose, being voted on by the -- recommended by the Water Quality Committee back in 2010. The project has taken a few years to actually get to this point due to several iterations of redesign, and we are at the point now that we're ready to enter into contract with the State DEC for this funding.

There were some -- the State was anxious for us to keep moving on this project, so we're bringing

forward this resolution to get the -- to get the money appropriated so we can continue.

**LEG. D'AMARO:**

So the State is -- what was the State's grant amount, 700?

**MR. CASTELLI:**

\$788,000.

**LEG. D'AMARO:**

788?

**MR. CASTELLI:**

Right.

**LEG. D'AMARO:**

And then the County is appropriating 300,000 from the 477 Fund?

**MR. CASTELLI:**

That is correct.

**LEG. D'AMARO:**

Okay. Is that -- obviously, that's in the Operating Budget. So was that a transfer that was anticipated? I could ask our Budget Office.

**MR. LIPP:**

No. So based upon resolutions, the money gets moved over then. It's part of their fund balance. And -- but it was, as Frank was saying, it was approved back in 2010, actually, by the Water Quality Review Committee. So now it's just coming to you now to make it official, including the State grant.

**LEG. D'AMARO:**

Okay. And the tidal wetland restoration project, that's what we're talking about here?

**MR. CASTELLI:**

That's correct.

**LEG. D'AMARO:**

Right? Okay. So this was approved and vetted through our County Water Quality Committee?

**MR. CASTELLI:**

Yes. Excuse me. Yes, it was.

**LEG. D'AMARO:**

It was approved back in 2010?

**MR. CASTELLI:**

Yeah, it was recommended for funding back in 2010.

**LEG. D'AMARO:**

And so did the -- so 2010. Why did it take four years to get to this point? I'm just curious.

**MR. CASTELLI:**

The project was -- there was a combination of redesigning the project. It was initially designed one way. They were -- there was two or actually three series of sediment testing data collected, and

some of the -- some of that data necessitated the redesign of the project. So it had to be done actually three iterations of redesign in order to come up with, you know, the best plan.

This site that we're trying to restore was the site of the former dredging materials, materials that were taken from Terry's Creek in Riverhead and then other surrounding creeks, and the dredge material was put on this site back in the 1950s and 1960s. The -- so what's there now is pretty much not a functioning wetlands.

What we're proposing to do is to dredge out some of the material that was placed there and to reestablish a tidal connection with Terry's Creek. And by doing that, we not only will recover a fully functioning wetlands, we'll also be accommodating -- the wetlands will also be in a position to withstand a sea level rise over the coming years.

**LEG. D'AMARO:**

All right. So what we're doing is we're trying to revitalize or recreate seven acres of salt water wetlands?

**MR. CASTELLI:**

Yes, exactly.

**LEG. D'AMARO:**

Which was destroyed in the past by dumping dredge material?

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

Dredge spoils?

**MR. CASTELLI:**

Exactly.

**LEG. D'AMARO:**

So, in order to do that, it's going to require dredging, and so that means material will be removed?

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

Right? And so is the material that's being removed contaminated? And, if so, how is it being disposed of?

**MR. CASTELLI:**

The levels of contamination that were found in the material were not -- did not rise to the level where the material is considered hazardous waste. But there is sufficient contamination in the sediment that would preclude us from depositing the material in the Brookhaven Landfill.

Our original intention was to go to the Brookhaven Landfill for disposal. But due to the extremely stringent water criteria, because of being on a sole source aquifer --

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

-- we would not be allowed to deposit the material. Now, it should be stated for the record that the results of the testing show levels of contamination that are pretty much in line with background levels for the creeks in the area. There are some residual agricultural pesticide DDT contamination, there's also arsenic. Actually, the contaminant that --

**LEG. D'AMARO:**

Wait. Let me just -- given the level of contamination, it has -- where is it going to be disposed of? Where are we trucking all of this to?

**MR. CASTELLI:**

What we're going to do is -- well, there's a couple of things that we're proposing.

**LEG. D'AMARO:**

Who's actually doing the project, who's responsible?

**MR. CASTELLI:**

This is a combination of four County departments.

**LEG. D'AMARO:**

Four County departments?

**MR. CASTELLI:**

Right. My department, Economic Development and Planning.

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

And we're working with the Vector Control people at Public Works.

**LEG. D'AMARO:**

Okay.

**MR. CASTELLI:**

Health Services, and also Parks --

**LEG. D'AMARO:**

Okay.

**MR. CASTELLI:**

-- since this is a County park. So this has been -- and we've been working very closely with the State -- excuse me, New York State DEC on this.

**LEG. D'AMARO:**

Right. So where is all the material going?

**MR. CASTELLI:**

It has not been 100% determined yet. There is discussions still ongoing on whether or not some of the material could be left in the park and not trucked off site. There appears to be sufficient money to take it out of the park. In consultation with the County Attorney's Office, we decided that we would -- before we got definitive numbers on how much it's going to cost to dispose of the material, that we were going to go through the full and proper procurement procedure to find contractors, and

we haven't done that yet.

**LEG. D'AMARO:**

So the actual cost of the project hasn't really been determined yet based on this type of open question?

**MR. CASTELLI:**

Right, that's correct.

**LEG. D'AMARO:**

So we don't know where the dredging material is going, and we don't know what the cost will be?

**MR. CASTELLI:**

We have some ballpark estimates on how much it could cost to remove the sediments and place them --

**LEG. D'AMARO:**

Right. But isn't it -- isn't it premature to go ahead and transfer the funds from Water Quality Protection when we haven't dotted the I's and crossed the T's, so to speak, on the project yet?

**MR. CASTELLI:**

This is not unlike many other projects that are done, whereas the final details of the project are often -- are often determined after the funding has been appropriated. Sometimes -- some of this money that we're trying to get appropriated, 50,000 of the total is for final design and engineering for construction level design. So it's really not unusual for a project to proceed to the funding procurement level without -- without a final --

**LEG. D'AMARO:**

Well, this is a fundamental portion of the project, though. Is the material going to be trucked to Staten Island?

**MR. CASTELLI:**

No.

**LEG. D'AMARO:**

No?

**MR. CASTELLI:**

No. There was the -- back several months ago, the people we were working with, the State DEC suggested that there was a site, a former GATX site on Staten Island that was receiving this type of sediment, and it was subsequently determined that they would not be able to take the material.

**LEG. D'AMARO:**

I'm just a little leery of committing 300,000 in a limited fund, this 477 Fund, at a time when we really don't know where the material is going or what the cost would be of disposing of it. I think that's somewhat premature. The project itself, I'd have to rely on the experts whether or not the revitalization methodology that's being employed would be sufficient. But I think what -- based on the information that I'm looking at, you're going to -- you're going to try and connect -- what is it, Terry's Creek?

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

To the -- to this area. And is that going to have any impact on the Peconic Estuary?

**MR. CASTELLI:**

The primary purpose of the project is to restore a high functioning, an ecologically high functioning marsh, which, if anything, would have a positive effect on the Peconic Estuary due to the filtering nature of a highly functioning wetland.

**LEG. D'AMARO:**

So in the area, the seven acres is reconnected to Terry's Creek. Is it -- is contaminated material going to flow from that area to and into the creek?

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

**MR. CASTELLI:**

I'm not an expert on that. From what I've been -- from what I've heard, the answer to that is no, the type of flow, tidal flow that was going in and out based on the reestablishment of flow.

**LEG. D'AMARO:**

Right. I think it calls for a 500 foot long excavated channel that's going to connect the two areas. So that raises the issue of exactly what material is going to flow through that excavated channel, and also what is its nitrogen content?

**MR. CASTELLI:**

Well, what would be flowing in is the surface water that exists now in Terris Creek, in Peconic Estuary.

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

That's the water that would be flowing into the restored area and also subsequently be flowing out

**LEG. D'AMARO:**

Yeah. I just want to make sure that we're not solving a problem in one area or creating more of a problem or contributing to a nitrogen problem perhaps in another area.

**MR. CASTELLI:**

Well, if anything, the restored marsh would actually serve as a sink of nitrogen, which should actually reduce nitrogen level.

**LEG. D'AMARO:**

And then my last question is the wetlands that we're trying to restore, does that require that any other salt water or fresh water wetlands be destroyed or altered in any way, or it's just affecting the seven acres?

**MR. CASTELLI:**

The seven acres now that we're proposing to restore is by and large devoid of vegetation at this point. The dredge materials that were placed there appear to have the effect of just the rise in elevation that cut the area off from tidal circulation.

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

So there wouldn't be any salt marsh.

**LEG. D'AMARO:**

All right. So this is basically a million dollar project that's been vetted and approved four years ago.

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

And four years later we don't know where we're putting the spoils, we don't really have a plan for disposal of contaminated material, and we're tapping into the 477 Fund. How long until the project actually commences?

**MR. CASTELLI:**

If we are successful in getting the procurement of the funding, the next step would be for us to apply to the DEC for the necessary permits and then to enter into contract with the DEC. We're following actually working on those two paths parallel.

**LEG. D'AMARO:**

Okay.

**MR. CASTELLI:**

Get the contract within the next six months, hopefully get the permits, and once the -- if the money has been procured then we could begin the project. But I also wanted to state that in times of the 477 Fund, every fund model that I've seen since 2010 has subtracted out this \$300,000 in all the fund balances. So it's been accounted for in terms of being used for this purpose.

**LEG. D'AMARO:**

All right. And is there a -- is there some kind of bridge being constructed to span the excavated tidal channel.

**MR. CASTELLI:**

The plan -- there was either two ways to go, either to construct a bridge over where the tidal flow is going to be restored or to accomplish that through a culvert.

**LEG. D'AMARO:**

Is that included in the cost of the one million?

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

See, I just get a little weary only because -- I hear what you're saying, that in the past we've appropriated funding without every parameter of the project known.

**MR. CASTELLI:**

Right.

**LEG. D'AMARO:**

But I'm just a little bit concerned about the open-ended cost of disposing of the dredging material, because that can double the cost of a project overnight if there's nowhere to put it, and I'm a little concerned that you don't know that answer today.

**MR. CASTELLI:**

The ballpark estimates that we received -- now, another thing I should point out is that we reduced -- the project, in the several iterations that we went through, reduced the amount of sediment that's going to be taken out --

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

-- all the way down to 6400 cubic yards. Originally I think we were over 20,000 cubic yards.

**LEG. D'AMARO:**

Okay.

**P.O. GREGORY:**

Okay.

**MR. CASTELLI:**

The disposal out of site would be no more than 30 -- 30 to \$50 per cubic yard. So even at \$50 per cubic yard, we would have sufficient money if we appropriate -- accept the State grant and the Quarter Percent money.

**LEG. D'AMARO:**

So even at the high end of that scale, you feel that the amount that's projected right now, the County would not have to commit more than the 300 that we're committing today.

**MR. CASTELLI:**

No, no, definitely not, even at the high end.

**LEG. D'AMARO:**

Definitely not. That's an absolute definitely not.

**MR. CASTELLI:**

Yes. As far as I know right now, definitely not (*laughter*).

**LEG. D'AMARO:**

But yet you don't even know where we're sending it to.

**MR. CASTELLI:**

No. We cannot -- we actually do not want to solicit any bids at this point until we secure the funding --

**LEG. D'AMARO:**

Let me just ask you this. But are there locations that would accept this material --

**MR. CASTELLI:**

Yes, yes.

**LEG. D'AMARO:**

-- that we're aware of?

**MR. CASTELLI:**

We have looked, the DEC --

**LEG. D'AMARO:**

We have, okay.

**MR. CASTELLI:**

-- has looked into that with us. There are locations in New Jersey and Pennsylvania.

**LEG. D'AMARO:**

Right, and that is part of the cost factor. Even if you had to go as far as Pennsylvania trucking this material, cubic yards of material, you're not going to go beyond the 300,000, at least the County portion that we're appropriating today.

**MR. CASTELLI:**

No, definitely not. In fact, that's why we will have sufficient funding to put in the bridge, which is more expensive than the culvert.

**LEG. D'AMARO:**

Right. And the water quality folks are convinced that this is the best methodology to remedy this seven acres and it's not going to do any further damage to any other area?

**MR. CASTELLI:**

No. It's definitely a benefit to the region.

**LEG. D'AMARO:**

A benefit.

**MR. CASTELLI:**

And it's in line with the long-term plan --

**LEG. D'AMARO:**

Right.

**MR. CASTELLI:**

-- that was adopted through very extensive environmental work and it's one of the best, the best management practices that was proposed in the long-term plan.

**LEG. D'AMARO:**

Okay.

**MR. CASTELLI:**

This is clearly in line.

**LEG. D'AMARO:**

All right, excellent. Thank you for answering my question. I will say I'm a little concerned about the cost factor and the open-endedness of the trucking or however we're going to dispose of the

material, but if you're assuring me today that you've looked at the worst case scenario and the budget still accounts for that, then gives me some comfort.

**MR. CASTELLI:**

Yes.

**LEG. D'AMARO:**

Okay. Thank you, Mr. Presiding Officer.

**P.O. GREGORY:**

Okay, Thank you. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. Just to answer some of Legislator D'Amaro's concerns about the spoils and the spoil removal and the fate of those. We had that uproar and discussion at committee, Mr. Castelli. Did you -- I have been long advocating for keeping the spoils on the site, which would substantially reduce the cost of the project and still allow for a healthy vegetated wetland to be reestablished there. Has there been any further thought on that or any resolution to that, to keeping all the spoils on-site and not trucking them off?

**MR. CASTELLI:**

The County parks maintains their position that if there is sufficient funding to remove the sediment from the site, that that would be the preferable option to them. We have not 100% ruled out any disposal on-site if it --

**LEG. KRUPSKI:**

But I did ask County Parks at CEO if the project could still be completed leaving the material, the dredge material on-site, and they said that yes, it could be completed leaving the material on-site. Their preference was to truck it off-site, but that the project could go -- could continue and be successful leaving it on-site. And that -- I would, that would be my preference, you'd save a substantial cost of the project, you'd still have a vegetated wetland that would filter nutrients and sediment out of the water and improve the health of the creek and the estuary as a whole. So I could -- you know, I would continue to advocate for leaving that old dredge spoil on-site and going with a less expensive culvert system instead of a bridge to span the dyke to allow for access. Any more thoughts on that?

**MR. CASTELLI:**

Well, the thought is that it seems -- given the ballpark estimate of no more than \$50 per cubic yard disposal, we would have sufficient funding to put in the bridge rather than a culvert. And then there's a lot of ecological benefits to the bridge; you have a passage for amphibians, in addition to the fish, it would also be able to accommodate a larger flow. The culvert was estimated at maybe \$200,000 and the bridge is estimated to be about 400,000, but we would have that extra 200,000 given the -- even with the \$50 per cubic yards, given only 6400 cubic yards of removal.

**LEG. KRUPSKI:**

Given the ballpark figures that you're using, so if you didn't remove the spoil from the site, excavated and move material around, planted the salt water and wetland vegetation and used the culvert system to reconnect Terry's Creek to the newly created vegetated wetland. Would that all come from State money first or would there be a combination? So you didn't use all of the money, the million dollars advocated, would you be able to use all the State money first and then reimburse the State for the rest and then use the County's 477 money for a different project?

**MR. CASTELLI:**

We'd have to work that out. A certain amount of the funding needed to be matched, so that we were providing -- some of the County funding was the match that's required as part of the grant. But if what you were saying does come to fruition, we would obviously be saving a lot of money and there would be a considerable amount of money left over, which is always a good thing. But it would have to remain to be seen on how to work that out.

**LEG. KRUPSKI:**

Thank you. I'll continue to encourage that scenario.

**MR. CASTELLI:**

Okay. Thank you.

**P.O. GREGORY:**

Okay. Legislator Barraga.

**LEG. BARRAGA:**

I voted in the negative against this in committee because I think as the discussions continued in committee, maybe you were there and maybe Mr. Lipp, my impression was that the County must first fund the entire project, the 788,000 plus the 300; and then at some point in time, after the County funds the entire project, including the 788,000, the County is then reimbursed from the State. If that's true, then the County, to come up with the 788,000, would be doing some bonding, so there would be some cost associated with that for the County. This isn't like -- my impression was it wasn't like a regular grant where the State sends the money in and we do the project. We have to fund the project first then get reimbursed from the State; am I incorrect in that?

**MR. LIPP:**

There wouldn't be any borrowing. What would happen is if the County had the first instance, the funding, there is a significant enough fund balance from the Water Quality portion of Fund 477 to front the money. It could be, but it remains to be seen, how quickly the State aid comes in, so it could be that there's little to none of that happening, but it could be that the entire State aid of 788,000 would have to be first instance by the County, but it's unlikely there would be any borrowing.

**LEG. BARRAGA:**

All right. So you're indicating that it's 788, the money is available at the County level, it's already there.

**MR. LIPP:**

Correct.

**LEG. BARRAGA:**

There's no bonding whatsoever.

**MR. LIPP:**

I believe there's over --

**LEG. BARRAGA:**

And at some point in time, after that money is spent, we get reimbursed from the New York State DEC?

**MR. CASTELLI:**

Yes.

**MR. LIPP:**

Yes. And at the end of the day, there's no authorization in the resolution to do any borrowing.

**LEG. BARRAGA:**

So what it isn't, though, if it isn't money directly coming from the State and then we do the project; we have to fund it first, then get reimbursed from the State.

**MR. CASTELLI:**

Yes, that is true.

**LEG. BARRAGA:**

That's right, isn't it?

**MR. CASTELLI:**

That is correct. That is not unlike many of the other projects that I've seen. Generally the State Water Quality Grants, the WQYP, is a reimbursement system where you enter into contract with the State, you do the work, you provide substantiation of what was spent and they reimburse you. And it doesn't have to wait; we can do that on a quarterly basis or every six months, but it is a reimbursement.

**LEG. BARRAGA:**

Yeah, I just wanted to make sure it was clear to me that, you know, the money isn't coming directly in and then you do the project; you fund it and then you get the reimbursement.

**MR. CASTELLI:**

Right. They wouldn't allow --

**LEG. BARRAGA:**

You're telling me we can lay out the 788, there's no interest, there's nothing else.

**MR. CASTELLI:**

Yes.

**LEG. BARRAGA:**

Okay. Thank you.

**P.O. GREGORY:**

Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

This is kind of related to the line of questioning that Legislator Barraga just asked, but mostly, I guess, to you, Robert. We had passed a bill earlier today, as you're aware of, with 477, making sure that when reimbursements come back from salaries, they go back to 477. This is just a substantial amount of money, 788,000; of it, 488,000 would be coming back. Are there any provisions that make sure that when that money comes back, it will go back into the 477 Fund?

**MR. LIPP:**

You're talking about this particular resolution?

**D.P.O. SCHNEIDERMAN:**

Yeah and this bill. I want to make sure that when we do get the money from the State -- I don't want the 477 Fund to be out the full 788.

**MR. LIPP:**

Right. So the only amount that you would be authorizing if you adopted the resolution is the 300,000. If for some reason they wanted to spend more County money than 300,000, they need to come back to you with a resolution to budget your money.

**D.P.O. SCHNEIDERMAN:**

Well, you're saying they wouldn't have to borrow, though. In Legislator Barraga's question, they could take it from the reserve in 477.

**MR. LIPP:**

Correct.

**D.P.O. SCHNEIDERMAN:**

I just want to make sure it gets returned to the reserve of 477. Was there anything that would allow them not to put the money back there?

**MR. LIPP:**

No, it would have to be. For instance, if for some reason the State decided to renege on a piece of it, as a for-instance, and that there was a need for more than 300,000 from the County, they would have to come back with a resolution to get the additional funding.

**D.P.O. SCHNEIDERMAN:**

Okay.

**MR. LIPP:**

After the fact.

**D.P.O. SCHNEIDERMAN:**

Right.

**P.O. GREGORY:**

Okay. We have a motion and a second?

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Fourteen. (VOTE AMENDED to *Fifteen - Not Present: Legislators Calarco, Kennedy & Stern*).

**P.O. GREGORY:**

***IR 2074-14 - Authorizing funding of land acquisition and oversight of real property under the Suffolk County Affordable Housing Opportunities Program and execution of agreements (Highland Green Residence-Melville) (County Executive)***. I make a motion. Do I have a second?

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Eighteen. *Seventeen (Not Present: Legislator Calarco).*

**LEG. KENNEDY:**

I'll make a motion to table, Mr. Chair.

**PARKS & RECREATION**

**P.O. GREGORY:**

***IR 1587-14 - Authorizing the determination of just compensation and securing payment thereof in connection with the acquisition of properties by the State of New York to be acquired for public highway purposes, Town of Smithtown, Suffolk County, New York (SCTM No. 0800-133.00-02.00-006.001 p/o) (County Executive).***

**LEG. KENNEDY:**

I'll make a motion to table, Mr. Chair.

**P.O. GREGORY:**

Motion to table by Legislator Kennedy.

**D.P.O. SCHNEIDERMAN:**

Motion to approve.

**P.O. GREGORY:**

Motion to approve by Legislator Schneiderman.

**LEG. MURATORE:**

I'll second the tabling.

**P.O. GREGORY:**

Legislator Muratore seconds the tabling. I'll second the approval.

**LEG. KENNEDY:**

On the tabling motion, Mr. Chair?

**LEG. KENNEDY:**

I know the Commissioner is here; and yes, we did have a meeting with the DOT. This is the taking for County parkland, it is an acre of County parkland, it represents 560, 570,000 that the State Department of Transportation is paying us for that taking. It is the creation of a 600,000-gallon storm water detention pond right adjacent to the northeast branch of the Nissequoque. By State DOT's lead engineer's own admission, they only have 30% design of what the actual configuration is going to be for storm water compartment. It's going to be moved from over a mile away and it's going to exacerbate and really move in the opposite direction what's been probably seven or eight years worth of effort to improve the groundwater flooding conditions.

In addition, we have just recently received a \$1.2 million grant through New York State DEC to continue the storm water silt remediation, reconstruction of two culverts. There's been no approval by Park Trustees on this. And as a matter of fact, this deviates substantially from the original environmental assessment that was done under NEPA.

So for any number of reasons, this is bad for the district, it's bad for the area, and notwithstanding the position of the State DOT, it's the wrong position to take. It's the antithesis of what we do. We struggle constantly to acquire land and to preserve land and to keep land in a pristine section, and here we're being asked to voluntarily embrace turning an acre of County parkland into a disaster. It makes no sense.

**P.O. GREGORY:**

Okay. We have the Commissioner here. Commissioner?

**COMMISSIONER ANDERSON:**

Yeah, thank you. I just wanted to make one point. And as the Legislator said, we did meet with the State. I think it was a productive meeting.

**LEG. KENNEDY:**

Yes.

**COMMISSIONER ANDERSON:**

We guaranteed to -- the consultant from H2M was going to get us some information that we were going to try and work with the consultants for the State to make as much of an improvement as we can. The thing I want to make a statement is this is to receive funding for land that the State is going to acquire, if they haven't already acquired it. So the only thing that turning down this legislation would do would mean -- would result in the County not receiving the funding. The State's still going to move forward with the project. So, you know, we -- DPW, we fully understand where the community stands and we're trying to work with the State to make it happen. There are certain restrictions based on the process that they're using to construct this that restricts their ability to address all of the issues, but I think we can get there eventually. If you reject this legislation, you're basically only turning down the 500,000 that the State is willing to pay us for the land. They're still going to take the land.

**LEG. KENNEDY:**

If I could just add to what Commissioner Anderson's perspective on this is. I do want to thank him, he was instrumental in bringing the meeting about with DOT, and there were many good points that we did actually get to bring to State DOT's perspective. As my colleague Legislator Barraga, I guess, will point out, when the State elects to take an action, they may listen to us at some point, but they were very clear in indicating to us that they, in fact, are the State and that this is the direction that they are electing to go in.

That notwithstanding, there are a number of points that kind of came up that we did talk about. And by their own admission, they did indicate that the design build process is not something that's optimal, particularly when it comes to talking about dealing with the storm water issues, containing storm water and looking at an area that is an environmentally sensitive area.

I'll offer to my colleagues -- again, you know, I've got one more shot at this, folks -- to take the money without at least in the resolution acknowledging that there is some underlying, ongoing issue in the area that the State is electing to take I think is a problem and I think will only wind up coming back to this body over and over and over again. Some of you -- Legislator Hahn has seen it in the past when we've had 30, 40 and 50 people that have come to the Legislature talking about flooded basements, kids that were sick because of chronic mold conditions and wheezing conditions, septic systems that were rendered inoperable, folks put out of their homes and put in hotels. And in essence, we are, at the very least, turning a blind eye to a step that's going to take us back towards that, when we worked very hard to move away from that and spend County funding; we've spent over a half million dollars in matched money. And now, through the DPW -- and again, I commend the Commissioner for being willing to partner on this -- we've been able to secure another 900,000 of State funds with 300,000 of local money to combine, put more than \$2 million towards addressing

this chronic groundwater flooding area. And to embrace putting a 600,000 gallon detention pond within about a hundred feet of the stream is just -- it's lunacy, makes no sense whatsoever.

So I would, at the very least, ask that there be some language that be added to the resolution that says, A, we never had the Park Trustees go ahead and vote on this; B, it is deviated so far away from what the original environmental assessment was that we're perilously close to violating NEPA. Elsewise, I mean, really what we're doing is we're turning our back on what was almost a decade worth of effort. For what it's worth, folks.

**P.O. GREGORY:**

Okay, Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Well, first of all, we're certainly aware of the flooding in that area and we've committed resources, as you know. This was a bill that was assigned to Parks, it's been tabled there for months. Legislator Kennedy wanted time to try to meet with the various parties involved, including DPW and State DOT, to see, you know, what the impact on flooding would be, the design. This was never our project. The bill that's in front of us really just accepts the value for the property and nobody seems to be disputing the value.

**LEG. KENNEDY:**

No.

**D.P.O. SCHNEIDERMAN:**

You know, you had your meetings, which is what you wanted and that's why we held it up.

**LEG. KENNEDY:**

Yep.

**D.P.O. SCHNEIDERMAN:**

And, you know, this is an Eminent Domain proceeding. There's really nothing we can do. We didn't design this, we're not blessing this project in any way by taking the money. But if this is our bargaining chip, it's a pretty bad bargaining chip, because basically it's money the State is giving to us, not money we're giving to them. So we're the ones getting hurt, in a sense, because we could use that half of million dollars. So I don't think we should be holding it up any longer, the conversation's been had. It seems there's willingness on all sides to address those flooding issues. I think the Administration may have something to say here, but I think the tabling has happened in committee for a number of months and it's time to move forward with it.

**P.O. GREGORY:**

Okay. Legislator Cilmi?

**LEG. CILMI:**

So Commissioner, you mentioned that you thought there may be opportunity for ongoing discussions with the state in terms of addressing some of the issues that Legislator Kennedy has been concerned about.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. CILMI:**

Do you think our action on this bill one way or the other would impact their willingness to discuss those issues?

**COMMISSIONER ANDERSON:**

No.

**LEG. CILMI:**

Honestly.

**COMMISSIONER ANDERSON:**

Honestly? No, I don't think it will impact them. I think they're very willing to talk to us and, to whatever abilities that they can, include the concerns that the Legislator and the community have raised to their project. Because it's a design/build project, they can only set certain parameters. The team, the contractor and the engineer that won the project, they come in with a design that as long as it meets those parameters that the State has set, they can't ask for anything more. We've committed that we will reach out to the design engineer to see what can be done to incorporate some of the requests that were discussed at the meeting, and that's kind of where we are right now. That's the best the State can do for us. They already have -- again. I stated, they already have the land, so however they move forward, they move forward. As I've stated, they have -- they are willing to try and work with us within the parameters that they have to make it happen, to make these other improvements that we talked about which included such things as potentially some drainage along the road to the east to collect and reduce the amount of storm water that's coming directly to that point, things like that.

**LEG. CILMI:**

If I could, through the Chair, just address Legislator Kennedy for a moment. Do you think that -- I mean, if we were to accept this money, clearly the Commissioner's made it clear that whether or not we accept the money, the project's moving forward, as far as the State's concerned. If we were to accept this money, it may provide us with some additional resources to deal with some of the issues that may arise out of this project, as opposed to not having the money to deal with those issues.

**LEG. KENNEDY:**

And through the Chair, let me see if I can reply. No doubt about it, as a matter of fact. Absolutely, if this funding was to be taken in and, in fact, it was going to wind up being dedicated funding, if it was going to be 477 money and it was going to be --

**D.P.O. SCHNEIDERMAN:**

Go back to Parks.

**LEG. KENNEDY:**

Well, parkland and, as a matter of fact, parkland for the County park which in that case is the northeast branch for the Nissequogue River. Interestingly, it runs the bed of the stream and then it moves kind of in a wide swath through a wetland area that actually is primary habitat for trout and a variety of bird species.

**LEG. CILMI:**

Which could be compromised by this project.

**LEG. KENNEDY:**

No doubt about it. No doubt about it. As a matter of fact, we're talking about bringing storm water runoff from a half mile away. And I sat there in that meeting and talked about containing within a phase, and then laid out for us that we were going to have storm water coming all the way from King O'Rourke Cadillac. They internally were inconsistent as they acknowledged that they had essentially no control and then said, *But we're going to do it.*

**LEG. CILMI:**

So through the Chair to the Administration then; would there be a willingness on the part of the Administration to dedicate this funding specifically to those issues in that area, or at least part of it?

**MR. VAUGHN:**

Legislator Cilmi, I certainly understand that question. I think it would be -- while we want to make sure that this resolution gets adopted tonight and that we do accept this money from New York State, because the last thing that we would want to do is have them take this land without us getting compensated for it. I don't think that it would be prudent of me at this moment in time to commit putting funding anywhere; it's just not a statement that I'm prepared to make on the record tonight.

What I would offer is this. If Legislator Kennedy wants to put in a resolution that directs DPW to continue working with New York State to find better solutions, if he wants to put into that resolution that 1587 New York State didn't go to Park Trustees and codify that in some bill somewhere, you know, we're fine with that. But we really do think that it's important to accept this money that has been kind of hanging out there for a while. We have delayed the passage of this in an attempt to let the Legislator have a meeting with New York State to address some of these issues, we've worked in good faith, I think, with the Legislator on this topic, we understand that it's important to his district and, therefore, also important to the County Executive. But we certainly think that it's important that we accept the funding that is in place, because we don't want to run the risk of having the land taken from us and not being compensated for it, and that's a concern that we have.

**LEG. CILMI:**

Is there a window of opportunity here at which time if that window closes the funding will no longer be available to us?

**MR. VAUGHN:**

Well, I would say --

**LEG. CILMI:**

Obviously, if we -- if the resolution fails the window closes, I would imagine.

**MR. VAUGHN:**

I'm going to let Gail Lolis address that.

**MS. LOLIS:**

Just so there's no misunderstanding, the State took the title to this parcel in April.

**LEG. CILMI:**

I understand that.

**MS. LOLIS:**

This is just the advance of payment. That's all that's in dispute is the amount of the appraised value.

**LEG. CILMI:**

Okay. So they already have our land.

**MS. LOLIS:**

They took the land --

**LEG. CILMI:**

They don't need our ascention to --

**MS. LOLIS:**

They did their EDPL process, they did their public hearings, they did their vesting order, they recorded their deed with the County Clerk and they have took title to the property and they took the appraised value and put it in an escrow account for the County.

**LEG. CILMI:**

Okay.

**MS. LOLIS:**

Just like we do.

**LEG. CILMI:**

All right. Thank you.

**P.O. GREGORY:**

So it's a done deal; right? Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. And I'm glad that we're talking about drainage because it's very important. A question for the Commissioner. Will the County continue to work with the State on this project? In my experience, State DOT and County DPW do a very good job of drainage when it comes to ground water recharge. What's the current state of the conditions there now?

**COMMISSIONER ANDERSON:**

I believe at the location where the northeast branch intersects 450 -- I'm sorry, 347, the water generally runs off to the side of the road and eventually makes it's way to the river. There is a culvert that allows the head waters to the south to cross into and follow, make its way through Millpond and then eventually down into the Nissequoque River. This -- you know, the way they've set this up, because they're doing this project in phases, precludes them from doing one large drainage design, so what they had to do was phase it. And that's where the Legislator has come up with some of the issues that he's raising and some of the discussions that we talked about at the meeting were the possibility of trying to put in some interim -- and by interim, I mean immediate -- drainage facilities along the side of the road, further to the east, down near King O'Rourke where, you know, the Town has a highway yard and some other stuff. And I think -- and we will commit to continue to work with the State to try and make that happen, as much as both parties can given the restrictions that they're faced with with the design/build project.

**LEG. KRUPSKI:**

Well, right now you have basically sediment and bacteria and other contaminants, VOCs being mainlined right into the river.

**COMMISSIONER ANDERSON:**

For the most part, yes.

**LEG. KRUPSKI:**

So this will prevent most of that.

**COMMISSIONER ANDERSON:**

It will.

**LEG. KRUPSKI:**

Okay, so that's really positive. What's the County's liability here? Why would the County be involved here with the State on this project; is it a State road?

**LEG. KENNEDY:**

State road, County parkland.

**COMMISSIONER ANDERSON:**

Right. It was the County's parkland --

**LEG. KRUPSKI:**

Just the County parkland portion that --

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KRUPSKI:**

-- involves the County. In other words, it's a State DOT project.

**COMMISSIONER ANDERSON:**

It's all State, yep. And to be frank, at this point it's not even State parkland -- it's not even County parkland, it's now officially State land.

**LEG. KRUPSKI:**

So there would be no -- going forward, because when you get into sedimentation, you could get maintenance -- or we're going to get maintenance because you're going to get growth of shrubs and trees.

Is there any County liability on the maintenance of this going forward?

**COMMISSIONER ANDERSON:**

The State will be maintaining the basin.

**LEG. KRUPSKI:**

All right, thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

Thank you. Legislator Hahn, who has been waiting patiently.

**LEG. HAHN:**

I'm sorry, I've got to take us back to where we were before, because before you asked if the money could be used to further enhance the drainage. My question was going to be where is the money going. And I looked at the resolution because it does not designate, you know, if we accept this amount, where in the budget line it would be going. And so my question is sort of to George and/or Robert; you know, where --

**MR. NOLAN:**

The General Fund.

**LEG. HAHN:**

So I have a real problem with that. Like I think --

**MR. NOLAN:**

But that's where it always goes, almost always.

**LEG. HAHN:**

What?

**MR. LIPP:**

You know, the money that comes into the County goes to the General Fund.

**LEG. HAHN:**

No, but this is parkland, so it's money for parkland that somehow was either purchased or donated, I don't know the history of this. But this is land and this should go back into land acquisition, I believe, because we're taking land that's in our parkland, it's being taken from us, and so we need to replenish that inventory with this money. And so, you know, I have a real concern; they're alienating this parkland, we need to -- that money needs to go into our either parks or open space purchasing, and I don't think I can vote for this unless that is in the bill.

**COMMISSIONER ANDERSON:**

I would only offer, and I would have to defer to Budget Review. It's my understanding if there isn't a line say within the Parks budget that allows for the acceptance of revenue, I think it has to go into the General Fund, and that's the issue that -- I mean, we have on a number of occasions, too, where it goes into rather say, you know, a portion of land is surplus, that surplus I believe goes -- you know, it goes back into the General Fund. But I would defer to either Counsel or Budget on that.

**LEG. HAHN:**

But this is a -- you know, so I think the land acquisition line item where the money that we use for land purchases would be an appropriate place to put it. Now, I don't know, you know, how that works, but if in the same bill we can accept it into the General Fund and then transfer it to the Land Acquisition Program, that can be done in one swoop, I would think. I don't know, Robert, are you able to comment?

**MR. LIPP:**

This is just accepting monies from the State, so there is no tying the money directly to any particular function. That being said, that doesn't mean that what your point is is wrong, it's just that you would like to see more money allocated for a specific function, whatever it is. But that -- although you could, in theory, write a resolution that would also appropriate the money for something else, that would be a separate item and practice, you would probably want to have a separate resolution maybe to -- I don't know, if you saw there was a significant surplus as a result of this in the 2014 year-end fund balance that was in excess of the estimate, you might want to do an initiative next year.

**LEG. HAHN:**

This is a unique scenario whereby we -- you know, the State is taking parkland from us and reimbursing us for it. And parkland, you know, we have spent a billion dollars and invested a billion dollars over the last 60 years in our land acquisition programs and we shouldn't lose it and then it becomes General Fund dollars.

**P.O. GREGORY:**

Okay. Legislator Trotta is not here. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

I agree a hundred percent with what Legislator Hahn is saying, we have potentially a problem. I

don't know the source that this property was acquired with that the State has taken. And right now I understand the Eminent Domain, but how did we get it? Did we use --

**LEG. KENNEDY:**

Eminent Domain, we got it by Eminent Domain.

**D.P.O. SCHNEIDERMAN:**

We got it by Eminent Domain, we took it.

**LEG. KENNEDY:**

We took it for --

**D.P.O. SCHNEIDERMAN:**

For park purposes by Eminent Domain?

**LEG. KENNEDY:**

Because it was such a critical habitat, wetland and a critical habitat.

**D.P.O. SCHNEIDERMAN:**

Okay. So, I mean, that --

**LEG. HAHN:**

Anything with Eminent Domain we pay for it. What money did we use to pay for it?

**LEG. KENNEDY:**

We paid full market value for that.

**LEG. HAHN:**

No, no, no, but what fund did we use to pay for it?

**LEG. KENNEDY:**

When we acquired it back in '73 or '74? Presumably --

**LEG. HAHN:**

General Fund?

**LEG. KENNEDY:**

-- we actually paid for it and we didn't bond it.

**D.P.O. SCHNEIDERMAN:**

Well, let me tell you a slightly different story, because I've been working with DPW on something very similar in the Riverside area here where the circle is. We're redesigning that circle and to make it work, we had to take a piece of parkland from the Town of Southampton. And because of alienation of parkland, we had to give Southampton an even better piece, a bigger piece that was worth more money, better parkland, it had to go in Southampton on the ballot, it had to be approved by the voters; it was a complicated process.

Here it just seems so simple; the State just takes the land and gives us a chunk of money that they've determined is the right amount of money. But at the very least, we've lost parkland, we should be picking up parkland and it should be in the same area, it should be somewhere, you know, ideally in the area where the parkland was lost, and this bill doesn't seem to provide for that. But if we kind of extrapolate what you're saying, Kara, let's say the State was taking a much larger piece, maybe a \$5 million piece, and let's say that piece was acquired with Quarter Penny money, you

know, under a voter-approved referendum, which we know has been the subject of recent controversy and legal action. Could we then take the money from the State and not put it back to the same purpose? I don't see how we could. I think that would be cheating the voters and cheating, you know, the taxpayers.

So I think there is a problem here. I wish, you know, it specifically said that that money would be used or allocated for park purposes. If there's a way we can fix that, I would certainly feel more -- you know, feel a little bit better in supporting this.

**P.O. GREGORY:**

Okay. Legislator Krupski.

**LEG. KRUPSKI:**

So I don't -- you know, and I appreciate the debate on how you're thinking about where the money should come from the State. If you look at it the other way, you've got the State -- the County parkland and you've got water quality issues in a river, and there's nothing wrong with taking some of the upland, buffer on the parkland that was bought as buffer to the environmentally sensitive area, and using that area to stop the mainlining of sediment, VOCs and bacterior and nutrients into the surface water. So I think this is an appropriate use of the parcel to improve water quality. As far as where the money goes, you know, it's either take the money today or the State will say, *Well, you don't take it, that's fine with them.*

**LEG. HAHN:**

They're not going to act between now and the next meeting when we can change the resolution.

**LEG. KRUPSKI:**

I don't think we should hesitate to let this project go forward on -- because we think the money should be spent on, you know, one thing or another; we could all come up, I'm sure, with good areas to spend the money. But this is -- environmentally, this is a good project.

**LEG. KENNEDY:**

Al --

**LEG. KRUPSKI:**

It has an upland for a buffer, I think it's a positive.

**LEG. KENNEDY:**

It's introducing a significant additional amount of surface water in an area that's already impacted with a high groundwater table to begin with. To your point, the State also made the representation that there was no other alternative but for this creation of this 600,000-gallon sludge pond. And in fact, over a half mile of land on 347, there are several other intermittent points, including the County sump right by the Watermill, that you could have intermittent stop sign.

And also to Legislator Hahn's point, if in 1973 we took it by going to court because it was so sensitive and we were committing for County -- for parkland acquisition, at the very least amend the bill on the 15th; vote it and have the proceeds get put into either 477 or something that's dedicated to parkland acquisition. The representations that -- and by the way, you know, this is still the United States of America. The State does have to pay us if they take something of ours. It's good to be the crown, don't, you know, dispute it, but they do still have to pay us. They can't just take it and then flip us off. So between now and, you know, ten days from now, they're not going to be able to say, *Ah, you snooze you lose.* They're going to have to pay us. But that would leave us with the time to amend the bill.

**LEG. KRUPSKI:**

So the question to the Administration is how would you amend the bill, where would you suggest putting the money, and when would the State pay us?

**MR. VAUGHN:**

That was a three-part question, right? First, how would we amend the bill? We are, at this point in time, not planning on amending the bill. What was the second part?

**LEG. KRUPSKI:**

The last one was how would -- when would the State pay us?

**MR. VAUGHN:**

I don't know when the State is planning on sending us a check.

**LEG. KRUPSKI:**

You don't seem to be interested in redirecting the money from the General Fund.

**MR. VAUGHN:**

No. Legislator Krupski, I wouldn't say that I am uninterested in redirecting the money. I'm saying that I'm uninterested in amending a bill or fighting over money that we haven't yet collected. If we want to have a debate at some future point in time about the use of this \$547,000, it seems to me it would be a more prudent debate to have once we've actually accepted the funding. But what I'm saying right now is that I'm not willing to make a commitment one way or the other. And as far as your question on when the State would pay us, I would defer to Commissioner Anderson to see if he has a response to that.

**COMMISSIONER ANDERSON:**

First we have to accept the funds; once we accept the funds, then we can apply. I mean, it's sitting in an account; the money is there waiting for us to take it. It's as simple as that.

**P.O. GREGORY:**

So I would say that we could -- you know, accepting the money doesn't preclude us from directing it to whatever purpose, right; is that right, George? Well, I know you have -- well, actually, you have a different opinion.

**MR. NOLAN:**

I don't -- actually, I don't know how that's going to work, to be honest with you. I don't know if we can take the money. I don't know if we can say that it's going to go to something. When money comes in, generally it goes to the General Fund.

**MR. VAUGHN:**

We agree with that as well.

**MR. NOLAN:**

You know, that's my understanding of how it works. And whenever I've talked about or floated the idea, or a Legislator has about directing it to a specific purpose, it's not -- it's a little problematic, I think. So --

**P.O. GREGORY:**

And putting money into the Quarter Cent money, but that's a trust fund. We can't just put --

**MR. NOLAN:**

Yeah, I don't know if we can just start saying other monies are going to go into what is a trust fund.

It's in the Charter, you know, where the money comes from and where it goes and separate trust funds are established, so I don't think we can just say, *Now this is going to go into 477 or it's going to go into open space component.* You know, I think -- I'm just not making any promises, that if we approve this then after the fact we're going to be able to do anything, or that we could amend this to make it go to the purpose you want.

**LEG. HAHN:**

But it can get accepted for the General Fund and then transferred to another category.

**MR. NOLAN:**

I'm just not certain about the mechanics of accomplishing that, Legislator Hahn, that's all I'm saying.

**LEG. HAHN:**

Come on, George. Come on. Think on it.

**MR. NOLAN:**

We solemnly look at it.

**P.O. GREGORY:**

Okay. So we have -- we have two motions?

**MR. RICHBERG:**

Yes, we do. We have a motion to approve and a motion to table.

**P.O. GREGORY:**

Okay, motion to approve always goes first.

**D.P.O. SCHNEIDERMAN:**

No, tabling motion.

*"No" said in Unison*

**P.O. GREGORY:**

I was trying to get a rise.

*\*Laughter\**

All right, all right, tabling goes first.

**LEG. KENNEDY:**

No, no, listen. You know what? I'll withdraw the motion to table.

**P.O. GREGORY:**

See? That was the reaction I wanted.

**LEG. KENNEDY:**

Yeah, I know that, I know that. Listen, you know, the hour is late and, you know, the decade's been long. But I do think that it's important that everybody realizes that, to Legislator Hahn's point again, if we go down a slippery slope and a real dangerous path, if we allow any entity to take our parkland when, at the same time, we're introducing resolutions to appraise and to offer and to acquire --

*Beeper Sounded*

I'm being cut off, that's great. Vote the resolution.

*(\*Laughter\*)*

**P.O. GREGORY:**

Okay.

**LEG. HAHN:**

I'll make a motion to table.

**P.O. GREGORY:**

Okay, motion to table by Legislator Hahn.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

Second by Legislator Muratore. Okay, there's real fun now. All right.

**D.P.O. SCHNEIDERMAN:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Maybe to Mr. Vaughn, and I don't know if this could even be made part of the resolution. I have to understand, when I'm voting for the motion to table, what we're going to accomplish if we table it.

I don't think it can be changed to direct the money to go into land acquisition; maybe it could, maybe that's a question for George. I think as a matter of principle it should, but I don't know how we get there. If we can get there, then it would be worth tabling. So I guess maybe we'll ask George. George, would that be appropriate to build into this resolution a requirement that a similar amount of money would be used to acquire additional open space in the same Legislative District or in that area, or in general?

**MR. NOLAN:**

It sounds like a bad idea; you know what I mean?

*(\*Laughter\*)*

You know, we're --

*(\*Laughter\*)*

**P.O. GREGORY:**

So it's just right, then.

**MR. NOLAN:**

That's like a -- it sounds like a budget amendment to me somehow, if you're not identifying the source of the money you're going to spend for the --

**D.P.O. SCHNEIDERMAN:**

No, the money that would be spent would be the money that we got from the State for our parkland would be put toward parkland acquisition.

**MR. NOLAN:**

Like I said, I --

**D.P.O. SCHNEIDERMAN:**

But not specifically to Quarter Penny or something like that, it would just go towards buying open space.

**MR. NOLAN:**

I think Legislator Hahn just kind of asked me a similar question, I said I'm not sure mechanically how to accomplish that.

**LEG. HAHN:**

We'll give you time to study it.

**LEG. TROTТА:**

Maybe we should wait a session.

**D.P.O. SCHNEIDERMAN:**

Does the Administration have a position on this?

**MR. VAUGHN:**

We'd like to accept the money tonight. We'd like to adopt the resolution.

**D.P.O. SCHNEIDERMAN:**

And not table it one cycle?

**MR. VAUGHN:**

Legislator Schneiderman, we've tabled this numerous cycles. We waited a long time to adopt this resolution. We think that it's best to accept the funds.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

It's a County asset, so let's put the money in the General Fund and then we control the budget, we come up with our own budget resolution and we'll allocate our resources appropriately. If we start debating on every time the County sells surplus property, if we sell a surplus police car that was used in the 1st Precinct, I want the money to come back to my district. I mean, you know, it's just -- we need to accept this money and then we can determine how to allocate our resources and look at the pot of money that's sitting there and how do we want to spend it and where. And if at that time Legislator Hahn or Legislator Kennedy wants to make an argument that they should get X amount for their district because the County asset was sold in their district, we can have that discussion, but not on this bill. Let's just take the money and move on.

**D.P.O. SCHNEIDERMAN:**

I would like to just respond to that, because I think this is different because it's parkland and people believe parkland is forever. You know, this is unusual. I've never seen a situation like this where a piece of parkland was being taken away and then we just get a chunk of money for it. It opens up, to me, a Pandora's box, and we have, you know, tens of thousands of acres of parkland. And could

we lose them to Eminent Domain in the future? I guess we could. I just want to make sure we don't -- you know, the general budget isn't being replenished by the sale of parkland. This is an unusual case, I think we need to say very clearly that if we lose parkland we'll have a -- you know, we'll pick up a similar amount somehow somewhere else.

**LEG. D'AMARO:**

If I may, through the Chair. I don't disagree with that, but we should have that debate and discussion and vet that, but this bill is not the time and the place.

**D.P.O. SCHNEIDERMAN:**

Right. We can do another bill later on and use this money as the offset for a purchase of a similar piece of property.

**LEG. D'AMARO:**

Right, I agree.

**D.P.O. SCHNEIDERMAN:**

I understand that.

**P.O. GREGORY:**

Legislator Krupski.

**LEG. KRUPSKI:**

Pass.

**P.O. GREGORY:**

Legislator Hahn.

**LEG. HAHN:**

Yeah. I raised my hand and waited and didn't choose to just respondm but I wanted to respond similarly by saying that this is very different than any other piece of surplus property that we auction off. This is very different. This is, you know, alienation of parkland and it's just -- it's supposed to be sacrosanct, it's supposed to be forever. And that's what we're here to protect, is that our parkland we value above all else and we're going to protect it. If the State is above us and can swoop in and take it from us, we're here to protect the taxpayer and the community and our environment and our public spaces by saying we're going to make sure that we put it back. And that's all that I'm trying to say and say strongly and I think that we need to act in a way that makes it clear to everyone that we're willing to protect that asset.

**P.O. GREGORY:**

Okay. All right, we have a motion to table. Roll call.

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

**LEG. HAHN:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. KRUPSKI:**

No.

**LEG. BROWNING:**

No.

**LEG. ANKER:**

No.

**LEG. CALARCO:**

*(Not Present).*

**LEG. LINDSAY:**

No.

**LEG. MARTINEZ:**

No.

**LEG. CILMI:**

No.

**LEG. BARRAGA:**

No.

**LEG. KENNEDY:**

Yes.

**LEG. TROTTA:**

Yes.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

No.

**LEG. D'AMARO:**

No.

**LEG. SPENCER:**

No.

**D.P.O. SCHNEIDERMAN:**

Abstain.

*(\*Laughter\*)*

**P.O. GREGORY:**

No.

**MR. RICHBERG:**

Five.

**P.O. GREGORY:**

Okay, motion to approve. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

Opposed.

**MR. RICHBERG:**

*Sixteen (Opposed: Legislator Kennedy - Not Present: Legislator Calarco).*

**P.O. GREGORY:**

Okay. That was IR -- we've gone so long, I forgot where I was.

**MR. RICHBERG:**

2074.

**P.O. GREGORY:**

Oh, 2074, right. I'm sorry. No, actually IR 1587.

All right, ***IR 2077-14 - Reappointing member to the Suffolk County Board of Trustees of Parks, Recreation and Conservation (William B. Sickles) (Presiding Officer Gregory).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. BROWNING:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***2081-14 - Reappointing Ronald A. Beattie as a member of the Suffolk County Vanderbilt Museum Commission (Trustee No. 5) (Lindsay).*** I'll make a motion.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

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

**LEG. SPENCER:**

Cosponsor.

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**PUBLIC SAFETY**

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**P.O. GREGORY:**

Okay, *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)*. Motion by Legislator Stern.

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco)*.

**P.O. GREGORY:**

*IR 1996-14 - Adopting Local Law No. -2014, A Local Law to amend the County's Human Rights Laws to further protect victims of domestic violence (Spencer)*. Motion by Legislator Spencer.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Krupski.

**LEG. CILMI:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

If I could ask, through the Chair, to Counsel. Shouldn't there just be no discrimination?

**P.O. GREGORY:**

Amen.

**(\*Laughter\*)**

**LEG. CILMI:**

I mean, why do we have to -- if we continue to select groups that there should be no discrimination against, eventually we're going to get to a point where none of us should be discriminated against.

**LEG. KRUPSKI:**

There will be one left.

**LEG. CILMI:**

There'll be one left?

**LEG. STERN:**

Legislators.

**LEG. CILMI:**

Yeah, right, politicians.

(\*Laughter\*)

I mean, I know it's sort of a vague question, but --

**LEG. HAHN:**

The majority always says.

**MR. NOLAN:**

I think that, you know, people or groups that have -- I guess the predicate is there are people/groups that have been traditionally discriminated against and that you put in, you know, protections for those particular classes of people. It's up to the Legislature as a policy judgment, do they want to extend protection and housing to victims of domestic violence.

**LEG. CILMI:**

Maybe if I could ask, through the Chair, to the sponsor. And I certainly don't want to be viewed as somebody who's, you know, pro-discrimination. But here's my point; victims of domestic violence. Okay. Well, what about victims of other crimes? Shouldn't they be protected from discrimination as well? I mean, I'm asking these questions because there's a path that we're going down here. The point is that nobody should be discriminated against.

**LEG. SPENCER:**

You're absolutely correct. And what happens a lot of times, the discrimination -- for instance, in this particular situation -- may come in the form of a woman or a person who is in an abusive relationship and they may go try to seek housing, specifically in this particular case. And you may have a landlord that is -- and it has happened, that says, *You know, why would I want to be burdened with the noise and the police calls and someone that has an order of protection?* And they could specifically say, *I don't want to deal with the hassle. I'm not going to bring this into my community.* But it's so critical in terms of that victim of abuse, that's one of the key areas is housing and employment.

So I think the discrimination laws -- you're right, no one should be discriminated against, but we're looking at particular circumstances where they may take -- they may say, *Well, I don't want to deal with the hassle of the police or the threat,* and use that to be able to specifically not allow them admittance, but they're really discriminating against them on the basis of their particular situation. And I don't think every situation fits into that category. But I understand, I think you have a very valid point with what you're saying.

**LEG. CILMI:**

Do we have -- under our new Human Rights Law, is there protections for individuals in certain careers?

**D.P.O. SCHNEIDERMAN:**

Like politicians.

**LEG. CILMI:**

Like politicians.

(\*Laughter\*)

Well, let's take, for example, police officers. I mean, maybe somebody doesn't want to be subject to the types of threats that a police officer or a Judge, for example, might be subject to as a result of their work. Is that a protected class in the Human Rights Law that we have?

**MR. NOLAN:**

No.

**LEG. CILMI:**

Should it be?

**LEG. SPENCER:**

I think -- through the Chair, if I may? Typically we're looking to -- or if you have a Judge or a politician or someone that's in a position of authority that may have other power or other remedies to be able to kind of express themselves as opposed to a child or someone that may not have the resources. I mean, it's a very fine line. But to me, that's a distinguishing point where, you know, I may have someone that gives me a rough time as being an elected official, but I have resources to be able to get to the police, I have economic independence, I have a power to be able to kind of express myself because I'm in a little bit more of a position of authority. We're looking at our role here in terms of protecting someone where there's a potentially unlevel playing field and they cannot avail themselves of resources to be able to protect themselves as readily as perhaps a Judge could. Still, I know it's very subtle, but I have -- I was responding to that, but I do have more on that particular --

**LEG. CILMI:**

Okay. I mean, I made my theoretical point. It's just that it's a matter of nobody should be discriminated against. And I think once you start selecting different, you know, groups of people, singling those groups of people out to protect against discrimination. You're almost sort of -- you're almost sort of acquiescing to that. Okay. Well, what if -- it's okay for everyone else to be discriminated against when it's not. That's all I'm saying.

**P.O. GREGORY:**

Legislator D'Amaro?

**LEG. SPENCER:**

I didn't finish my point.

**LEG. D'AMARO:**

Go ahead, finish.

**LEG. SPENCER:**

On this particular issue, when we updated our Human Rights legislation, we really -- we look at what the government proposed and if we look at the Woman's Equality Agenda, the 10-point plan, and they make it parts A through I, but equal pay for equal work. We're looking -- all of these things we've pretty much covered in Suffolk County where the State hasn't been able to take action; the State has taken some action. And there's two parts, like establishing a pilot program for electronic filing of petitions, of orders of protection, that's a State action; and also redoing the Penal Code for sex trafficking, that's State action. But this is action that we could take that will make us have the strongest quality laws in the State, and this was the last piece of the puzzle. So this is something that I think is timely, and it is a big issue. The most critical factor for people of domestic abuse is being able to establish financial independence to employment, but also housing independence. And how would a landlord find out if there is a situation where you do have a person that is being battered or stalked or things like that and they're applying for housing or going before a particular

condo board and there is an innuendo, there's a rumor of someone that says, *Well, we don't want to bring that kind of trouble in here*, and that person is discriminated against strictly on the basis of being a victim of domestic abuse.

We're closing an important loophole that is not just doing it for show, it's a major issue and the advocates of domestic violence have come out very strongly for this and it's something that we can do very simply. Thank you, Legislator D'Amaro. I appreciate you allowing me to finish my point.

**LEG. D'AMARO:**

Thank you. I agree in concept with the bill, of course. Unlike my colleague, I am not pro discrimination but -- (laughter). I don't understand -- so if I'm a landlord, how would -- like what's the outward manifestation that a person is a victim of domestic violence? In order for me to discriminate on that basis, I would need to know that the person is a victim of domestic violence.

So my question is what -- the victim themselves, what gives them the -- what have -- what has happened to them that gives them this status where then they're protected by the law against discrimination by a landlord? My concern is that if you're a landlord, where do you draw the line? So someone's applying for a dwelling unit, you know, maybe you're renting rooms or whatever you're doing, and you know that they had a dispute with a significant other, let's say, but does that rise to the level of domestic violence? Is the landlord being asked to judge whether or not the individual is a victim of domestic violence? I mean, what -- I want to protect folks that -- I think it's a legitimate class to protect, but in the real world and the practical mechanics of how you do this, landlords -- it's only fair to impose this requirement if someone, a landlord or a seller or whoever is involved, they have to have with some degree of certainty, they have to know who's protected and who's not. And so I don't understand how you know whether or not a person is falling within the parameters of what this statute contemplates as a victim of domestic violence.

**LEG. SPENCER:**

A lot of times what happens is that if you do have a victim that is trying to get into an independent housing situation -- again, this doesn't preclude the landlord from making them fulfill the criteria as far as being able to pay the rent and to fulfill the obligations. But typically what would happen, and this is -- it's that if there is an order of protection in a development or in a condo complex or whatever, that landlord -- a lot of times that community is made available -- that order of protection is made available to that specific landlord. So, you know, this is an order of protection, I'm somewhat -- *I've been in a domestic violence situation, I'm applying. I have the job, I have the criteria, I fulfill everything for being here. By the way, I have an order of protection against my ex.* That landlord in a lot of cases can say, *You know what, we really don't want to deal with that hassle here.* And I think the orders of protection in communities a lot of times do have to be made available to the landlord or to the people in a gated community. So that would be one example right there where I think it would be a very specific thing.

**LEG. D'AMARO:**

Well, if I may respond to that. And I appreciate that example, but someone can have an order of protection without necessarily having been a victim of domestic violence; I'm not saying that's always the case, and in many cases it's not the case. But I'm just -- I'm looking at the law, I have it in front of me up on the computer here and it gives the status as a victim of domestic violence but it's not defined; unless it is defined in the law, George? Am I missing it? Where is it defined?

**MR. NOLAN:**

Not in this particular bill. It was defined in the underlying bill when we did the big overhaul of the Human Rights Law.

**LEG. D'AMARO:**

Oh, okay. And does that definition set certain parameters? I just want to have a degree of certainty so that those who may be accused of violating the law at least had something -- they know what the rules are to follow, so to speak.

**MR. NOLAN:**

Right. Yeah, it was defined in the underlying law because it already applies to employment. You can't discriminate employment on the basis of somebody being a victim of domestic violence, and what this bill does is it extends the protection out to housing.

**LEG. D'AMARO:**

Right. Do you recall how it was --

**MR. NOLAN:**

It's defined as an individual who's a victim of an act which would constitute a family offense pursuant to Subdivision 1 of Section A-12 of the Family Court Act.

**LEG. D'AMARO:**

Okay, that's fine. Okay, that's what I was looking for. Thank you very much. Thanks, Doc.

**P.O. GREGORY:**

Okay, thank you. We have a motion and a second?

**MR. RICHBERG:**

Yes, we do.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**LEG. SPENCER:**

Thank you.

**LEG. HAHN:**

Cosponsor.

**LEG. ANKER:**

Cosponsor.

**D.P.O. SCHNEIDERMAN:**

Can I cosponsor?

**P.O. GREGORY:**

***IR 2023-14 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Narcotics section's participation in the New York State Department of Taxation and Finance's Cigarette Strike Force at no cost to the County through the use of Asset Forfeiture funds (County Executive).***

**LEG. BROWNING:**

Motion.

**P.O. GREGORY:**

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

**LEG. CILMI:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Cilmi.

**LEG. CILMI:**

If I could ask Legislator Browning, as Chair of the Public Safety Committee. There are three resolutions on the agenda to increase the fleet of the Police Department. I just was wondering what the discussion may have been in Public Safety about these.

**LEG. BROWNING:**

Well, this is something that we have dealt with quite some time ago, it's a temporary increase. So the fleet has a certain number of vehicles, and I guess some of these are through Asset Forfeiture Funds, that they're getting these vehicles. So it's not -- let's say you have a hundred cars and you're able to get three through Asset Forfeiture, being that it says *temporary increase*, it's not now increasing you to 103, you're still at a hundred; do you know what I'm saying?

**LEG. CILMI:**

I think I do. I mean, you're at 103, but you're not required to have 103.

**LEG. BROWNING:**

Correct.

**LEG. CILMI:**

It's once there's --

**LEG. BROWNING:**

It's keeping the fleet number the same.

**LEG. CILMI:**

-- three out --

**LEG. BROWNING:**

Right, you don't have to replace them.

**LEG. CILMI:**

-- you don't have to replace them.

**LEG. BROWNING:**

Right. So it's a temporary increase and they're using Asset Forfeiture Funds to do that.

**LEG. CILMI:**

Okay. And they're all for vehicles that we don't really have similar vehicles in our inventory now?

**LEG. BROWNING:**

I guess that's going to be up to Tom to answer that one.

**LEG. CILMI:**

Because, I mean, there are other things we can do with Asset Forfeiture Funds if we didn't have to spend them on these.

**LEG. BROWNING:**

I understand. And we've done this with every department, you know, with the Police Department, the Sheriffs, FRES; it's anywhere there's a fleet of vehicles.

**LEG. CILMI:**

Sure.

**LEG. BROWNING:**

We're not increasing, these are temporary increases.

**LEG. CILMI:**

I understand.

**LEG. BROWNING:**

But I guess, Tom.

**MR. VAUGHN:**

Good evening, Legislator Cilmi. So the reason that we are doing these in this manner is that these three vehicles and these three resolutions are all vehicles that are to be used for undercover work, and the reason that we are leasing them is so that way if the vehicle gets made we can exchange them for another vehicle fairly easily. And we've accepted a bunch of vehicles this year through various programs to assist with undercover police work.

**LEG. CILMI:**

Okay, cool. Thanks.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2024-14 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Criminal Intelligence Bureau at no cost to the County through the use of Asset Forfeiture funds (County Executive).***

**LEG. BROWNING:**

Same motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2025-14 - Approving a temporary increase to the fleet for the Suffolk County Police Department's Criminal Intelligence Bureau's Field Intelligence Officer Program at no cost to the County through the use of Asset Forfeiture funds (County Executive).*** Same motion,

same second.

**LEG. TROTTA:**

I have a quick question.

**P.O. GREGORY:**

On the motion, Legislator Trotta.

**LEG. TROTTA:**

Quick question. I remember something that there were specific things it could be used for, Asset Forfeiture Funds. And I didn't think fleet vehicles -- I could be wrong because this is years old and I'm getting old and I don't remember right.

**P.O. GREGORY:**

I believe --

**LEG. TROTTA:**

Counsel, is there something?

**P.O. GREGORY:**

It's not the first time.

**MR. NOLAN:**

I'm not aware of a prohibition about motor vehicles, but I would have to dig for you.

**LEG. TROTTA:**

Okay.

**P.O. GREGORY:**

Anyone else? Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**PUBLIC WORKS, TRANSPORTATION & ENERGY**

**P.O. GREGORY:**

***IR 1942-14 - 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).***

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer. Do I have a second?

**LEG. KRUPSKI:**

*(Raised hand).*

**P.O. GREGORY:**

Second by Legislator Krupski. On the motion, Legislator Cilmi.

**LEG. CILMI:**

Yeah. So this increases the fine from \$5,000 to \$25,000? Is there somebody in the room who could tell us whether or not we've ever levied the \$5,000 fine? And are people just ignoring and just paying the \$5,000 as the cost of doing business?

**LEG. HAHN:**

*(Raised hand).*

**LEG. KRUPSKI:**

I think --

**LEG. HAHN:**

I know I heard testimony -- oh.

**LEG. KRUPSKI:**

Go ahead, I'm sorry.

**LEG. HAHN:**

I heard testimony earlier that said the other counties around the State all have the \$25,000 fine -- am I on the right one -- and that this would bring that up to par with the rest of the State so that we don't look like a bargain for those looking for a place to dump illegally.

**LEG. SPENCER:**

Nassau just passed their law and it's the same thing, they're 25,000, Westchester. So if you're talking about the profits from hydraulic fracturing, you know, you'll take the 5,000 slap on the wrist and bring it to Suffolk.

**LEG. CILMI:**

Okay.

**LEG. SPENCER:**

So we wanted to bring ours in line with what is consistent with the rest of the region.

**LEG. CILMI:**

Gotcha. All right.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2017-14 - Amending Resolution No. 132-2014, creating a Tick Control Advisory Committee (Schneiderman).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2019-14 - Approving the Vector Control Plan of the Department of Public Works Division of Vector Control pursuant to Section C8-4(B)(2) of the Suffolk County Charter (County Executive).*** I'll make a motion to approve. Second by Legislator Krupski. On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

That's the revision on the Charter Revision Commission?

**P.O. GREGORY:**

No, the Vector Control.

**LEG. KENNEDY:**

Oh, I'm sorry. No, I'm fine with Vector Control.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. ANKER:**

Opposed.

**D.P.O. SCHNEIDERMAN:**

Abstention.

**MR. RICHBERG:**

Sixteen.

**P.O. GREGORY:**

We have an abstention and an opposition.

**MR. RICHBERG:**

Who was the abstention?

**D.P.O. SCHNEIDERMAN:**

Just on the record. I said this I think at -- I'm going to abstain only because I continue to have a slight difference in the use of Methoprene in the early stages of mosquito larvae believing that it should not be used in estuaries and the department continues to use it in formulations with BTI and all stages of larva.

**MR. RICHBERG:**

Fifteen (*Opposed: Legislator Anker - Abstention: D.P.O. Schneiderman - Not Present: Legislator Calarco*).

**P.O. GREGORY:**

Okay. ***IR 2028-14 - Appropriating funds in connection with roof replacement on various County buildings (CP 1623)(County Executive).*** I'll make a motion. Do I have a second?

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**LEG. KENNEDY:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. Commissioner, can you just let me know the contractor, is this Statewide?

**COMMISSIONER ANDERSON:**

This is appropriating -- requesting appropriating 200,000 that we didn't originally appropriate with the other funds for the year because we thought we might need it for an offset. The funding could go to Statewide, it could go to an actual -- another contractor if we let a separate contract. The funds are to be used for roofing, that's it. It's not --

**LEG. KENNEDY:**

Statewide is the contractor, the only contractor that we have for doing basic, what do we call it, repair and maintenance?

**COMMISSIONER ANDERSON:**

Essentially annual work is, you know, smaller amounts that we wouldn't go out to bid for. So, yeah, you have the repair --

**LEG. KENNEDY:**

If you were going to do a brand new roof, you were going to do the small building, then we would go out and solicit a bid that might be some other contractor.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

But if it's a patch here or flashing there or something, it's going to be going to Statewide.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

Does Statewide have to maintain a County license?

**COMMISSIONER ANDERSON:**

I don't know. They do meet all the requirements under the County Charter, including the ATP; they do have an ATP.

**LEG. KENNEDY:**

Yeah, we'll talk about that. We talked a lot about that, because I do know their license has lapsed at this point. All right, thank you.

**COMMISSIONER ANDERSON:**

I will look into that. Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**LEG. KENNEDY:**

I'm opposed.

**MR. RICHBERG:**

*Sixteen (Opposed: Legislator Kennedy - Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***2028A, Bond Resolution (of the County of Suffolk, New York authorizing the issuance of \$200,000 Bonds to finance the cost of roof replacement at various County buildings (CP 1623.330), same motion, same second. Roll call.***

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

**P.O. GREGORY:**

Yes.

**LEG. CILMI:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

*(Not Present).*

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KENNEDY:**

No.

**LEG. TROTTA:**

No.

**LEG. McCAFFREY:**

Yes.

**LEG. STERN:**

Yes.

**LEG. D'AMARO:**

Yes.

**LEG. SPENCER:**

Yes.

**D.P.O. SCHNEIDERMAN:**

Yes.

**LEG. MURATORE:**

No.

**MR. RICHBERG:**

*Fifteen (Opposed: Legislators Muratore, Kennedy & Trotta - Not Present: Legislator Calarco).*

**P.O. GREGORY:**

Okay. ***IR 2039-14 - Amending the 2014 Capital Budget and Program and appropriating funds in connection with a Traffic Impact Study in the vicinity of the Ronkonkoma HUB (CP 3301) (County Executive).***

**LEG. CILMI:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Cilmi.

**LEG. HAHN:**

Second.

**LEG. BARRAGA:**

Second.

**P.O. GREGORY:**

Second Legislator Barraga.

**LEG. BROWNING:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Browning.

**LEG. BROWNING:**

I would like to kind of get some background on this one. As far as the Ronkonkoma Hub study has gone, questioning how much of a traffic study has been done and wouldn't they have done that. If

you could explain why we're spending money on a traffic study?

**COMMISSIONER ANDERSON:**

The request was made to study the impact, not only of the Ronkonkoma Hub, but of the double track and any Long Island MacArthur Airport initiatives in the area of Ocean Avenue; but not necessarily Ocean Avenue. Ocean Avenue is a County Road, there are impacts, we would expect there will be some impacts from each of these projects. There has been a comment made publicly at previous Legislative meetings that the Ronkonkoma Hub, in the opinion of the Town of Brookhaven, there was no impact. We received a request from Legislator Cilmi to look at that and the funding was found and we are moving forward with that.

**LEG. BROWNING:**

Okay.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2039A, Bond Resolution (of the County of Suffolk, New York authorizing the issuance of \$250,000 bonds to finance the cost of planning of traffic impact study in the vicinity of Ronkonkoma Hub (CP 3301.133), same motion, same second. Roll call.***

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

**LEG. CILMI:**

Yes.

**LEG. BARRAGA:**

Yes.

**LEG. KRUPSKI:**

Yes.

**LEG. BROWNING:**

Yes.

**LEG. MURATORE:**

Yes.

**LEG. HAHN:**

Yes.

**LEG. ANKER:**

Yes.

**LEG. CALARCO:**

*(Not Present).*

**LEG. LINDSAY:**

Yes.

**LEG. MARTINEZ:**

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 - Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2042-14 - Permitting the Village of West Hampton Dunes to purchase fuel from the County (County Executive).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Schneiderman.

**LEG. KRUPSKI:**

Second.

**P.O. GREGORY:**

Second by Legislator Krupski.

**LEG. D'AMARO:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to ask at what price are they purchasing from the County?

**D.P.O. SCHNEIDERMAN:**

There's an administrative fee, but it's the same price everybody else pays.

**COMMISSIONER ANDERSON:**

Correct. It's dependent on current rates that are being charged based on the State, we charge an administrative fee on top of that.

**LEG. D'AMARO:**

Okay. So it's a pass-thru plus an administrative fee.

**D.P.O. SCHNEIDERMAN:**

Unless they use a credit card, then there's a dollar extra per gallon.

(\*Laughter\*)

**LEG. D'AMARO:**

As long as that sign is curb-side.

**COMMISSIONER ANDERSON:**

They have big signs, though.

**LEG. D'AMARO:**

Thank you.

**P.O. GREGORY:**

All right. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**D.P.O. SCHNEIDERMAN:**

Cosponsor on that.

**P.O. GREGORY:**

***2045-14 - A Resolution making certain Findings and Determinations and an order for the modification of the plan of service for Suffolk County Sewer District No. 18 – Hauppauge Industrial (CP 8126) (County Executive).***

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Kennedy.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi. On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I wanted to -- just to Commissioner Anderson. There are four more bills after this; 2046, 47, 48 and 49. Is this legislation similar to those?

**COMMISSIONER ANDERSON:**

Yes, these are all accepting findings from public hearings that were held for improvements to the districts and capital costs incurred for same.

**LEG. D'AMARO:**

Right. So there were -- there's been a determination made that there are capital improvements that are needed at each of the facilities?

**COMMISSIONER ANDERSON:**

Yes, Sir.

**LEG. D'AMARO:**

But these aren't cost overruns for existing improvements, this is just paying for the cost of improvements that have recently been determined that need to be made; is that what this is?

**COMMISSIONER ANDERSON:**

In this specific one, bear with me one second.

**LEG. D'AMARO:**

Because I noticed on each of these it looks like we're tapping -- maybe not on this one, but the Assessment Stabilization Reserve Fund.

**COMMISSIONER ANDERSON:**

This one specifically is for a continuation of the project. This specific request for \$2 million is to -- yeah, this is for construction of sewers. We're expanding the industrial district and this is a portion of that project which will incorporate expanding the sewers.

**LEG. D'AMARO:**

Right, but I just want to understand. So is this additional funding that we're providing today because of cost overrun?

**COMMISSIONER ANDERSON:**

No, no. This is the next phase --

**LEG. D'AMARO:**

Okay.

**COMMISSIONER ANDERSON:**

-- of the project.

**LEG. D'AMARO:**

That's what I want to know. So this was anticipated.

**COMMISSIONER ANDERSON:**

Yes, Sir.

**LEG. D'AMARO:**

Okay. Is that the case for all four resolutions after this? You know what? We'll address them one at a time.

**COMMISSIONER ANDERSON:**

Okay.

**LEG. D'AMARO:**

That's fine. Thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2046-14 - A Resolution making certain Findings and Determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 14 – Parkland (CP 8151) (County Executive).*** Same motion? No. Actually, I'll make the motion.

**LEG. LINDSAY:**

Second.

**P.O. GREGORY:**

Second by Legislator Lindsay.

**LEG. D'AMARO:**

And on the motion.

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

A similar question of whether or not this is an anticipated cost or a cost overrun, or what's the reason for the additional funding?

**COMMISSIONER ANDERSON:**

This looks to provide -- again, this is a public hearing that was held that's looking to provide funds for maintenance and service to the sewer system within this district. We're looking for \$250,000, eventually we will -- if this is approved, we will then come back at a future Legislative meeting and request to appropriate these funds. It's not for an error, this is just continued maintenance of existing sewers.

**LEG. D'AMARO:**

But it's maintenance that wasn't foreseen and it was the result of the public hearings?

**COMMISSIONER ANDERSON:**

No, the public hearings are just -- this was maintenance that we foresaw --

**LEG. D'AMARO:**

Okay.

**COMMISSIONER ANDERSON:**

-- and we anticipated. The public hearing is required when we're going to spend money within the district, and this is just to accept the findings from that public hearing.

**LEG. D'AMARO:**

So this 250,000 that we're taking from what source here?

**COMMISSIONER ANDERSON:**

ASRF.

**LEG. D'AMARO:**

ASRF, was an anticipated expense.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

Okay. Thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2047-14 - A Resolution making certain Findings And Determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 9 – College Park (CP 8163)(County Executive).*** I'll make a motion.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

Second by Legislator Schneiderman. On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah. This is, I think, according to the notes, 1.85 million; again, taking partly from the ASRF and then also from serial bonds. So are these -- was this expenditure something that was foreseen and anticipated, or did we start a project and then it turns out we needed to increase?

**COMMISSIONER ANDERSON:**

This is something we foresaw, it's an upgrade of a plant. We're looking to improve, expand the control building, install aeration blowers, install equipment and systems as well improve the existing recharge facilities.

**LEG. D'AMARO:**

Okay, very good. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2048-14 - A Resolution making certain Findings and Determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 5 – Strathmore Huntington (CP 8115) (County Executive).***

**LEG. SPENCER:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Spencer.

**LEG. D'AMARO:**

I'll second.

**P.O. GREGORY:**

Second by Legislator D'Amaro. And on the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, just a similar question that, again, this is not a cost overrun, this is an anticipated expense for ongoing operations and improvement.

**COMMISSIONER ANDERSON:**

Correct.

**LEG. D'AMARO:**

Okay, thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2049-14 - A Resolution making certain Findings and Determinations and issuing an order in relation to the increase and improvement of facilities for Sewer District No. 10 – Stony Brook (CP 8175) (County Executive).*** Motion by Legislator Hahn? No? I'll make the motion. Second by Legislator Schneiderman.

**LEG. HAHN:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator Hahn.

**LEG. HAHN:**

Can you just let me know that this does not include new leaching fields.

**COMMISSIONER ANDERSON:**

No, this is actually to rehabilitate the existing sewer system in the Stony Brook area and will include upgrades of a pump station.

**LEG. HAHN:**

Okay, but no leaching fields in the community.

**COMMISSIONER ANDERSON:**

No.

**LEG. HAHN:**

Okay. Thank you.

**COMMISSIONER ANDERSON:**

You're welcome.

**P.O. GREGORY:**

Okay. Legislator D'Amaro, any questions?

**LEG. D'AMARO:**

I mean, the similar question.

**COMMISSIONER ANDERSON:**

The answer is the same.

**LEG. D'AMARO:**

The answer is the same. Okay, thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2070-14 - Directing the Department of Public Works to hold public hearings on bus fares (Schneiderman).***

**D.P.O. SCHNEIDERMAN:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2071-14 - Authorizing transfer of surplus County vehicles to the Dix Hills Fire District (Stern).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

*Seventeen (Not Present: Legislator Calarco).*

**P.O. GREGORY:**

IR 2078 we did by CN earlier.

**WAYS & MEANS**

***IR 1867-14 - Adopting Local Law No. -2014, A Charter Law to modify charter commission requirements (Browning).*** Motion by Legislator Browning?

**LEG. BROWNING:**

Yes, sorry. Yes, motion.

**P.O. GREGORY:**

I'll second. Legislator Kennedy?

**LEG. KENNEDY:**

Yes.

**P.O. GREGORY:**

You had questions on the Charter Commission?

**LEG. KENNEDY:**

I did Mr. -- well, no; no questions. As a matter of fact, I expressed my concerns in committee, so I'll just simply vote no.

**P.O. GREGORY:**

Okay. All in -- anybody else? Okay. All in favor? Opposed? Abstentions?

**LEG. CILMI:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**LEG. TROTTA:**

*(Raised hand).*

**MR. RICHBERG:**

*Fourteen (Opposed: Legislators Cilmi, Kennedy & Trotta - Not Present: Legislator Calarco).*

**P.O. GREGORY:**

***IR 2018-14 - Authorizing the License Agreement for use of County premises located at Building 16, North County Complex, Hauppauge, NY by the Suffolk County Society for the Prevention of Cruelty to Animals (County Executive).***

**LEG. KENNEDY:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Kennedy. Second by Legislator Schneiderman.

**LEG. D'AMARO:**

On the motion?

**P.O. GREGORY:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

I just wanted to know what the terms of the rental are.

**LEG. HAHN:**

The same cost as --

**MR. NOLAN:**

It says *at no cost*.

**LEG. D'AMARO:**

I'm sorry?

**MR. NOLAN:**

No cost.

**LEG. D'AMARO:**

Oh, no cost.

**LEG. MURATORE:**

No cost.

**LEG. D'AMARO:**

This is a license agreement?

**MR. NOLAN:**

It's space.

**LEG. D'AMARO:**

Just dedicating space?

**MR. NOLAN:**

Right, 635 square feet.

**LEG. D'AMARO:**

Is there a copy of the license agreement available to review; does anyone know?

**MR. NOLAN:**

I believe it's attached, it's pretty lengthy.

**LEG. D'AMARO:**

It is. Well, I apologize, I didn't look at it. I don't have it. Well, I'm certainly not going to take up everybody's time on this, but I just was wondering whether or not the County is going to receive

insurance from to protect its interest as the owner of the facility and things like that. Is this a new license agreement or is this a renewal?

**MR. NOLAN:**

This is a renewal. I believe the existing license is actually attached to the resolution. So I don't know, but I'm assuming it's going to be on basically the same terms, but somebody else from the Administration would have to speak to that.

**LEG. D'AMARO:**

All right. And also, to BRO, was there a financial impact statement prepared for this?

**MR. LIPP:**

It's an Executive resolution.

**MS. GAZES:**

They would do it.

**MR. LIPP:**

They would do it.

**LEG. D'AMARO:**

Right, so do we have a copy of that? Oh, here it is. It says, *Total financial cost of funding over five years...*it doesn't draw any conclusion. I'll take -- am I reading this correctly? Give this to him.

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

**MR. LIPP:**

So under Item 4, it says that there's no fiscal impact.

**LEG. D'AMARO:**

So, do you agree with that?

**MR. LIPP:**

I'm not sure.

**LEG. D'AMARO:**

I'm sorry, could I have that back? All right. And, George, are you familiar with the license agreement? Do you know if it provides anything beyond the normal terms and conditions of granting a license for use of space by a private not-for-profit company?

**MR. NOLAN:**

Well, I think it's framed in terms of the County's getting something in terms of the services provided by the group, and, therefore, we're not charging them anything for the space. There is indemnification language where they are indemnifying the County for their acts of negligence, and they are required to purchase -- to have \$2 million of insurance.

**LEG. D'AMARO:**

Great. Yeah, I see that in Section 15. And I apologize to everyone for not looking at this in advance. But the indemnification runs from the organization to the County?

**MR. NOLAN:**

Correct.

**LEG. D'AMARO:**

Okay. All right. Very good. Thank you for your indulgence.

**P.O. GREGORY:**

Okay. Anyone else? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2020 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Ralph Benjamin Lee (SCTM Nos. 0500-224.00-02.00-028.003 f/k/a 0500-224.00-02.00-028.001) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. CILMI:**

Second.

**P.O. GREGORY:**

Second by Legislator Cilmi.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

This is a sale to adjoining property owner for the appraised value of \$750, plus pro rata share of taxes. This is in Town of Islip. The property is 30-by-100, with restrictive covenants. It cannot be developed.

**P.O. GREGORY:**

Okay. Anyone else? Legislator Krupski.

**LEG. KRUPSKI:**

Will this parcel be automatically merged with the other parcel?

**LEG. STERN:**

How that's going to happen, I would defer to Counsel.

**MR. NOLAN:**

I think all the 13s have that same language where it is merged with the existing parcel. I think Jill Rosen probably, if she's here, could --

**LEG. KRUPSKI:**

Is that a -- I mean, would that be -- would that be an automatic condition, or does every town have different rules for that, so that this doesn't become a problem ever again in the future; once they're merged, then it's one lot, we don't have to go back there again?

**P.O. GREGORY:**

Is that Mr. Thompson?

**MR. NOLAN:**

It is a merged parcel, but there's -- there's Wayne.

**MR. THOMPSON:**

Yeah. Well, all those small parcels, we put in it that it should be merged. It kind of relies on the individual to do it, and the Assessor, who also gets a copy of it, should do that. That's the purpose of getting rid of it. Some people do not like to merge it, because maybe they don't like the line of title that we're giving, as it is a tax deed, and they may not want to merge it with their \$400,000 house for their \$750 piece. So, yeah, it often happens, they get -- they do not merge, and we do get some of them back. But I don't know of a way where we can make them do that, except by they make the request to the Assessor to join the parcels.

**LEG. KRUPSKI:**

I mean, you could make that as a condition of the sale, right, that you -- they'd make a commitment to merge it?

**MR. THOMPSON:**

Yeah, but it's like after the fact. I hear what you're saying, and that's why it's in there, and that's why Planning put that regulation in direct sales probably 30, 40 years ago, but it still relies on the buyer to take the action thereafter. We even have had problems with, I would say, properties involved where the Health Department says that one parcel is sterilized and it's supposed to be merged forever with the house in front, and, yet, we pick up the back piece, which is now totally worthless to us, because the law says -- I mean, the deed says it has to be with the front piece and the guy won't buy it back. So who do you sell it to? So I don't have an answer to that.

**P.O. GREGORY:**

Okay. Are you finished, Legislator?

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I just want to follow up on that. As a former Chair of the Ways and Means Committee, I was under the impression that a condition of sale was that these Local Law 13 sales would be merged with the successful bidder's property.

**MR. THOMPSON:**

That's in the deed. That's in our covenants, that they would get that, but I don't know how you make them do that after the fact.

**LEG. D'AMARO:**

Whoa, whoa, whoa, whoa. I do.

**MR. THOMPSON:**

Okay.

**LEG. D'AMARO:**

It's a condition of sale that they now have to file the covenants, which are, I understand, submitted to the County Attorney's Office for approval for form and content, and then have to be recorded. We're not tracking that?

**MR. THOMPSON:**

No.

**LEG. D'AMARO:**

That's shocking.

**MR. THOMPSON:**

Yes, but there's the other reason, that some people come back and pieces have come there.

**LEG. D'AMARO:**

No, no, no, no, no. You don't --

**MR. THOMPSON:**

Yeah, you can --

**LEG. D'AMARO:**

Wait a minute. You don't have that discretion. We're voting on a bill that says that this property, the condition of sale is that it must be merged. You can't sit up in your office and decide who's making a valid argument for and against. Wow.

**MR. THOMPSON:**

I wasn't -- I wasn't saying that.

**LEG. D'AMARO:**

I'm sorry, forgive me, it's not your fault, but that's shocking to me. The whole premise of this was that --

**MR. THOMPSON:**

Well, then I guess we need direction on how to make them do that before the sale?

**LEG. D'AMARO:**

Not before. You can do it after the sale, but it's a condition of the sale. There has to be some kind of rescission language, or recapture language put into this, if that --

**MR. THOMPSON:**

I guess --

**LEG. D'AMARO:**

-- if it's not done within a year, or, you know, whatever time it would take. I mean, that's shocking to me. I am -- I appreciate your candor in this.

**MR. THOMPSON:**

Yeah. I'm not wavering on it.

**LEG. D'AMARO:**

Okay.

**MR. THOMPSON:**

I understand there are -- you know, you can see the problems that people don't want to merge for a variety of reasons and --

**LEG. D'AMARO:**

But that's the condition that they bought it under.

**MR. THOMPSON:**

Yeah. But I understand in the past that Assessors were more responsive to our -- when they get a copy of it, saying it's supposed to be merged with it, they would merge it as one tax bill. And once it's merged as a tax bill, it becomes one tax map number.

**LEG. D'AMARO:**

But is that what's happening?

**MR. THOMPSON:**

I can't say we're tracking it.

**LEG. D'AMARO:**

When we sell a Local Law 13 property, are there required covenants that need to be filed in addition to the deed?

**MR. THOMPSON:**

No, we just give them a deed.

**LEG. D'AMARO:**

So we put it in the deed?

**MR. THOMPSON:**

Yeah.

**LEG. D'AMARO:**

That the conveyance of this property under Local Law 13 is -- that the property is merged with the adjoining property?

**MR. THOMPSON:**

To the best of my knowledge, yeah.

**LEG. D'AMARO:**

So that's filed, it's in the filed deed.

**MR. THOMPSON:**

Yeah, that's the filed deed they ask to get.

**LEG. D'AMARO:**

But whether or not it actually is merged and becomes one tax lot --

**MR. THOMPSON:**

Right.

**LEG. D'AMARO:**

Yeah, but the tax lot -- the tax lot would not -- would the tax -- would making it one tax lot affect the merger, or is the deed language sufficient to merge that parcel? In other words, let's say you have that language in the deed --

**MR. THOMPSON:**

Right.

**LEG. D'AMARO:**

-- but it's never made into two tax lots, you still have Tax Lot 1 and 2.

**MR. THOMPSON:**

Right.

**LEG. D'AMARO:**

Can you convey those lots separately?

**MR. THOMPSON:**

Yeah, probably.

**LEG. D'AMARO:**

With that deed merger language in it?

**MR. THOMPSON:**

You would think that it would make an objection to some title company.

**LEG. D'AMARO:**

Right, I agree with you.

**MR. THOMPSON:**

Which is something we run into, as I was just explaining backwards --

**LEG. D'AMARO:**

Yeah.

**MR. THOMPSON:**

-- when someone else does it to us and we inherit it. I guess in the beginning, when we were doing this, my impression was that our notification to Real Property Tax Service Agency might initiate that joinder. But, after doing some investigation in years past, I found out it wasn't being done. And the Assessor would -- some of the Assessors, I won't tell you I talked to them all, were saying they would only do it at the request of the homeowner.

**LEG. D'AMARO:**

That is just shocking to me.

**MR. THOMPSON:**

I understand. But in overall, we're generally glad to be rid of it.

**LEG. D'AMARO:**

All right. So -- just I don't want to belabor this, but who is responsible for finishing the process and effecting the tax lot merger?

**MR. THOMPSON:**

I don't think I follow.

**LEG. D'AMARO:**

Well, you're saying it's -- the language is in the deed.

**MR. THOMPSON:**

Yes.

**LEG. D'AMARO:**

But the tax lots are never merged into one tax lot.

**MR. THOMPSON:**

Right.

**LEG. D'AMARO:**

So who's responsible for making that happen?

**MR. THOMPSON:**

Well, for the merging -- merging properties is either done at the request of the Assessor, who would then tell Real Property to remap it that way, or the request is done at real property to merge the two parcels into one.

**LEG. D'AMARO:**

Well, we wouldn't have to rely on the Assessor here, because we passed a resolution that said it had to be merged. So it's the Real Property section of the County that should be doing this.

**MR. THOMPSON:**

That would make it one tax map number.

**LEG. D'AMARO:**

Right, okay. Okay, I understand. Thank you.

**P.O. GREGORY:**

So I have a question, Wayne, because I exactly had this issue with a constituent that purchased a property and it wasn't merged; thinking that it was merged, and then they defaulted on that property, because they didn't pay the taxes on it. So how do we rectify that? The County is not notifying the Assessor's Office.

**MR. THOMPSON:**

Oh, they get notified. They get a copy of our deed, as does the Treasurer, because that's where the property comes from, is paying our taxes.

**P.O. GREGORY:**

Yeah, but --

**MR. THOMPSON:**

And Real Property.

**P.O. GREGORY:**

But there -- I think we had two, at least two people, constituents that it's happened to. So how --

**LEG. D'AMARO:**

What happened?

**P.O. GREGORY:**

So you're sending -- they're sending the deed to the Assessor's Office, but somehow it's still not being done in some instances, at least in my experience.

**MR. THOMPSON:**

Right.

**P.O. GREGORY:**

And you guys aren't checking up to see that it is done by conforming with the resolution that the Legislature has adopted?

**MR. THOMPSON:**

It would be hard to track. I suppose there could be a time period. There could be any length of time before it's actually done, but, no, we're not following up.

**P.O. GREGORY:**

Okay. Legislator Schneiderman.

**D.P.O. SCHNEIDERMAN:**

Well, I think Legislator D'Amaro has uncovered a really -- I think really important point here in that, you know, these properties are being offered to those adjacent property owners. They're getting them often for very little, with the assumption they're becoming part of their lot. If they're not merged, then potentially we're giving them more value than we've received compensation for. So I think it's a problem.

I think, you know, when you go to the Health Department, you're asked to file covenants often for small things. I don't see why they wouldn't have to file a covenant on the deed that would restrict that parcel to not being -- you know, to being used in conjunction with the larger parcel.

But let me ask you, Wayne, too, is it -- are we selling it to the exact same entity by name as the adjoining parcel? Because then, as a matter of zoning, if it's a nonconforming lot, it would also merge in that regard, so --

**MR. THOMPSON:**

Yeah.

**D.P.O. SCHNEIDERMAN:**

But only if it's in the identical name.

**MR. THOMPSON:**

They have to produce a deed, the winning bidder has to produce a deed of their property, and that's the name we will put it in.

**D.P.O. SCHNEIDERMAN:**

Okay. So, Legislator D'Amaro, you're the attorney, not me, but wouldn't that -- as long as it's a nonconforming lot that we've given them, we wouldn't have given it to them if it was a conforming lot, a developable lot, is should merge as a matter of zoning; am I correct there, as long as it's in the same name?

**LEG. D'AMARO:**

I'm not sure that the failure to merge the tax lots is not -- is defeating the merger. If it's in the deed that this -- I don't know what wording is used, but sum and substance says that this parcel being conveyed is merged with tax lot number blah, blah, blah, whatever it is. The fact that it's not actually followed through at the drawing of the tax map, I'm not quite sure it defeats the merger, that's number one. And Legislator Stern and I were just discussing this also. Isn't there also a covenant put into -- a restrictive covenant put into the deed that says that the lot being conveyed under Local Law 13 cannot be developed?

**MR. THOMPSON:**

That's right, that's part of it.

**LEG. D'AMARO:**

And that's in the deed?

**MR. THOMPSON:**

Yes. It cannot it be developed, independently developed.

**LEG. D'AMARO:**

Cannot be independently developed.

**MR. THOMPSON:**

Well, if it's merged with a larger lot.

**LEG. D'AMARO:**

Of the lot it's merged with.

**D.P.O. SCHNEIDERMAN:**

Then it's covered, it is covered by a covenant.

**LEG. D'AMARO:**

Right. The only difference would be, because you have two existing tax lots, you may be able to convey out the Local Law 13 property without conveying your own property that you originally took, if you can do it by quitclaim deed. As long as you don't have a title company involved, you could do whatever you want with that lot, it's just a matter of raising a title objection at that point. So, you know, anyone who wants to purchase a lot with that in the deed would be kind of silly to do, I think.

**MR. THOMPSON:**

You have them, because, you know.

**LEG. D'AMARO:**

Yeah.

**MR. THOMPSON:**

As a lot of these properties are -- you can see they're not going for very much money, and that's not a bidding process, we'd have them fully appraised.

**LEG. D'AMARO:**

Right. But I would be more comfortable if -- you know, the process should be complete, where the tax map is drawn as one lot. If a lot is merged, it should be one tax lot.

**MR. THOMPSON:**

Agreed.

**LEG. D'AMARO:**

And that's something that the County Department of Real Property needs to take a look at; so, okay. It's just shocking, but okay. Thank you.

**P.O. GREGORY:**

Legislator Krupski, you had a question?

**LEG. KRUPSKI:**

I think the individual towns probably have their own merger laws. I don't know if it's consistent across the County; do you know that?

**MR. THOMPSON:**

No, I don't.

**LEG. KRUPSKI:**

Okay.

**MR. THOMPSON:**

But I suspect it does vary.

**LEG. KRUPSKI:**

And as far as merging, do you -- is it possible that they intentionally do not merge the parcels, because it would affect their assessment on their principal parcel, their -- you know, the principal residence?

**MR. THOMPSON:**

It really shouldn't matter with assessment, you know, because they still own a certain amount of acreage.

**LEG. KRUPSKI:**

But would it trigger a reassessment, where otherwise it wouldn't?

**MR. THOMPSON:**

I don't know that, but that's possible. But, like I said, the only other reason I ever heard was, I guess from the title company, not from individuals, was they didn't necessarily want to tie our title, which is questionable sometimes, because it is a tax deed, with their valuable piece of property, their house, or whatever it is, but they did want enjoy the side yard, or whatever it was. I can't explain that.

**LEG. KRUPSKI:**

Seems like something that needs a lot more looking into, because it's --

**MR. THOMPSON:**

Well, like people buy these properties without getting title insurance, and we're not necessarily giving them bad title, but as best as we can give. But if they're buying something for a thousand dollars, they're not going to get a title company and an attorney to acquire what they think has been their side yard for ten years.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2032 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Yury Santana and Norma Santana, his wife (SCTM No. 0500-117.00-03.00-003.001) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion -- who was that? Legislator Stern.

**LEG. STERN:**

Yup.

**P.O. GREGORY:**

I'll second.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

Yeah, on the motion. This is a sale to adjoining property owner for \$10,406, plus pro rata share of taxes. It was appraised at \$4,000 in the Town of Islip. The property is 50-by-200, but my notes reflect here that it cannot be independently improved. It was sold with restrictive covenants; it cannot be developed.

But, Mr. Thompson, I would have a question. Given the size, if you can explain here, again, it cannot be independently improved. That means what here?

**MR. THOMPSON:**

That was a restriction that was on a previous deed before we took it. It's quite possible that this was, and I don't directly recall, but this was one of our own deeds that put that restriction on there. And I didn't see fit that we should take it back off if Planning put it in there maybe 10, 20 years ago. But if it goes back, it's probably not going back to the same person, because if they lost it by taxes, they have to pay us minimally what they should have owed us, as opposed to the appraised value.

**LEG. STERN:**

But what might otherwise appear as a lot that can be improved to some extent, there was already a restrictive covenant that are private, then. Okay, thank you.

**MR. THOMPSON:**

But that was quite common in Islip in those days, because it's been my experience for 30, 40 years that you don't get 50-foot lots in Islip. You don't get it through them, they deed every one of them.

**LEG. STERN:**

Thank you.

**P.O. GREGORY:**

All right. Legislator Krupski.

**LEG. KRUPSKI:**

Just, sorry, briefly. Would that -- would that mean that they couldn't put like an addition to their home, a garage, detached garage, tennis court, swimming pool, that sort of thing --

**MR. THOMPSON:**

They could put like a garage on them. My understanding is, dealing with Planning and the Health Department, was it couldn't be something that contributes to effluent or putting water into your cesspool. You could put your garage on it, put a pool, slide, that will be fine, as long as it doesn't become living space.

**LEG. KRUPSKI:**

Thank you.

**P.O. GREGORY:**

Legislator D'Amaro.

**LEG. D'AMARO:**

So does that mean that you could also include the square footage in your -- in your --

**MR. THOMPSON:**

Side yard, or something like that?

**LEG. D'AMARO:**

Yeah, for offset variance purposes, and all of that?

**MR. THOMPSON:**

Yes, that's been done.

**LEG. D'AMARO:**

Or for building area.

**MR. THOMPSON:**

Right, because it says it can't be built, independently built, I mean, a house. But when it's merged with a lot, I mean, if they merged it with a 30-foot lot next door --

**LEG. D'AMARO:**

Right.

**MR. THOMPSON:**

-- they would have a building lot.

**LEG. D'AMARO:**

So that would increase the buildable area of the lot when you measure that against the total square footage?

**MR. THOMPSON:**

I think that's what happens in some cases, where a vacant lot buys our vacant lot.

**LEG. D'AMARO:**

All right. So the reason why this was not considered for auction through the regular auction process was that there was already a covenant on the -- in the deed that prohibited development?

**MR. THOMPSON:**

That's correct.

**LEG. D'AMARO:**

And in order to develop the property, you'd have to get the same authority that imposed that covenant to lift it?

**MR. THOMPSON:**

That's true.

**LEG. D'AMARO:**

But we don't know who imposed it in the first place?

**MR. THOMPSON:**

I haven't got that information with me, but I'm suspecting if it's us --

**LEG. D'AMARO:**

Yeah.

**MR. THOMPSON:**

-- it's the Planning Department.

**LEG. D'AMARO:**

Okay, that's fine. Thank you.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2034 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Jarn LLC (SCTM No. 0200-555.00-02.00-015.000) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro. On the motion, Legislator Stern.

**LEG. STERN:**

On the motion. This is a sale to adjoining property owner for \$13,000, plus pro rata share of taxes. It was appraised at twelve-five. This is in the Town of Brookhaven. The property is a 40-by-150. It was sold with restrictive covenants, it cannot be developed.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2035 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Mario Romero (SCTM No. 0100-175.00-01.00-105.000) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

Second by Legislator D'Amaro. On the motion, Legislator Stern.

**LEG. STERN:**

This is a sale to adjoining property owner for \$6,200, plus pro rata share of taxes. It was appraised at \$3,000. It's in the Town of Babylon. The property is 40-by-100. It was sold with restrictive covenants, it cannot be developed.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2036 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 James W. Bennett and Mary Jane Bennett, his wife (SCTM Nos. 0800-164.00-02.00-046.005 f/k/a 0800-164.00-02.00 part of lot-046.000) (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by legislator Stern, second by Legislator D'Amaro. On the motion, Legislator Stern.

**LEG. STERN:**

Sale to adjoining property owner for \$201.05, plus pro rata share of taxes. It was appraised at \$200. It's in the Town of Smithtown. The property is a 7-by-120. It was sold with restrictive covenants and it cannot be developed.

**P.O. GREGORY:**

All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2050 - Authorizing the sales of surplus property sold at the October 28, 29, and 30, 2014 Auction pursuant to Local Law No. 13-1976 as per Exhibit "A" (Omnibus Resolution) (Sponsor: County Executive).*** I make a motion.

**LEG. MURATORE:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2054 - Confirming the appointment of William G. Ford as District Court Judge for and of the Fifth District to fill a vacancy (Sponsor: County Executive).***

**LEG. STERN:**

Motion.

**P.O. GREGORY:**

Motion by Legislator Stern, second by -- who was that? Legislator Lindsay.

**LEG. STERN:**

On the motion.

**P.O. GREGORY:**

On the motion, Legislator Stern.

**LEG. STERN:**

Yes, Mr. Presiding Officer. Judge Ford did come before the committee. He was available to answer questions about his current service, looking forward to continuing his service. I think all committee members had agreed that Judge Ford has an outstanding reputation, has been doing a great job on the bench. It will be my pleasure to support his nomination.

**P.O. GREGORY:**

Great. Okay. Anyone else? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2075 - Reappointing Commissioner of The Suffolk County Board Of Elections (Anita S. Katz) (Sponsor: Presiding Officer Gregory).***

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

Motion by Legislator Spencer, I'll second. Any questions? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2076 - Appointing Commissioner of the Suffolk County Board of Elections (Nicholas Lalota) (Sponsor: John Kennedy, Jr.).***

**LEG. KENNEDY:**

Motion.

**LEG. TROTTA:**

Second.

**LEG. MC CAFFREY:**

Second.

**P.O. GREGORY:**

Motion by Legislator Kennedy, second by Legislator McCaffrey. Any questions? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2080 - Authorizing Agreement with the United States of America for the sale of tax deed parcel that was Subject of Federal Order of Forfeiture. (Sponsor: County Executive).***  
I make a motion.

**LEG. SPENCER:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

Okay. If you go to the Manila folders, we have ***Procedural Motion No. 28 - Apportioning Mortgage Tax By: County Treasurer.*** I make a motion.

**D.P.O. SCHNEIDERMAN:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***Procedural Motion No. 29 - 2014, Setting Land Acquisition Priorities in Accordance With the "AAA Program" (Requirements)(Phase 3).*** Motion by Legislator Hahn?

**LEG. MURATORE:**

(Raised hand)

**P.O. GREGORY:**

The AAA?

**LEG. HAHN:**

Yeah, sure.

**P.O. GREGORY:**

Second by Legislator Muratore. On the motion? No?

**LEG. D'AMARO:**

Well, I just wanted to say, I appreciate that, you know, all the -- the new procedure, and the amendments, and discussion. I think it worked superbly, I might add.

**P.O. GREGORY:**

Okay.

**LEG. D'AMARO:**

I am voting on this as a take-it-or-leave-it, but I'm making a very informed decision. So I appreciate the work of my colleagues in making the procedure work, at least for me. Thank you.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

Okay. ***I.R. 2142 - Authorizing certain technical corrections to Adopted Resolution No. 885 of 2014.*** I make a motion to approve, second by Legislator Schneiderman. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***I.R. 2143 - Amending Resolution No. 1059-2014, affirming, confirming, and adopting the Assessment Roll for Suffolk County Sewer District No. 3 - Southwest and directing the Levy of Assessments and charges within the Towns of Babylon, Islip and Huntington for the Southwest Sewer District in the County of Suffolk for Fiscal Year 2015 (Sponsor: Presiding Officer Gregory).*** I make a motion.

**LEG. D'AMARO:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

***J.R. 2144 - Amending Resolution No. 1061-2014, approving the tabulation of the town charges and fixing the tax levies and charges to the towns for the MTA Tax under the County budget for Fiscal Year 2015. (Sponsor: Presiding Officer Gregory).*** Same motion, same second. All in favor?

**LEG. KRUPSKI:**

On the motion.

**P.O. GREGORY:**

On the motion.

**LEG. KRUPSKI:**

So the County has no discretion here, we're just a pass-through collector for the MTA?

**P.O. GREGORY:**

Yes. Robert, you want to --

**MR. LIPP:**

The taxes implicit in the budget that we adopted already, this is just rejiggering the apportionments between the towns. It was a correction, effectively.

**LEG. KRUPSKI:**

I'm not a technical financial person. What does rejiggering mean?

**(\*Laughter\*)**

**MR. LIPP:**

Okay. I thought I'd get away with that one, but fine. Okay. So, if you want the boring details, we apportioned the tax based upon the apportionment of full equalized value in each town. The original resolution did it all on the 2015 apportionment, but the way it's supposed to work in County Law is the fund balance gets apportioned based upon the 2013-2014 apportionment of full equalized value, and 2015 is a separate piece. So it needed to be adjusted, the distribution, by town. You asked.

**LEG. KRUPSKI:**

Thank you.

**MR. LIPP:**

You're welcome.

**P.O. GREGORY:**

Okay. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**  
Okay. ***I.R. 2145.***

**MR. NOLAN:**  
Small manila folder.

**P.O. GREGORY:**  
I'm sorry, small manila folder, ***Levying unpaid water rents (Sponsor: Presiding Officer Gregory).*** I make a motion to approve.

**LEG. STERN:**  
Second.

**P.O. GREGORY:**  
Second by Legislator Stern. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**  
***I.R. 2146 - Implementing Budget, Staff, and Taxes for the Fiscal Year 2015 (Discretionary) (Sponsor: Presiding Officer Gregory).*** Same motion, same second. Any questions? All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**  
***I.R. 2147 - Implementing Budget, Staff, and Taxes for the Fiscal Year 2015 (Mandated) (Sponsor: Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**  
***I.R. 2148 - Authorizing that the tax warrants be signed by the Presiding Officer and Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes (Sponsor: Presiding Officer Gregory).*** Same motion, same second. All in favor? Opposed? Abstentions?

**MR. RICHBERG:**  
Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**  
Okay. Late-starters. I make a motion to waive the rules and lay the following resolutions on the table:

I.R. 2149, Government Ops; I.R. 2150, Government Ops; I.R. 2151, Public Safety; I.R. 2152, Public Safety; I.R. 2153, EPA; I.R. 2154, Education and Information Technology; I.R. 2155, EPA; I.R. 2156, EPA; I.R. 2157, Ways and Means; I.R. 2158, Public Works; I.R. 2159, Vets and Seniors; I.R. 2160, Public Safety; I.R. 2161, Public Safety; I.R. 2162, Public Safety; I.R. 2163, Economic Development; I.R. 2164, Government Ops.

Do I have a second?

**LEG. ANKER:**

Second.

**P.O. GREGORY:**

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

**MR. RICHBERG:**

Seventeen. (Not Present: Legislator Calarco)

**P.O. GREGORY:**

Okay. That is our agenda. We stand adjourned. Thank you.

***(\*The Meeting Was Adjourned At 6:20 P.M. \*)***