(*The meeting was called to order at 4:00 P.M.*)

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

D.P.O. HORSLEY:
Last call for Legislators. All righty. Welcome everybody to the General Meeting of August 7th, 2012. Mr. Clerk, would you do the roll call.

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

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Here.

LEG. BROWNING:
(Absent).

LEG. MURATORE:
Here.

LEG. HAHN:
Present.

LEG. ANKER:
Here.

LEG. CALARCO:
Present.

LEG. MONTANO:
Here.

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present).

LEG. NOWICK:
Here.

LEG. GREGORY:
Present.

LEG. STERN:
Here.
LEG. D'AMARO:
Here.

LEG. SPENCER:
Here.

D.P.O. HORSLEY:
Here.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Fifteen.

D.P.O. HORSLEY:
We're good?

MR. LAUBE:
Yep.

D.P.O. HORSLEY:
Okay. Again, welcome, and as we are led by Legislator Tom Muratore, the Pledge of Allegiance.

Salutation

D.P.O. HORSLEY:
The invocation will be given by Abdul Razaq Aziz, who is the Imam for the Islamic Religious Center in Selden since 1995. Guest of Legislator Tom Muratore.

LEG. MURATORE:
Thank you, Legislator Horsley. We'd like to give a special thanks to the Imam, Abdul Razaq Aziz, for joining us during Ramadan, which is a season of fasting and prayer for the Muslim community.

Mr. Aziz has served as the Imam of the Islamic Religious Center in Selden since 1995. He leads the daily five-time prayer services, weekly Friday noon prayer services, two annual Eid prayer services and funeral prayers.

Apart from serving as the Imam, he also renders the duties of Director of the Center, Chairman of the Religious Affairs Committee and Principal of the Week Day Religious School.

The Islamic Center, located in Selden, is currently expanding to meet the needs of their growing congregation. They serve the Muslim community in my district and surrounding areas from Stony Brook on the North Shore to Ronkonkoma on the South Shore, spanning all the way to Riverhead. They are highly regarded members of our community.

At this time, I invite Imam Aziz to come forward and lead us in prayer for strength, wisdom and guidance with our duty to serve this great County. I would also ask that we include in our thoughts the family of Legislator Kate Browning, on the passing of her mother, Phyllis Maguire, as well as Presiding Officer Bill Lindsay for a continued recovery. Imam, if you would please lead us in prayer.

*Invocation Presented By Imam Abdul Razaq Aziz*
LEG. MURATORE:
Thank you.

D.P.O. HORSLEY:
Thank you very much, very nice. May we continue to stand. I would like to have a moment of silence for Phyllis Maguire, mother of Legislator Kate Browning, who passed away in Ireland last Friday after a long illness and please remember her in your prayers. Let us also remember those men and women who protect us both home and abroad.

Moment of Silence Observed

All righty. Again, welcome to the General Meeting of August 7th. I have several proclamations that we will be giving out tonight. The first one is Legislator Barraga, who will present a proclamation to Dominick LaFerrera, who is a Suffolk County recipient of the 2012 Freidlander Upstander Award and good friend.

LEG. BARRAGA:
Thank you, Mr. Presiding Officer. The Holocaust Memorial and Tolerance Center is the voice of tolerance on Long Island. The Freidlander Upstander Award for Suffolk County is presented by the center in conjunction with the Suffolk County Police Department and the Friedlander Family Foundation, to recognize a Long Island student whose act on behalf of other students promoted positive change and tolerance. Claire Freidlander was a Holocaust survivor. His life was saved by people who took a stand against prejudice and intolerance. This award honors her life and embodies her legacy.

The recipient of the award is Dominick LaFerrera, a senior in the Bay Shore High School. As we all know, diversity is good for communities, schools and individual students. Dominick realized that creating bridges between students with special needs and mainstream students at Bay Shore High School would benefit not only the special needs students, but the individual students who interacted with them, and ultimately the entire school community. With this in mind, Dominick pioneered a holiday luncheon and established a peer mentoring program to help grow friendships, understanding and respect between mainstream and special need students, connections that will extend well into the future.

Dominick, on behalf of the entire Suffolk County Legislature, congratulations to you and to all of those who helped you with this wonderful project.

(*Applause*)

D.P.O. HORSLEY:
All right. The second proclamation of the evening is from Legislator Spencer, who will present a proclamation to Ever Martinez for the Bethpage Federal Credit Union for the commitment to the contributions to our community. Legislator Spencer.

LEG. SPENCER:
Thank you. The Bethpage Credit Union was founded on the premise of helping people. They are committed and supporting the Long Island community and giving back. In 2002, Bethpage Credit Union established a charitable community outreach program partnering with non-profit organizations on Long Island, helping them to make a difference in the lives of all Long Islanders. On July 9th, the Bethpage Credit Union generously provided a location, refreshments and immeasurable support for my Lead By Example initiative, a program that matches the youth with local businesses in an attempt to give our young people a chance to obtain skills that they will need when seeking employment. The Suffolk County Legislature welcomes the opportunity to pay tribute to organizations in Suffolk County who provide dedicated service to our community.
It gives me great pleasure to present this proclamation to Bethpage Credit Union for their generosity, support and steadfast commitment to all of Long Island residents. Accepting for Bethpage Federal Credit Union is Ever Martinez, Community Development Relationship Manager. Thank you.

(*Applause*)

D.P.O. HORSLEY:
All right. We have a second proclamation by Legislator Spencer, which will present a proclamation to Dr. Michael Schantz, Executive Director of the Heckscher Museum of Art in Huntington, and Margie Hargraves, the Chair of the Museum's Board of Trustees, for their significant commitment and contributions to our community.

LEG. SPENCER:
The Heckscher Museum of Art has again achieved accreditation by the American Association of Museums, the highest national recognition afforded to our nation's museums. Initially accredited in 1972, the process is an extremely rigorous one. Of the nation's estimated 17,500 museums, only 775 are currently accredited. According to Dr. Schantz, the Executive Director of the museum who is here today, along with the Chair of the Heckscher Board of Trustees, Margie Hargraves, the all hands on deck attitude of the board and staff contributed greatly to the Accreditation Commission's final decision.

The Suffolk County Legislature welcomes the opportunity again to pay tribute to fantastic organizations who provide dedicated services to our community. It gives me great pleasure, again, to present this proclamation to Dr. Schantz and Margie on behalf of the Heckscher Museum of Art for its commitment to excellence, accountability and high professional standards and continued institutional improvement. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Doctor.

LEG. SPENCER:
Thank you.

D.P.O. HORSLEY:
And good job. Before we hear the public portion and begin the public portion, we'd -- we are going to ask our new Ethics Board -- will be given by the members of the board. They're going to give us an overview of where they are at and what is happening as we are constituting a new Ethics Board in Suffolk County.

As you're gathering, if I may, I didn't realize we had another proclamation from Legislator Anker. And maybe, Sarah, why don't you handle that first while they're getting set up. How's that? Ladies and gentleman, Legislator Anker.

LEG. ANKER:
I'm here to welcome Sharon Silverstein. Hi, Sharon. Sharon works at -- she's Director of Campus Activities and Student Leadership Development at Suffolk Community College. I just want to say, you know, personally thank you for all the work that you've done. I was looking through your resume. And the reason, one of the reasons why you're here is that you were recently nominated for the Chancellor's Award for Excellence in Professional Services at Suffolk Community College. And it was for all the inspirational and the important work that you've done with the students.
I know you guys are getting ready to do your presentation, but there is so much that you’ve done, and I just want to read just a few of the achievements. You helped with the renovations of the Babylon Student Center to include student office spaces so engaging the students in the college itself. You’ve also helped with student empowerment with the student government, with the grant program and the academics. Student Employment Program, helping our students get jobs. And I know Legislator Spencer has just recognized people who have done that. You are actually doing that here at Suffolk Community College and that's so important. The program, The More You Know Series, which basically talks about mental health, financial, drinking and hate crimes and AIDS awareness programs. Again, that is so important so we understand that our students, who are on the verge of becoming -- you know, they're adults, but they're still absorbing ideas and you are giving them those wonderful, inspirational seeds in their minds so they can grow to be really productive adults in their lives.

Again, first tri-campus student leadership program in 2004, and there's so many more things that you've done. I just wanted to thank you so much. Would you like to say a few words?

MS. SILVERSTEIN:
No, thank you.

LEG. ANKER:
She's saying no thank you. She's a doer, not a speaker. So again, thank you so much for coming out here and I'd like to present you with this recognition, this proclamation of accomplishment. So thank you so much.

D.P.O. HORSLEY:
Congratulations. All right, before us, before the Legislature now we have the newly constituted Ethics Board, who is going to give us a briefing on what's new with the Ethics Board and how we're moving forward. I'm not sure, and introduce yourselves, please.

MS. PALMORE:
Good afternoon, Mr. Deputy Presiding Officer and the distinguished members of the County Legislature. My name is Heather Palmore, Chairperson of the Board of Ethics for Suffolk County. I, together with Thomas Isles, Richard Halverson, Linda Spahr and Robin Long would like to express our sincere appreciation and gratitude in choosing us to serve the interests of Suffolk County with regard to overseeing the ethical practices of our County officials and employees.

It is with that united focus that we stand here before you ready to serve in the best interest of our beloved Suffolk County. With this opportunity we would like to present to you a synopsis of the brief history of this board and the efforts that have been made to date to become fully functional within the mandates and parameters set forth in the legislation which governs our existence. As you are well, both Mr. Isles and myself were the first two appointees to this board. Shortly thereafter, Richard Halverson was appointed to the board. Once we became a body of five, on June 26th, 2012, less than six weeks ago, with the additional appointments of Robin Long and Linda Spahr, we set out to define what our shared goals were, in addition to what is promulgated by statute.

Our first order of business was to secure a home base from which to operate. I am pleased to report today that with the cooperation of our County officials and various departments within the confines of County government, we were able to secure permanent office space which is located in the Public Works building in Yaphank. The staff of that department has been excellent in their efforts to assist us in establishing an office.

Another concern of this board was to obtain the files that were left over from the Ethics Commission. It was our goal and objective to possess -- to take possession of said files under the strictest of security in order to safeguard the confidential contents of the files. We were able to obtain devices
to make certain that our files were maintained in a secure environment, and are happy to report that
the files are secure. We are a committed body, committed to uphold the highest degree of ethical
standards when it comes to protecting the confidences inherent in our duties and responsibilities as
board members.

Our next order of business is to commence the process of hiring appropriate staff. We have
commenced working on a budget that will address the needs of this board, while being fiscally
practical in achieving the goals of this board and the intent of this governing body.

In addition, we have begun discussions with the information -- with Information Technology in order
to establish a presence on the County website. The legislation before you is an important piece of
this process in allowing us to carry out our duties and responsibilities as board members, while
keeping the intent of this governing body, the Suffolk County Legislature, intact.

We are specifically here today in support of this legislation, which would facilitate this transition. In
the last six weeks we have come together and we have discussed those areas of the statute which
we have identified as a body as areas that need to be amended, and all of them are included in the
IR before you. We ask for your support in this legislation so that we may move forward in serving
the County.

D.P.O. HORSLEY:
Thank you very much. We appreciate your comments tonight. Does anyone have any questions;
everybody good? Doc Spencer.

LEG. SPENCER:
Heather, thank you so much for coming. I guess, first of all, I appreciate you taking on this huge
responsibility. I think that just making sure that we maintain that balance in integrity in our County
government is extremely important. With what you -- the introduction that you just gave us and
what you laid out, do you feel that you have all the necessary support and tools that you need? Is
there anything that this body can provide for you to make your job easier?

MS. PALMORE:
You can pass this legislation. But besides that, every time that we've requested assistance in
various areas, everyone has been accommodating and if we can keep that -- that method going,
I think we're well on our way. Thank you.

LEG. SPENCER:
Again, thank you.

D.P.O. HORSLEY:
All right. If that -- that being the case -- oh, Legislator Gregory.

LEG. GREGORY:
Good evening, Madam Chair, members of the board. The resolution that you're referring to is going
to be a Certificate of Necessity for an Executive Director if I -- no?

D.P.O. HORSLEY:
The remuneration for the Executive Director, where he's going to fall on the Civil Service line.

LEG. GREGORY:
Right. I knew it was in relation to some position. Okay.
MS. LONG:
The legislation that is before you is transitional legislation that is rectifying certain provisions that are currently in the statute. For example, changing where it states that there is a commission and makes it to the Board of Ethics, giving us the right to obtain the files, the records and such. So it's mostly administrate.

LEG. GREGORY:
Okay. Thank you.

D.P.O. HORSELEY:
Okay. Are we good? Legislator Stern.

LEG. STERN:
Thank you, Mr. Chairman. Welcome, welcome to you all. I was wondering whether or not you were familiar with IR 1586 that is before us today. There are several elements within that legislation. Those are elements that come to us from the Grand Jury report, I'm sure you're all familiar with that. In discussion about the elements, only speaking for myself, I'm certainly supportive of all of the elements. There was a question, though, and it was on the last element. I might be paraphrasing, but the idea is that there would be a prohibition against any person from making an ethics complaint against a public servant in order to influence the public servant's role, vote, opinion, judgment action, decision or exercise of discretion. Reading that provision the idea is that you shouldn't use the Ethics Commission in your proceedings as an offensive sword.

I was wondering what you thought of the specific language, and whether or not you believe that as written, if you are familiar with the provision, if that might not just have the intended effect in making sure that it's not used as a sword, but perhaps have the opposite effect of having a chilling effect on encouraging anyone, members of the public etcetera, from coming forward with information that might be helpful or useful to you in carrying out your duties. And what, if any, changes we might want to consider to make sure that that would not be the case.

MS. LONG:
To be very honest, I think that the legislation and whether that legislation should be enacted or not enacted is really within the purview of this body, your body. I think that we are here and we have the statutes and the directives that we have been given, and we will be working with what we have. I think it's more in your purview to decide whether we should have our statutes being amended.

D.P.O. HORSELEY:
Thank you very much for your answer.

LEG. STERN:
Thank you.

LEG. D'AMARO:
Could I follow-up?

D.P.O. HORSELEY:
Yes. Legislator D'Amaro.

LEG. D'AMARO:
I appreciate your answer and I understand your answer, but I do want your opinion with this in response to this question. Can an ethics complaint ever influence your vote, opinion, judgment, action or decision?
MS. LONG: I don't think I understand the question.

LEG. D'AMARO: I'm sorry. I can't hear you.

MS. LONG: I'm saying, with all due respect, I'm not sure I understand the question. We are charged here and have taken our responsibilities very, very seriously. To balance and to be looking at the statutes, looking at the presiding law and such, I'm not quite sure if -- what your question is asking us.

LEG. D'AMARO: Well, let me ask it another way. Is an ethics complaint -- usually the purpose of an ethics complaint is to say that someone, for example, has a conflict of interest. For example, perhaps an ethics complaint is made where you're trying to point out a conflict where someone should not be participating in a debate or a vote. So would the purpose of that ethics complaint then be to influence how someone participates in a debate or whether or not they vote on an issue. I mean, it's a pretty general question. Could it have that effect or should it have that effect.

In my opinion, just so you know where I'm coming from, to me we want to encourage people to make ethics complaints if they feel there's a violation or some kind of conflict. We don't want to discourage anyone from doing that, number one. And second of all, I think the very purpose of making an ethics complaint is to influence the public servant's actions. Isn't that the purpose of making a complaint?

MS. SPAHR: Understood what you're saying. I'm sorry, Linda Spahr. There's really never any way to know what's in somebody's mind when they bring a complaint.

LEG. D'AMARO: That's exactly right. So is it almost like legislating motive in effect.

MS. SPAHR: Really from the perspective of what the board's job is when a complaint is brought, the motive isn't necessarily going to be pertinent. The board's got a responsibility under the statute as it exists now to determine, I guess, the Board of Ethics, the equivalent of probable cause. You know, is there a basis for the complaint.

LEG. D'AMARO: Right.

MS. SPAHR: Is there any other information that would help look at whether there's a basis for the complaint. So what the intent might be outside in, you know, the rest of the world or the political world or the work world it's -- it may or may not be relevant. We have kind of a narrow focus.

LEG. D'AMARO: I appreciate that answer and that's my thinking also. And even to go one step further, and I don't want to take up much more time on this, but this issue is going to come up later for us, so while you're here we figured we'd just take an opportunity to ask you a couple of quick questions.

It seems to me that the very purpose of -- if I'm a member of the public, the purpose of me making an ethics complaint against, let's say, an elected official, maybe even someone from the Suffolk County Legislature, would be to influence their participation in a matter, because I would be claiming
there's a conflict, for example. And the legislation that we're looking at today is excellent legislation, but I have some issues with the wording because it makes it unlawful for any person to make a complaint to your board, to influence that public servant's vote, opinion, judgement, action, decision or exercise of discretion. But that's exactly why you make complaints.

**MS. SPAHR:**
But that's not the one we came to speak about.

**LEG. D'AMARO:**
No, I know that. I just wanted to see if in your opinion as a member of the Suffolk County Ethics Commission, or Board, do you agree with me that most times when an ethics complaint is made, the purpose of making that complaint is to influence the actions of the person it's directed against.

**MS. SPAHR:**
We can't comment on that.

*(Laughter)*

**D.P.O. HORSLEY:**
Thank you very much.

**LEG. D'AMARO:**
Well, I think you can, but okay.

**D.P.O. HORSLEY:**
Okay. Thank you very much. Legislator Kennedy.

**LEG. KENNEDY:**
Thank you. And welcome to the board members. I want to commend you for the work that you've done so for. You've picked up and engaged very quickly and you've identified an important transition, I believe, that you feel is critical to put in place. As you know, I was part of the committee that actually undertook to rewrite this Code and we knew that it was going to need some housekeeping, if you will, and so that's what we have before us today.

Similar to my colleague's question, so I'm going to ask you to take a look at 1586 as well. I appreciate -- yeah, I guess this is difficult because you don't have it before you. So let me read one thing if I can and just ask you, because it occurs to me I don't know how we'll do this with this one item in here. The first thing that's being recommended under staffing and facilities, the new language that would be added is, "The Executive Director, Independent Counsel and support staff shall not assist any persons or entity other than the Board and its members in the preparation of a complaint against a public servant alleging a violation of the County's Code of Ethics or other applicable provision of law governing conflicts of interest."

I think I understand why it was included in the report. I think it's to basically try to keep you as a group insulated. You certainly are not supposed to act on the behalf of one who brings a complaint, but towards, again, what Legislator D'Amaro had spoke about, I think our intention here is to facilitate the average individual being able to bring forward what they see as something that may be a breach, a violation, an unfair advantage. If we have a maintenance mechanic who's installing John M. Kennedy, Jr., air filters in every building throughout the County, and you know, he looks at me and says how can this elected official also be the vendor? But he doesn't know the first thing about bringing a complaint. Would he call you up and say how do I register something? What do we do? What do we do?
**MS. PALMORE:**
I believe at this point it would call for a review of our policy and procedures moving forward, and that's something that we're going to be undertaking as a board. Fortunately, we haven't had to experience that which -- the example of which you give. However, in going back to the original response to Mr. D'Amaro's question, we are -- we are bound by the statute. We will act within the confines of the statute. Any counsel that we need in terms of guidance we will seek. However, it is not our job as the Ethics Commission to look as, which was commented on earlier by my colleague, necessarily the intent. If everyone has a right to bring a complaint, whether or not it proves to be --

**LEG. KENNEDY:**
Meritorious or not.

**MS. PALMORE:**
-- valid or not, we have a job to do and we're under that charge to undertake, to investigate and we will do so to the best of our ability and in all fairness within the confines of the law.

**LEG. KENNEDY:**
Okay, but then -- and I'll yield after this, Mr. Deputy Presiding Officer. None of you at this point are necessarily familiar with 1586 nor do you have a particular opinion with it. Is that a fair statement to make?

**MS. PALMORE:**
Yes.

**LEG. KENNEDY:**
Okay. Thank you.

**D.P.O. HORSLEY:**
All right. Thank you very much to the Legislators for those questions, and let me say on behalf of the entire board thank you very much for your service. We do appreciate it and we know you're going to be fair and judicious in your deliberations. Again, thank you very much for being here tonight.

**MS. PALMORE:**
And thank you.

**D.P.O. HORSLEY:**
All right. We're moving into the public portion of the agenda, which will last until 6:30 and, again, either before or immediately after the public hearing, if necessary, ends at ten PM if not prior to the vote on legislation. All -- I have cards here, quite a number. We're going to be moving through them and each speaker is allowed three minutes. The first speaker to ask to speak at the public portion is Debra Masterson of the Village of Asharoken concerning the Sandpiper Farm. On deck is Kathy Malloy from AME.

**MS. MASTERSON:**
I've never done this before so bear with me just a minute. I wrote down just a few thoughts here. I'm a 34 year resident of Asharoken, and I was living here in 1980 when Asharoken made Ms. Landeau tear down her beautiful barn and riding ring. And if I may quote from a letter that Ms. Landeau sent to all the residents of Asharoken. She says here, and I quote, "As a representative of the owners I have tried to be a good neighbor to all those with whom I came in contact. I have held this property close to my heart for far too long and it has drained me far too much while entertaining the vain hope that the Village would become supportive instead of destructive." I believe that the Village has been destructive to Ms. Landeau. I believe that Ms. Landeau has been a wonderful neighbor to the Village of Asharoken as well as a genuine and conscientious steward of the land, and
I trust that if her agricultural status is granted she will remain so.

I believe that the great majority of people in Asharoken want Ms. Landeau to get her agricultural status, and I believe that the majority of homeowners in Asharoken feel very fortunate to have the Sandpiper Farm as a neighbor. Last night at our Village meeting there was an overwhelming show of support for Ms. Landeau's request for her agricultural status, and I really hope that she gets it. She deserves it. Thank you.

D.P.O. HORSLEY:
Next on deck is Cathleen Springer.

MS. MALLOY:
Thank you for allowing me to speak. My name is Kathy Malloy, Suffolk County retiree and AME union member and former officer. When I am sick I go to a doctor. If I am very, very sick I go to a hospital. If I need any type of rehabilitation I go to a facility. But it's not that easy. When one of my relatives needed nursing home care and all she had was Social Security and Medicare/Medicaid, I was very surprised that several private nursing homes simply said no. But John J. Foley Skilled Nursing Facility said yes and she was there within a few days. And my mother-in-law is there today, five years later, safe and sound and as healthy as an 83 year old woman in a wheelchair suffering with Alzheimer's can be.

So now to patch the holes in his County budget, County Executive Bellone met with private nursing homeowners and offered this County facility for sale, the one that houses my Mom. And I am not asked my opinion or my personal input, nothing. In direct contradiction to what was printed in Newsday and what he said, Mr. Bellone has not called our family to talk about his plans to sell the facility. I would think that any sensible businessman would seek information, especially opinions from people who have been personally involved with the John J. Foley Skilled Nursing Facility, before he goes and makes a big mistake in selling off a County asset at far less than market value says it's worth, especially at this time.

Sooner or later there will be nothing in the County government structure left to sell or to give away, and there will be no more one-shot deals of revenue sources left. But Mr. Bellone, just like all the other County Executive's before him, will be gone. But I will be here. As a retired County worker and County resident, everything Mr. Bellone has done or failed to do will end up being a consequence for me and for my family. And don't forget my Mom at the John J. Foley Skilled Nursing Facility. I already know from experience she will not be accepted anywhere else. She needs to stay where she is.

This facility was built in 1871, somehow survived the Great Depression of 1929. the government leaders did not sell it off in 1929, and you and I, just from the history we've studied, know that the economic crisis was far worse than what it is today.

In closing, I have determined politics has become a lot like suicide; permanent solutions for temporary problems. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Kathy. Cathleen Springer and on deck is Frank Bradford.

MS. SPRINGER:
How do you do? I'm Cathleen Springer, I'm from Aquebogue, New York. Today I'm here to speak with you on behalf of the East End Livestock and Horsemen's Association, which came into existence in 1980 when land use in eastern Long Island was the subject of legislative action in the Towns of
Riverhead and Southold. The organization has functioned regularly as an intermediary between owners of livestock and the municipalities in which they are harbored. Mutually amicable problem resolutions have been achieved through respectful, cooperative interactions.

I am so pleased to be able to speak with you today about a property that I’ve been blessed to enjoy for the last three decades. Eatons Neck, LLC, has hosted equestrian events that have become cherished memories for me and so many others from all over Long Island. It's hard to estimate the number of lucky riders who have enjoyed this land throughout those many, many years, and it's painful to even consider the possibility that the glorious acreage bordering the Long Island Sound might not be available to riders from Westchester, New Jersey, Orient, Montauk and all the land in between.

With the ever encroaching suburban spread, open properties such as this jewel are vanishing from our landscape and the community is diminished by their loss. According to the USDA Forest Services, open space in this nation is being lost at a rate of 6,000 acres per day or 250 acres per hour. The land in this parcel contains irreplaceable ecosystems that support wildlife, aquatics and forestry. How tragic it would be for the Eatons Neck, LLC property to go the way of thousands of acres of open space that were the hallmark of Long Island's beauty.

I implore you to contemplate with great deliberateness the impact of the fragmenting of this property. Once that happens it cannot be reversed. Not only does it represent a loss to the equestrian community, but it means a loss of history, beauty and gentility to the Long Island community. Your judgments in this matter will affect the future of our residents of all ages and the texture of our future way of life. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much. Frank Bradford, Rough Rider Cavalry, and on deck is Robert Maze, Ph.D.

MR. BRADFORD:
Good afternoon. My name is Frank Bradford. I'm also President Emeritus of the Nassau Suffolk Horsemen's Association. We representative horse owners in both Counties. I'm here today to support item 1566, authorizing the inclusion of the parcels into the existing certified agricultural district, specifically Sandpiper Farm. Sandpiper Farm -- I'll read a short portion of a prepared statement and then I'll submit it to save time.

"The Village of Asharoken wrongfully classifies Sandpiper Farm as a residential property, thus applying the punitive and onerous tax burden despite the fact that the property is clearly agricultural and has been for over 250 years, the Village unfairly shifting the tax burden for its own political advantage by intentionally overtaxing this agricultural property as residential. The Village is clear in its actions and ordinances and taxation to drive the property to the point of economic unsustainability and causing the property to be sold and subdivided for the benefit of a few."

And to prove the point that they plan to subdivide it, I have obtained the 2004 master plan of the Village of Asharoken that 85% of it is solely dedicated to the subdivision of Asharoken Sandpiper Farm into 177 houses. If anyone knows Asharoken on Eatons Neck, the narrow causeway that connects it to the mainland cannot possibly support this many houses, and the additional burden on Suffolk County for services, water, etcetera, and the extra landscapers, all this going in on that narrow causeway that is flooded out in a storm. Hurricane preparedness intelligence dictates that you don't want to overconcentrate populous on this peninsula.
Further, they state, "The former Morgan Estate is the largest remaining undeveloped parcel in the Village, as described in Section 3.8 of the former Morgan Estate. There is no other undeveloped site of this magnitude, with these assets, close to New York City. The assets provide special qualities that are environmentally fragile." This is from their own master plan. "and if an outside funding for parkland and/or nature preserve, specifically the County, is not available in a reasonable timeframe such as a development planning application and approved cycle after the owner seeks to develop" the entire property will be developed for residential. There will be no parkland set aside at all. So if they don’t get their way in five minutes it's all over, we're going to develop the entire site. This is unacceptable.

D.P.O. HORSLEY:
Mr. Bradford, could you please wrap it up.

MR. BRADFORD:
Yes. I will just state that I strongly invite all of you on the horseshoe here today to vote to preserve Sandpiper Farm and continue the tradition of horses on Long Island. I'll submit these. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much. Robert Maze and on deck is John Santemma.

MR. MAZE:
Good evening. I'm Robert Maze, Laurie Landeau's husband. I have a Ph.D. in biology and I'm an oyster farmer. For those of you who are not acquainted with Laurie, she is a large animal veterinarian, a lifelong resident of Asharoken. Her parents moved to the Village in 1955. As those who love, cherish and want to preserve what remains of a natural landscape on Long Island and elsewhere, Laurie and I have taken every opportunity to help preserve the ex-Morgan property.

For instance, in 1983 we helped establish a sanctuary for a colony of endangered Least Terns on the sands pit next to the coast guard station. The last 30 years we have seen year after year the increasing multitude of bird species expand. This is simply a testimony to preservation.

What now is at risk, and don't fool yourselves, is the planned extermination of last vestige of Long Island as it was, the marine environment with glaciation stocked on Eatons Neck is unique. It's deciduous woods, salt marsh, hedgerows and giving cover, comfort and essential habitat to native species. When this is lost, all will be lost for the ecosystem, so what do you care.

When Sandpiper Farm was an equestrian school students not only learned about horsemanship, but also about the land around them. Also, the riding school gave students a challenge, confidence and self-esteem. To mount an animal at least ten times your weight and to ride it with confidence around a ring, over jumps, in the field or woods with no boundaries definitely builds character. Sandpiper Farm also taught handicapped children with exemplary success. This record is impeccable. The children that have -- children that have respect for themselves through their accomplishments will benefit society. Unfortunately, the Village of Asharoken closed Sandpiper Farm in 1988.

Needless to say, Asharoken has been neither friend to Sandpiper Farm nor the ex-Morgan property. The owners of the property have time and again offered appeasement, dialogue, compromise, but alas no avail. The powers that be in the Village appear dead set to deny the property a chance to prosper in its current state. This persistence borders on the fanatical. Henry Morgan, one of the property preserves, his legacy remains in intact with the current owners.
Indirectly this affects my wife. It was her school. She leases and lives on the property in a small cottage. She has a chronic autoimmune disease that is exacerbated by stress and she has just undergone cardiothoracic surgery on the 12th of the July.

So what is Asharoken's interest? Is it really taxes on a piece of property that they don't own, but obviously would like to control? It's not taxes.

D.P.O. HORSLEY:
Mr. Maze, you are going to have to start to wrap it up.

MR. MAZE:
Okay. So what can we do if the property is lost, nothing? Asharoken's master plan for at least 170 houses is the formula for destruction of the last natural part of Long Island. Development will be irreversible, disrupt drainage patterns, forest habitat for wildlife and put excessive nitrogen in the surrounding waters. You know, as a consequence why is all this happening. Is it a consequence of naivete, apathy, or somehow jealously. When is somebody actually wants to do the right thing to make the world better -- yes, some of us are generally good.

D.P.O. HORSLEY:
Mr. Maze, your time is up. Thank you.

MR. MAZE:
Thank you.

(*Applause*)

D.P.O. HORSLEY:
All right. John Santemma as well as on deck is Merri Farrell.

MR. SANTEMMA:
Good evening. I had the opportunity to speak to you when you closed the hearing and sent it to the EPA Committee. I've had the opportunity to speak with some of the Legislators, and last night I had the opportunity to go to the Village Hall in Asharoken to hear what they were saying and to ask if there was any information that they needed.

I heard the statements that were made by the Mayor, as are in the website that Asharoken put up advocating against this. I didn't think you could do that at a public site, but that's what they have done in very stern language classifying individual applicants. Dr. Landeau has responded to that as was mentioned. But the things that are in the website are the same things that they discussed last night and they're not accurate.

The first point is our Village could lose up to $220,000 in tax revenue. Not true. This is not an exemption. The right to agricultural assessment exists whether you are in the agricultural district or not. The property would be assessed, that portion which was residential, that portion which has homes, that portion which is agricultural, that portion which is residential land. Never would they lose 220,000.

The Village could lose zoning control on 51% of our land area. If the right to farm in Nassau County and New York State means anything, all that it means is that your zoning ordinance must be reasonably compatible with that right to farm. It doesn't override it, it's not a violation of home rule. All it is, is it says you must consider the importance of agricultural in your ordinance.
I said last night, and I've said before this organization, and I've said before the EPA Committee, and I've said before the Farm Protection Board, that when we are accorded the dignity of being in the agricultural district we will meet with the Village. We will explain what our plan is. We will discuss with them what a reasonable amount of taxes might be necessary regardless of what the agricultural assessment is. I've said that over and over.

This morning I got a phone call from the new Village Attorney who said will you put that in writing? I said sure. So I put it in writing and we had a couple of discussions. And then about three o'clock I got a phone call that says we're not talking anymore, we've arranged to table this. What do you mean you've arranged to table it? This is a body, a Legislative body, charged by the State of New York. In the Agricultural and Marketing Law, Section 303-B, with a particular process of how you handle agricultural assessments, and I don't mean to lecture you. I have submitted to you my own analysis of what that means. But you've done it right so far. You took the hearing, you closed the hearing, you referred it to your committee, your committee reported back. Don't torpedo it at this moment. You have 21 parcels that the Farm Protection Board, consisting of people from this County, people from people the -- the farm people who know what they're talking about, unanimously said include Sandpiper with the other 20 -- other 19 parcels. They travel together. Same standard, same practice, same everything and they come before you.

D.P.O. HORSLEY:
Mr. Santemma, realizing that we have those rules and regulations, you have three minutes and your time is up.

MR. SANTEMMA:
Thank you very much. I would just like to say one other thing, that this was told last night that this goes back to the Assembly, to the State Legislature. It doesn't. It goes from here directly to the Commissioner of Agriculture. It doesn't stop at the County Executive's office. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much. The next speaker is Merri Ferrell and on deck, as per the rules of this Legislature, we give elected officials priority when they -- to come up and speak, is Gregory Letica, who is the Mayor of Asharoken.

MS. FARRELL:
Thank you. My name is Merri Farrell. I live in Northport. I've owned horses on Long Island since 1984. I'm here to speak on behalf of Sandpiper Farm and Eatons Neck, LLC and its inclusion in Suffolk County's Agricultural District. I moved to Long Island in 1982 when I was hired to be the Curator of Carriages at the Long Island Museum in Stony Brook. During my 20 year tenure at the museum I did considerable research for articles and exhibitions on horses and their significance to Long Island, Queens and New York.

The land under consideration has been a continuously operating farm for over 100 years. many of the original agricultural buildings are still standing. During the 19th century under the name of Beacon Farm it was a self-sustaining multi-purchase farm that harvested ice, raised sheep, cattle and also grew hay, oats and roots for feed. There were 52 horses on the farm in 1871. It's primary agricultural use was as a dairy farm. The milk bottles, with the name Beacon Farm, can still be found on the property. Beacon Farms manager William Crozier was celebrated for his farming practices. He won prizes for his dairy cows at the Philadelphia Centennial in 1876. Beacon Farm was described in the 19th century magazine American Agriculturist as a model farm.
In 1939, Henry Morgan purchased Beacon Farm. During his residence he grew corn in the fields and raised pheasants, thus continuing farm use and animal husbandry on the property. During World War II the property was used to grow food for the war effort.

Beginning in 1980, Sandpiper Riding School became the tenant of the former Beacon Farm lands, comprising 440 acres in the Village of Asharoken. It offered adults and children a broad curriculum of horsemanship that included riding on open land as well as in ring competitions. For decades it hosted a variety of equestrian activities with participants from all over Long Island and the Tri-State area.

This property is ideal for training horses. To train a horse you must train its mind as well as its body. Training a horse for cross country riding is necessary for many disciplines of riding and requires site and sound training. That is to expose a horse to a range of situations as well as to diverse terrain. Additionally, the horse needs considerable open space to achieve fitness. The combination of woods, undulating fields, 26 miles of trails and open fields found at Sandpiper Farm, as well as the superior footing, make it ideal for training horses.

Historically there is a direct correlation between open land and horses. Horses meet the criteria of being an agricultural product under New York Law and that is what Sandpiper Farm does. Building and paving over farmland has consumed most of the open land on Long Island and is lost forever. The property comprising Sandpiper Farm and Eatons Neck Limited Liability Corporation, otherwise known as Eatons Neck, LLC is one of the last parcels of open land and was a continuously working farm for over 100 years.

I'm here today to advocate for the agricultural status of the property of Eatons Neck, LLC Sandpiper Farm. Thank you very much for your consideration.

(*Applause*)

D.P.O. HORSELEY:
Thank you very much. Mayor Letica and on deck is Louise Harrison. Welcome.

MAYOR LETICA:
Good evening and thank you for having me. I'm Mayor Greg Letica of the Village of Asharoken. I'm here tonight because I am asking for a little bit more time for the Village to consider the Sandpiper issue, and I'm asking the Suffolk Legislature to grant us a little bit more time in this regard. I've been in office for one month and we've only appointed our Village Attorney last evening.

Because of the unique nature of this property that's requesting agricultural use, which constitutes 51% of our Village in terms of acreage, we feel that this deserves a proper amount of time to be able to do some due diligence on it, and be able to sit down in a measured, calm manner with the residents and also with the property owners.

Asharoken is committed to preserving open land. We support equestrian use. We look forward as a community to working with the owners of Sandpiper Farms to reach a fair and equitable agreement that benefits the Village, the property owners and respects the environment of the Village of Asharoken. I, as a member of the Nature Conservancy, am extremely committed to open land preservation, to environmental conservation and keeping really one of the most beautiful places in the world natural.

The problem that we have is because of the calendar and the very short period of time that's transpired. We've had one week between the committee meeting and tonight. We only had a board meeting last evening, but we were able to hear the opinions of our residents, which in many ways surprised myself and all of our trustees, and in many ways this may have changed our opinion as to
how we would like to approach this.

Asharoken does not want to see this property developed. All we're asking for at this point is a postponement to give us time to sit down with the property owners, reach an amicable, mutual agreement, which will allow the land to be preserved and the Village of Asharoken to be able to have some input in towards its zoning and planning and property rights in the future. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Mayor. Louise Harrison and Lewis Gasorek on deck.

MS. HARRISON:
Good afternoon, Deputy Presiding Officer Horsley and members of the Legislature. My name is Louise Harrison. I'm here today to support the inclusion of Eatons Neck, LLC properties, otherwise known as Sandpiper Farm, and Introductory Resolution 1566-2012, so the farm may receive agricultural district status.

I'm a conservation biologist and I've served in environmental protection on Long Island since 1980. I've worked for Federal, State and County agencies as well as in leadership and consulting positions for non-profit environmental organizations. Among the first staffers in the County's own Office of Ecology, I served as the head of its Bureau of Environmental Management for six years. While at New York's Department of State I identified the most regionally important natural areas along New York's Long Island Sound shoreline and helped create State policy to protect those areas through the Long Island Sound Coastal Management Program. I've been involved in countless open space preservation efforts and I've served in appointed and volunteer positions on Federal, State and town environmental committees. For nine years I was a Commissioner for the Long Island North Shore Heritage Area, and I was a key leader in that planning effort.

More recently as a biologist for the U.S. Fish Wildlife Service and liaison to the USEPA's Long Island Sound Study. I oversaw Federally funded habitat restoration and land acquisition programs on Long Island and in Connecticut. I have had extensive field experience investigating Long Island's natural ecosystems and coastal environments from New York City to Montauk and Orient Point.

It's likely I am more familiar with the natural areas of Long Island's North Shore coastline than most biologists today. Please include Sandpiper Farm in the County's agricultural district three. This magnificent property is one of the last, if not the last, large privately held, mostly undeveloped parcel fronting Long Island Sound in Suffolk County. I urge you to explore all possibilities for enabling its long-term protection from development. Its preservation, along with low impact horse farm best management practices, is essential for protecting wildlife habitat and Eatons Neck groundwater, as well as Long Island Sound's wetlands, water quality and coastal zone.

No one is making land like this anymore. We need to think regionally, not parochially. Suffolk never could have undertaken its significant open space purchases over the years, completely eliminating certain lands from the tax rolls, if local tax base concerns were allowed to predominant considerations regarding impacts on residents. Ironically, the alternative of residential development almost always causes local taxes to go up. There's not even any expenditure of public funds connected to the resolution before you. Please take a look at map number two in my handout and notice the paucity of farmlands in the district three, which is the west end of the County. You can barely detect where the farms are. They are so small in --

D.P.O. HORSLEY:
Ms. Harrison, you are going to have to wrap it up.
**MS. HARRISON:**
Yes, sir. Inclusion of Sandpiper Farm would make a truly meaningful contribution to the future of farming in Suffolk County. It will provide much needed flexibility to the owners in pursuing protection options. It's an important first step for the County to take. Thank you very much.

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much. Lewis Gasorek and on deck is Azan Fairbairn.

**MR. GASOREK:**
Good evening. I have a letter here from Martin Wenz, who unfortunately was not able to make it tonight, in support of Sandpiper Farm and Eatons Neck inclusion into the agricultural district."My name is Martin Wenz and I live in Huntington, New York. I am Vice-President and Treasurer of the Krusos Foundation, Incorporated, which is a not-for-profit organization dedicated to preserving the breeding habitat for birds and bats.

Sandpiper Farm on Eatons Neck is a beautiful and large parcel of land. I have been conducting bird nesting studies at this site for the U.S. United States Fish and Wildlife Service and the New York State Department of Conservation for almost 20 years. These surveys are done to record a number of Piping Plovers, Least Terns and Common Terns nesting at this location. Piping Plovers and Terns have consistently nested on this property in addition to numerous other species of birds. The habitats available to nesting birds range from shoreline to estuaries to grasslands to woodlands, making this property a gem for diversity.

Right now Suffolk County is trying to raise eight and a half million dollars with other parties to protect open space and reduce further development by purchasing the 31 acre Wawapek Farm owned by the DeForest Williams family in Cold Spring Harbor. How much will it cost future taxpayers to protect 440 acres in Eatons Neck. Every effort should be made to help the owners of this property keep it as open space. Thank you. Martin Wenz."

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much. Professor Azlan Fairbairn and on deck is Mary Finnin.

**MR. FAIRBAIRN:**
Good afternoon, Suffolk Legislature. Thank you very much for giving us this opportunity to speak. I'm a professor at New York Institute of Technology where I have been for 28 years. I teach sustainable development. I'm also a member of the Long Island Convention Visitor's Bureau and Board, and it would seem that I might be then in favor of development. However, in this particular case we see no reason for this farm not to get its status as a farm. The primary concerns I have here is I'm also representing Agritourism International. Agritourism International is an international company represented by local members here as well as international members and national members that support agritourism and the agricultural open spaces that this farm provides for everybody.

We are particularly concerned with the groundwater. As you all know, Oyster Bay beds were closed just a few weeks ago for oysters. We haven't been taking lobsters out of Long Island Sound. There's a moratorium on that. The beaches were closed shortly. I think 30 beaches on Long Island were closed a couple of days ago because of rainwater runoff. We cannot continue to develop property on Long Island and sustain our groundwater the way we have in the past. The groundwater is susceptible to nitrates and phosphates.
The farm as it stands right now uses no fertilizers. If this farm were to be turned over to development, the plan is from the Asharoken Town right now, although they said they have no plans, they have a master plan to put in 200 houses. Those 200 houses would probably use about 9,000 pounds of fertilizer a year, continuing to run off into our water and estuaries and continuing to close our oyster beds, ruin our fishing and ruin our lobsters.

So we ask once again -- the DEC has actually -- complains right now that they're over 70 water bodies in New York State closed or under suspicion of being closed because of phosphates and nitrates right now. We need to take this into consideration. We need to stop making decisions after the fact. We need to protect the land now before the fact.

For the benefit, again, of Suffolk County, for the benefit of the Town of Huntington, for the benefit of the residents of all of New York, for the benefit of all those who have lived here all these years and enjoyed Long Island as it stands now, we ask you to try and accept the fact and accept the proclamation and accept the application for Suffolk County to be -- and Sandpiper Farm to be recognized as a farm.

As a matter of note, the Suffolk County Board of Agriculture -- Suffolk County Agriculture and Farmland Protection Board voted that Sandpiper Farm, in an 11 to 0 vote, unanimously, that it should be accepted as an agricultural property.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Professor. Mary Finnin and on deck is Christopher Gobler.

MS. FINNIN:
Thank you and good afternoon. I'm here again, the same old song. I'm opposed to the sale of Suffolk County, all of our health services and that includes our health centers, our jail medical facilities, our skilled nursing home, our drug centers, which looks like down the road they're going to be up for sale, too. The problem is not that you have to cut the staff in order to balance your $500 million budget. It's a lack of revenue, and the fact that the County has not gone after the revenue that's needed to fund the programs -- I'm particularly interested in preserving health care services and the Safety Net here in Suffolk County. The County has bypassed the opportunity to get Federal funds under FQHC for health centers. They have contracted out one of our centers to HRH, but there's been no oversight as to what they've done. They're not meeting -- they're still subsidized, but they're not meeting the contract services for prenatal, mental health and other services, and they're being dumped back on our County centers, and then after they get funding or they get insurance they'll take them back. Those that don't are going to probably end up with the only other public facility down the road, will be Stony Brook, and that will end up being the County dump for health care.

I'm sorry to say this but, you know, we had the model in Suffolk County for providing a Safety Net for health care with a public/private partnership with our health centers and with our hospitals. The Affordable Care Act is the opportunity for the first time in a long time to increase some funding for primary care services, and at the very time that that is rolling out, that's when this County is dismantling the health services in Suffolk County. Now, that puts every one of us at risk, not just those that are uninsured, also the people that are being laid off, the people that don't have insurance, but every single person here. You know, the mosquitoes don't care whether you're an immigrant or you just lost your job or whether you're a millionaire, and you know, when people have whooping cough and TB it's the same thing. We don't have any more -- the public health infrastructure to protect the public. And we are dismantling our health centers.
Now, at the same time that you're laying off our County employees, and they're not making big bucks, but you're also using public money to contract out to other agencies to provide services in the jail and in some of these centers. Now, you know, there is money, it's just -- I don't agree with how you're using it. Maybe you don't agree with me, but I'm telling you as a taxpayer I strongly disagree with what's happening. You have no control over the quality or the continuity of care when you're contracting out to different agencies to come in and provide day-to-day services by different people. I think that, you know, the public --

**D.P.O. HORSLEY:**
Mary, you are going to have to wrap it up.

**MS. FINNIN:**
Okay. I know, you're tired of listening to me.

**D.P.O. HORSLEY:**
No, no, never tired. Just following the rules.

**MS. FINNIN:**
But the public is entitled and it's a responsibility of government to provide a safety net for health care for the public. And I'm here to say you've got to use our money to preserve that and not sell off everything -- well, even if it's nailed down that's what's being sold off. Please stop.

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much, Mary. Christopher Gobler and on deck is Don Dailey.

**MR. GOBLER:**
Hi. My name is Dr. Christopher Gobler. I am a Professor at the School of Marine and Atmospheric Sciences at Stony Brook University. I'm here today to talk about the Asharoken property and its conversion to an agricultural district. As some of you may know, I have been studying harmful and toxic algal blooms in Long Island's waters for more than two decades, and I specifically have spent the past six or seven years investigating the occurrence of paralytic shellfish poisoning in North Fork Bay. As some of you may know, this is a serious human health issue. People consuming shellfish that have been contaminated with paralytic shellfish poisoning can die.

I have conducted studies in Northport Bay that have specifically looked at the causes of paralytic shellfish poisoning. The shellfish beds in Northport Harbor/Northport Bay have been closed to shellfishing during six of the past seven years because of the occurrence of these toxic algal blooms. We've carefully looked at those toxic algal blooms and we have determined that those blooms are caused by nitrogen, and specifically nitrogen that's coming from human waste.

So this now links back to the Asharoken property because there are now, as I understand it, two possibilities. This property may remain a farm or it may be converted. The master plan for Asharoken Village is to have 200 homes put in there. So we know already that those 200 homes with their human waste -- well, homes are already -- human waste is already promoting these toxic algal blooms. If we add 200 more homes to this area we can almost be assured that these toxic algal blooms will become more intense and represent an even more serious human health threat in this region.

Alternatively maintaining this as a farm as it is will not change the situation any worse, and we specifically have looked at the ability of nitrogen from agriculture to cause these blooms and there has been no relationship between agricultural nitrogen and these blooms. It's exclusively related to nitrogen coming from human waste.
So, therefore, the conclusion would be that the addition of these homes in accordance with the master plan in Asharoken would worsen these toxic algal blooms, or alternatively, creating this agricultural district and maintaining this area as a farm will at least make an effort towards not making the situation any worse. And I note there's many efforts to reduce nitrogen in Northport Harbor and Northport Bay to lessen the intensity of these algal blooms and to protect human health, so it would seem that making this an agricultural district would be consistent with all those other efforts. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Gobler. Don Dailey and on deck is Peter Quinn.

MR. DAILEY:
I'd like to thank the legislative body for the opportunity to speak today regarding the sale of the John J. Foley Skilled Nursing Facility. An abhorrent lack of respect was shown to the County workers and was displayed to the working men and women of Suffolk County yet again last week by the County Executive when he showed up at the Foley facility with a perspective buyer with no notice given to the union or the facility's staff. Mr. Bellone's actions have made no secret of his agenda to privatize County facilities and his callous moves continue to fuel anger and frustration within a workforce that has been treated as the whipping boy of Suffolk County for the last decade. As we fight for the jobs of the DSS security jobs, your County Executive begins another fight. Under the guise of helping to address the financial deficit created by years of Levy mismanagement, your County Executive continues down the road of attacking the livelihood of AME members.

The County Executive has failed the tax paying Suffolk County workers. He has failed to recognize the value of the men and women that work tirelessly at the John J. Foley facility to care for those that can't care for themselves. He has failed these families of these patients by trying to bring in an operator that is alleged to provide substandard care and unsafe conditions for the sick and ailing. He continues to fail the taxpayers of Suffolk County by not being honest with them about what the services we provide as County employees actually cost them, and further fails them by laying off workers that provide services for our County taxpayers that are State or Federally funded. And as you can see by the outpouring of support we have today, he has failed to break the resolve of our brothers and sisters.

Why is this being done as a no bid contract that violates established County procedures? Why is the County Executive rushing into a deal that is for $13 million less than the previous deal that did not include the additional 14 acres of land. And shouldn't the County hold on and try to broker the best deal it can possibly make?

In this economy it seems that every day, as people drive to and from work, they see a high school aged kid or some other person with a sign standing out by the road with a big sign that says, "We buy gold." There's a big market out there for people trying to cash in on our treasures when the going gets tough. As conditions get harder and harder, people begin to make rationalizations about the value of the things they have. They try to bend the truth and muddle the difference between right and wrong. They try to make it right and just in their minds to do something that they thought they would never do and let go of the things that have meant the most to them.

We ask this Legislature not to let go of the John J. Foley Skilled Nursing Facility. Do not undervalue this treasure. Do not sell your gold.

(*Applause*)
D.P.O. HORSLEY:
Thank you very much, Mr. Daily. Peter Quinn and on deck is Barbara Johnson.

MR. QUINN:
Thank you. My name is Peter Quinn, longtime visitor to this Legislature speaking on a variety of issues. I am here today to speak about the IDA, the Industrial Development Agency funding about which I have spoken three times earlier this year. And at that time I urged that there be a moratorium on funding for these IDA's, which give money to businesses in a variety of ways and sucks money out of our County budget. And I even went -- a couple of you Legislators told me fine, put something in writing. So I not only put something in writing, I wrote the legislation for you to enact with ten WHEREAS clauses and three RESOLVED clauses, and you dutifully ignored them.

And so thought I'd try a different tact. I thought -- I remembered the words of Deep Throat back in the Nixon era where three words counted, follow the money. And I thought one thing about the Supreme Court, we've got -- we had five Republican Justices deciding the Citizens United Case, you know, Alito, Scalia, Kennedy, Thomas and Roberts. All of them agreed that companies, corporations, were people and that they were entitled to spend as much money as they wanted in campaigns, and that's why we have the situation we're in today where corporations have overloaded contributions to parties. And I've got to warn you that the Democratic Party should be wary because one of the things that corporations want to do is take away the right of citizens to spend money in a balanced way.

Well, that's the way I felt about the IDA's. I thought calling for a three year moratorium would balance the equation of how much money in revenue shortfalls you have to enable you to keep many of the County jobs. And unfortunately the difficulty has been that these IDA's spend money lavishly with your approval. So we have our tax dollars going out the door behind closed doors to those companies, and many of which don't create or maintain jobs, which according to the State Statute is what they're supposed to do. So I'm calling upon you to take a different tact. Instead of a moratorium on IDA's I'm asking you to hold a press conference, invite Newsday, do the same thing that Newsday does when they do school --

D.P.O. HORSLEY:
Peter, you are going to have to start to wrap it up.

MR. QUINN:
I will in a moment.

(Laughter)

When they do school funding and they publish it, a couple of pages. Well, I'm asking you to do the same thing for these companies that get these IDA funding by having them published in Newsday so that the public can understand where the money is going. Thank you very much.

D.P.O. HORSLEY:
Thank you, Peter.

(*Applause*)

D.P.O. HORSLEY:
Barbara Johnson and on deck is Daniel Twitchell.
(*The following testimony was taken & transcribed by Lucia Braaten – Court Reporter*)

**MS. JOHNSON:**
Hello. My name is Barbara Johnson, I'm a resident of Asharoken, and I'm speaking to urge you to approve Resolution 1566, which authorizes the inclusion of new parcels into existing agricultural districts, speaking specifically in support of the application of Eatons Neck, LLC, included in this resolution.

It is appropriate for these parcels to have agricultural status, for through most of their history since Colonial times this land has been farmed. The parcels also have specific historical significance as farmland, when part of the Delamater Estate in the second half of the nineteenth century, Beacon Farm, as the property was then known, was a model farm, introducing innovative farming practices. In general, the Delamater years were an important period in Asharoken and Eatons Neck history. It had a shaping influence on today's communities and continues to be recognized.

I believe that preserving this magnificent property as open space is environmentally important to Asharoken, Northport, Huntington and Suffolk County. The agricultural district status will offer protection from development and have little impact on residents. Thank you.

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much, Ms. Johnson. Daniel Twitchell, and on deck is Mary Greenlees.

**MR. TWITCHELL:**
I'm speaking to the issue of the agriculture status of Sandpiper Farm. Can you hear me?

**MS. ORTIZ:**
Make sure the green light is on.

**MR. TWITCHELL:**
Oh, okay.

My family has lived in Asharoken for over 55 years. I remember a time when residents actually worked things out, were flexible and trusted each other. On one side we seem to have a property owner who's trying to find a useful beneficial use of their property that will keep it in its natural beautiful condition. On the other side we seem to have Village individuals that are worried about losing tax money and control.

There's no need to delay determination, because it sounds to me that once agriculture status is determined, the owners and Village will have the opportunity to sit together and work out the details and compromises, so there's not the loss of control.

Suffolk County has gone to great expense to preserve open land. Asharoken has a substantial tract of land with an owner who wishes nothing but to keep it in its natural state. It seems to me that if the Village were interested, that there should be a way to allow a small scale agriculture enterprise. The application states that gross sales would be between 10,000 and $50,000.an equal amount would be put back into capital improvements. It doesn't sound like the owners are trying to start a business when they won't even be making any profit. It sounds to me like someone trying to find a useful purpose for the property without dividing it up into building lots, or turning it over to conservancy and possibly lose all tax revenue and control.

If not an agriculture status and the owner gave up and developed in the -- the Village would then have to deal with the increased traffic congestion, demand for services like police and garbage. This
should not be made a politicized battle of principles and positioning. Making an allowance so that the former Morgan Estate can be used for an eco-friendly small-scale agriculture enterprise like it was in times past doesn’t seem at odds with the feelings of most residents who enjoy living in Asharoken Village because of its natural beauty.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Twitchell. Mary Greenlees, and on deck is Lawrence Foglia.

MS. MARY GREENLEES:
My name is Mary Greenlees. My husband James, a former Trustee and Deputy Mayor of Asharoken, have lived in this Village since 1965.

The Village of Asharoken successfully defended a bid to change the zoning on the property discussed in the 1970’s in the ensuing years I’ve been surprised and dismayed by the actions of the elected Village officials against the owner of Sandpiper Farm.

I understand that New York State takes a strong position as a right-to-farm state. Even though the equestrian activities on Sandpiper have had no direct or negative impact on the Village, a resolution was enacted in 2006 to prohibit agriculture activities in the Village. I stand here today to implore this Legislature to take the right action and vote to include Sandpiper Farm into the agricultural district. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Ms. Greenlees. Lawrence Foglia, and on deck is James Greenlees.

MR. FOGLIA:
I'm reading this letter on behalf of John Halsey and the Peconic Land Trust.

"Dear Presiding Officer Lindsay and Legislators, it has come to my attention that Sandpiper Farm, located on 440 acres of land in the Village of Asharoken, Town of Huntington, will be before the Legislature today for the approval of its application for inclusion in New York State’s Agricultural District Program. Indeed, this farm operation came up for consideration before Suffolk County Agricultural and financial protection -- excuse me -- and Farmland Protection Board at its May 10th, 2012 meeting, and it was unanimously approved and recommended for inclusion.

On behalf of the Peconic Land Trust, I urge the Legislature to approve the Sandpiper Farm so that it can continue as a farm -- as a farm operation and benefit -- with the benefit of an agricultural assessment.

Given the alarming loss of nearly 100,000 acres of farmland throughout Suffolk County over the past 60 years, the logic of enabling Sandpiper Farm to benefit from an agricultural assessment is self-evident. Not only does this enable a viable equestrian operation to continue as it has since 1980, but it also may enable this land to be available for other agricultural uses in the future. Indeed it is the tax burden on agricultural land that has resulted in much of the tremendous loss of this finite irreplaceable resource, especially in western Suffolk County.

As noted in Suffolk County’s 1996 Agricultural and Farmland Protection Plan, page 21, I quote, 'It is clear that agricultural districts do not preserve farmland, but only temporarily protect it from developmental pressure. Although other means of preservation need to be used, the agricultural districts are valuable in helping farmers to continue to farm through lower taxes and protection from
many complaints and government regulations. In addition, the districts help bridge the gap through eventual permanent preservation,' closed quote.

It has long been established that farmland does not require the public services that developed land does. Through the cost of community services studies throughout the County, the American Farmland Trust provides the following fiscal analysis," and I quote, "Saving farms and ranches is a sound investment in economic development and community infrastructure." Agriculture provides jobs on and off the farm, generates sales and attracts tourists. In addition, privately owned agriculture land generates more in local tax revenue that it costs in public services.

Communities are finding that they cannot afford the price of unplanned development or the conversion of productive farmland, both of which can weaken a community's bottom line and destroy its character.

Please give the Sandpiper Farm a fitting chance to survive as an agricultural asset in western Suffolk County. I urge you to approve its inclusion in New York State's Agricultural Districts Program as recommended by Suffolk County's Agricultural"

D.P.O. HORSLEY:
Mr. Foglia, you're going to have to start to wrap it up.

MR. FOGLIA:
"And Farmland Board. I timed it, it's three minutes. "Sincerely" --

D.P.O. HORSLEY:
Thank you. We weren't trying to cheat you.

MR. FOGLIA:
-- John v.H Halsey."

(*Applause*)

D.P.O. HORSLEY:
James Greenlees, and on deck is Margaret Greenlees.

MR. GREENLEES:
My name is James Greenlees and I was the Deputy Mayor of Asharoken and a Trustee for two terms and at that time we had a similar situation. It really was a land grab to development and we had a lot of contention and division in the Village of Asharoken. And it looks like if we table it and you don't make a decision today, you're going to have a lot of problems and it's going to go on forever. And with the hope of God, we might have a decision that will provide many more years of open space in Asharoken.

There are some places in Asharoken that must have been as the first people that came to the United States first saw it. There's some odd and very interesting things like ferns, and it was a pleasure to -- for the Village to be invited years ago to go through that property, and I'll never forget it. And I hope that the people that listen today realize we've got a chance now to go ahead and approve anything for Sandpiper Farm. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Thank you, Mr. Greenlees. Margaret Greenlees, and on deck is Jerry Trapani.
MS. MARGARET GREENLEES:
Good afternoon. My name is Margaret Greenlees. I had the good fortune to grow up in Asharoken. I am a longtime resident of the Town of Huntington. I stand here obviously in support of inclusion of Sandpiper Farm into Agricultural District 3.

I listened to the audio of the meeting of the EPA Committee held last week. I was surprised to hear that the Mayor of Asharoken, through a letter, requested the committee to either table or adjourn any vote regarding Sandpiper Farm. Mayor Letica is not new to the Village of Asharoken politics. He has previously held, I believe, the position of Trustee and also the position of Treasurer for the Village. It is my position that when an elected official takes office, it is incumbent upon that person to get up to speed on any important or pressing issues pending before the Village prior to taking the oath of office.

The Mayor is well aware that there is an August 12th deadline that looms on the horizon. This was discussed at the meeting last night. The vote by this Legislature must be done before August 12th or Sandpiper Farm will not be included in the agricultural district, essentially a death knell. Any further adjournment, and that includes the EPA Committee's decision last week to table it, threatens the inclusion of Sandpiper Farm and several other Suffolk County parcels to be included in the agricultural district. Any attempt to separate Sandpiper Farm from the other parcels that have been approved by the Farm Protection Board (sic) is just simply a sham act and is solely against Sandpiper Farm and its owner.

There was a decision made, it's already been discussed, it was unanimous, by the Farmland Protection Board to include this property. There shouldn't have to be any discussion. I don't believe there's been any discussion about any of the other properties that have been approved by the Farmland Protection Board at the time that Sandpiper Farm is. One has to ask why is this one subject to such political activity.

It is my belief that the Mayor's reasons for his request for an adjournment is disingenuous at best and is a misrepresentation at worst. Nonetheless, it is incumbent upon the Farmland Protection Board, their recommendations to be voted on at today's meeting and for this property to be included in Agricultural District 3. This would be in compliance --

D.P.O. HORSLEY: 
Ms. Greenlees, you're going to have to wrap up.

MS. GREENLEES:
-- with the New York State's position on right to farm and Suffolk County's very impressive record in preservation of property. Thank you very much.

D.P.O. HORSLEY:
Thank you very much.

(*Applause*)

Jerry Trapani, and on deck is Kathleen Reeves.

MR. TRAPANI:
Hello. I'm the President of the Paumanok Driving Club, and a board member of the Carriage Association of America, and a member of the Suffolk County Equestrian Task Force. I'm also a past Nassau-Suffolk Horsemen's Association board member.
Sandpiper Farm is and has been a great asset to the equine community for many years. Doctor Landeau has been very generous with her time and property for many equestrian endeavors. Despite popular perception, horses and equestrian sports are not the endeavor of the rich and elite. I am a horse owner myself and I’ve been around horses over 50 years, and by far the majority of my clients and friends come from middle-class families. Yes, there are a few well-to-do that we hear about, but in the hundreds of thousands of horses located here and around the country, the average home -- horse owner's income is less than 150,000. Here on Long Island most horses are stabled on their owner's property of one or two acres or less. Historical properties such as Sandpiper are a treasure and should be preserved.

Much of Long Island's historical properties have either been turned into parkland, taken under government stewardship, or bulldozed for development. Sandpiper has been a farm since the 1830's and can still be a viable farm and an asset to the community and the Village of Asharoken by not being developed. If the farm were to be subdivided and developed, the traffic and environmental issues would be catastrophic. There is only one two-lane access road to and from Eatons Neck. Imagine the traffic nightmare with 440 acres of new homes.

Many studies have shown that after development, the infrastructure actually costs more than the tax returns. Sandpiper Farm should be included in the ag district sooner than later and allowed to run as a working horse farm. A small increase in the Village -- in the Village residents' taxes would easily outweigh the alternative costs of years of construction, traffic and the strain on water and sewage that development would create. It would change the character of Asharoken forever.

In addition, the Mayor of Asharoken's statement requesting more time for consideration is unnecessary. The Village has been delaying any decision on this property for many years. The time for action is now. Tabling the issue is just another delay tactic by the Village. If the property is continued -- is to continue in its present form, it must be included in the agricultural zone. The unfair tax burden and the Village's ban on the riding school has made the property unsustainable with excessive taxes and no income potential. Agriculture was also banned in the Village as well. Both ordinances are directed solely at Sandpiper Farm to drive it into development, as per its master plan -- as per the Village's master plan. The assertion that the Village of Asharoken --

**D.P.O. HORSLEY:**
Mr. Trapani, you're going to have to start wrapping it up.

**MR. TRAPANI:**
-- is a friend of horses is inconsistent with his actions. Thank you.

(*Applause*)

**D.P.O. HORSLEY:**
Kathleen Reeves, and on deck, Randy Altschuler.

**MS. REEVES:**
My name is Kathleen Reeves, I'm a nurse at John J. Foley, and I'm also a member of the Oversight Committee.

Just want to say that in the -- prior to Mr. Bellone coming to the facility, the Commissioner of Department of Health, Dr. Tomarken, on two occasions gave a tour of the facility to two presumed prospective buyers. When I called him, he stated that he didn't know who they were. At the Oversight Committee on July 27th, Dr. Tomarken referred all questions to the administration, even when questioned by Legislator Kennedy, who is also a member of the Oversight Committee. For a County Executive who said he wants transparency in his Administration, he so far has fallen very short of this goal.
Since January 1st, John J. Foley has lost approximately 3.1 million dollars, secondary to the closing of the fourth floor -- Four South, which was a 40-bed unit. Because of this, we are unable to get bed -- obtain bed hold, and we -- and empty beds don't make money. This is 6.2 million dollars over one year. All right? And this estimate is at the lowest rate of reimbursement, which is straight Medicaid, it doesn't include Medicare or anything else. This is a self-created loss at taxpayer expense.

Residents have been admitted for rehab and have not been put back into the community in a timely manner. These people -- some of these people have no payment source. This compounds the loss to the taxpayer. This is again an example of deliberate negligence to create a loss at taxpayer expense. It's a perpetuation of a self-created loss that was started under the previous County Executive.

In 2008/2009, the New York State Department of Health estimated that it would cost $350,000 a bed, or roughly 92 million dollars, to replace just the building of John J. Foley. At that time, Mr. Rozenberg, who was to purchase the building for 36 million, stated on the record that he would be a fool not to purchase the facility. His people said that it would cost approximately 68 million to build anything even close to John J. The facility is currently or has recently installed a new electrical system, new fire walls, and is finishing the EMR system, which is Electronic Medical Records that was stopped by Steve Levy when he was planning on closing the facility. At 23 million dollars Suffolk County is gifting a municipal asset, which is against the New York State Constitution. As a taxpayer, this is a garage sale. The County should take the HEAL Grant, invest in a banner and hang it over the main entrance that says, "John J. Foley Garage Sale." By selling this facility, not only are the residents being screwed, the staff are being screwed and the taxpayers are being screwed.

And I have one final question. Mr. Bellone has stated, and it was in the paper, that all residents will stay at the facility and that all staff will be offered positions if they choose to take them. Is this actually written into the contract? And if so, are there time limits on these inclusions? Thank you.

(*Applause*)

D.P.O. HORSEY:
Thank you very much, Ms. Reeves. It is my understanding that Mr. Altschuler has left the building; that's true? Is that true? Okay. We're going to skip over him. The next speaker is Tom Rost, and on deck is Stephen Waldenburg.

MR. ROST:
Good afternoon. I'm Tom Rost, and I don't know why I'm here. I've been here -- this is the third time on this same issue, been to two of your meetings, and everyone seems to open their comments by saying, "I'm all for open space, but," and I'm wondering what the "but" is for, because if the applicant for ag districting conforms to the criteria by the State and to the Farm Board of your own Legislature, why are we having a third meeting about it? I'm baffled.

There's been a parade of people up here saying how beautiful, including how spectacular this property is and how essential it is to save it. Usually at meetings like this it is not in my backyard, and there are people outraged at how terrible something is going to be in their backyard. You've had a parade for the last three weeks of people in favor of it. And usually, when people are against it, or I should say in favor of things, they just don't show up or it indicates they don't care.

Passionate people from the Nature Conservancy, the Land Alliance, to experts, to people who love horses, to people who love land like I do have been begging you to legitimize what is -- what is there is a farm. It's the best thing for the Village. It has the least impact on the quality of life. The tax issue is not supposed to be an issue here on this particular decision. And as I understand it, that if you table it tonight or pull it out of the other applicants for ag districting, that it will be a year
before this can go on and be discussed again. If that’s true, one has to wonder how long the owners of the property will put up with -- they’ve been putting up with 30 years of harassment from their own village. God only knows why, but for some reason they think that farming is equal to opposing a cement plant or a Six Flags over an amusement park.

I don’t -- I really don’t understand why everybody’s who’s in favor of this is dragging their feet and feels that it has to be separated from any other ag application when they’ve met their criteria. I think people have said this is the smartest, easiest thing in the world to save this land. It’s cheaper, it saves money. Having it in private hands will save this land.

So, as I said, I don’t know what’s taking so long, I don’t know what the obstruction is, I really don’t understand. I hope you can clarify it by the time you take a vote. But instead of saying yes, instead of saying, "I’m all for open space, but," I hope --

D.P.O. HORSLEY:
Mr. Rost, your time is up.

MR. ROST:
Instead of saying, "I’m in favor of open space, but," you’ll say, "I’m in favor of open space and I approve this ag district." Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you. Mr. Stephen Waldenburg, and on deck is Mary McLaughlin.

MR. WALDENBURG:
Good afternoon, President Lindsay and Members of the Legislature. Thank you for letting me speak. My name is Steve Waldenburg. I’m a lifetime resident of Northport and former resident of Asharoken. My mom, who’s 94, still lives in Asharoken, and so I’m very familiar with the property.

I come to here -- before you today, though, as the -- as a 13th-year member now of the Northport School District Trustee, and four years I’m in now as Board President. I must say that Northport Schools, all school districts are under significant financial strain, as you all know from the papers, with the 2% tax levy cap. We have no alternative other than to go to our taxpayers for budget approval. And when those tax levies go up, as they would, or the impact of those tax levies would go up if taxes are redistributed to the rest of the members of the population, it hurts all the taxpayers.

Northport’s looking down two barrels now, this facility -- this site being reassessed and the LIPA plant being reassessed. It is a one-two punch that we cannot afford and our members of our community cannot afford.

What I heard tonight was an offer or a suggestion by the -- by the Mayor of Asharoken that he believes that he can reach an amicable -- a solution with the owners. I strongly endorse that. I believe that we should allow the parties to come to the right decision and not force something on them. I know from my experience as a ten-year-old boy where I did walk down the beach and gaze at that property. I would not be standing here if I believed for one minute that there was a true intent of developing that into 200 homes. I would not want to see it. I would like to see that land preserved and I think we need to allow the parties to reach that decision themselves. So I would strongly urge this body to consider that in what it does next. Thank you.

(*Applause*)
D.P.O. HORSLEY:
Mary McLaughlin, and David Middor.

MS. MC LAUGHLIN:
My name is Mary McLaughlin. I am speaking on behalf of the League of Women Voters of Suffolk County.

We learn from the media of the County Executive's intention to sell John J. Foley Skilled Nursing Facility, a sale of the County's to Sam and Israel Sherman of Absolut Care for $23 million. As we have made clear in the past, we believe that the facility is an intrinsic and an important part of the health care system of Suffolk County. Only John J. Foley provides the excellent local care for County residents who have no other access to such resource facilities at the same cost in our area.

Earlier this year, members of 227 League chapters throughout the United States studied the issue of transferring government services, assets and/or functions to the private sector. Then, at its national convention in Washington in June, the League of Women Voters U.S. approved a position that community impact and goals of such transfers must be identified and considered. Further, the decision to privatize a public service should be made after an informed transparent planning process, and a thorough analysis of the implications and accountability to ensure preservation of the common good.

Members of the Suffolk County League attended the Health Committee meeting this past week and heard speakers raise a number of questions and concerns about the proposed sale. Also, Legislator Kennedy listed a number of objections that the League thinks should be addressed. We note that three new resolutions concerning John J. Foley are being laid on the table today and we hope many of these issues will come up at the next Health Committee meeting August 16th, which we will attend.

Clearly the League is aware of the financial crisis affecting Suffolk County revenues and acknowledges the pressing need for expense reduction to close the budget gap, as required by the New York State Comptroller's Office. However, we believe that selling John J. Foley appears to be a quick fix in that with one bid in hand, our County Executive can show financial progress, but, of course, we would again be looking for a new quick fix in the next fiscal year. The hard way to close the gap, studying which possible cuts would have the least impact on our most vulnerable neighbors, and, instead, focusing on privatization of more easily replaceable services would be the right thing to do for the long-term results.

In summary, the League hopes for a more transparent process, a more thorough analysis of not only the cost benefits of the sale, but also the benefits and implications for the health and welfare of vulnerable citizens of our County.

D.P.O. HORSLEY:
Ms. McLaughlin, you have to wrap it up.

MS. MCLAUGHLIN:
Thank you for listening.

D.P.O. HORSLEY:
Thank you.

(*Applause*)

David Micklos, and on deck is Nancy Dallaire.
MR. MICKLOS:
Good afternoon. My name is David Micklos. As a Senior Executive at Cold Spring Harbor Laboratory, a former Board Member, and President of Three Village Central School District and resident of Setauket, I’ve cared about and contributed to the advancement of Long Island. My friend and colleague, Dr. Laurie Landeau, took on Sandpiper Farm in the early 1980’s with the sole intention of maintaining it as a working farm focused on equestrian activities. For many, this is exactly the happy outcome we would hope for green space on Long Island, that it can continue to serve its traditional purpose. However, over the years I’ve been struck by the lengths to which the local municipality has gone to selectively restrict Dr. Landeau’s right to maintain Sandpiper Farm as a farm, first by ordering her to close her riding school and destroy her horse buildings, and then by banning any kind of agriculture on the property.

Now I understand that the County Executive intends to carry this chicanery to a new level by fiat, detaching the property from the Huntington Agricultural Zone, and, thus, undoing the careful recommendations of two expert bodies.

If I asked you to imagine this story of how a few oligarchs conspired over decades to deny a citizen a rightful use to their property, a raid against high-powered developers as well, you would think I was speaking of Russia, but this is Suffolk County, U.S.A. Most of us believe that if we live by rules and play by the rules, we have a fair chance of success. But the saga of Sandpiper Farm is a clear case that oligarchs can change the rules of government for their own personal gain. So the Suffolk County Legislature now has an opportunity to undue the wrongs that have been heaped upon Dr. Landeau for over two decades simply by leaving her alone and affirming her right to run Sandpiper Farm as a farm and at the same time maintaining key green spaces on the North Shore. You need to finally do the right thing and enable Dr. Landeau to run her horse farm without interference from local or County government. Any tax implications are secondary to acknowledging this basic right that she has been denied.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much. Nanci Dallaire, and on deck is Linda Ogno.

MS. DALLAIRE:
Thank you. Do you know why this deal to sell the John J. Foley Skilled Nursing Facility should alarm the taxpayers? Besides the fact that the price of 23 million dollars is less than the 36 million dollars before John J. Foley installed upgrades and made improvements that will enhance operations, never mind the new operators will reap the benefits of those rewards, thanks to our efforts and tax dollars. Not even the fact that the people deciding our fate have only visited this facility a few times, or that those given the power to determine our destiny will never need to rely on these vital health services. No. What should really alarm every taxpayer is the fact that this decision was decided while this Legislative body was on summer break. The County Executive announced the sale, sent out the press release and sealed the deal as our representatives were away. Now you will rush to judgment and vote.

This is the practice that should concern every taxpayer. And I say taxpayer because there's no need for concern when it comes to the well-cared-for criminals of Suffolk County. But where can I turn, struggling taxpayer, when my representative does not represent me? What is cost of my action when my elected officials fail to protect me, when the laws put into place to protect me are not enforced, or the rights granted to me are ignored? What is the role of my government, then? I pay taxes to Suffolk County, not to a Mr. Sherman. I went to work for my County to serve my community, not to profit a private operator. Private operators are not concerned with my best interest, they will not guarantee my safety. I was relying on my government to fulfill those obligations, but the security of this County has already been shattered. What will it matter this
breach of trust?

I did believe that this administration was serious about fixing the problems and finding long-term solutions Suffolk needs. Instead, we were hit with a one-two punch. Mr. Steve Levy mortally wounded this facility and Mr. Steve Bellone moved in for the kill. The County has no problem accepting a grant for John J. Foley, they just refuse to acknowledge the potential. The County will entertain offers from so-called successful nursing home operators. A multimillion dollar organization showed interest and two prominent Long Island hospitals all recognized the potential for profit at this premier facility, yet our County cannot realize that. The County Executive will pawn us off to the private operator with a questionable record without following the proper prudent procedures again. While the criminals remain safe and secure, it’s only the taxpayers who will once again suffer. It is this community that must sacrifice our safe haven, and I will once again question my security.

Is it in the public hearings that will be held where the taxpayers can say our piece? Unfortunately, that will not make any difference, the deal is done. This is the frightening fact that Suffolk should -- that should alarm every single taxpayer of Suffolk today.

D.P.O. HORSLEY:
Thank you very much, Ms. Dallaire.

(*Applause*)

Linda Ogno and Dan Farrell.

MS. OGNO:
Well, there’s not much to say after that.

(*Laughter*)

Today’s paperwork is Get a Break. Just to let yous know, I see no breaks for the Foley workers who have been working hard there. In just in my department alone, there’s three of us who have over 80 years of service for this County. But you know what, we’re too young to go.

(*Applause*)

My main concern is also Nanci’s main concern, that this is a done deal. I see no reason to keep this Legislative body if that is the case. We’re supposed to have two co-equal branches of government and that doesn’t seem to be the case. If Mr. Bellone can decide our fate in these matters, then this horseshoe is obsolete.

(*Applause*)

And I find it hard that the Democrats on this horseshoe voted to lay off all these people. Franklin Delano Roosevelt -- my parents were born during the Depression -- put people to work, not put people out of work. Thank you, Linda.

(*Applause*)

LEG. CILMI:
Thank you, Linda. Dan Farrell. Next up after Dan is George Francis.
MR. FARRELL:
Good evening. I'm Dan Farrell, Suffolk County AME President, and we represent the employees at John J. Foley. I'm not only upset with this, I'm totally disappointed, as Linda just pointed, that this process seems to be a done deal, but I don't believe it's a done deal. And we oppose the sale of this facility to the Shermans for many reasons. We have many concerns. Some of the concerns are that this was done with a no-bid contract in which the Bellone Administration is trying to bypass established County procedures and laws. We are also concerned that this was a sweetheart deal. We're also concerned about the quality and level of care that the residents who call the John J. Foley Skilled Nursing Facility their home will receive in light of the recent Newsday articles about the proposed buyer. We are concerned for the taxpayers of Suffolk County. This is a sweetheart deal for the Shermans that should not be approved. This deal is 13 million dollars less than the last deal we had on the table.

And I have some questions for you, the Legislature. The County is including 14 acres of property that surrounds the facility as part of the deal? What was the Bellone Administration -- what did they agree to that can be done with this -- with this land? I'm sorry. How much debt does the County still owe on this facility? Has the County appraised the facility recently, and if so, was it valued -- what was it valued at? And did the appraisal include all the land? And why? Why did we not consider the Easter Seals proposal that was spoke of earlier here? AME would not oppose a public/private partnership, which assured us of the continued high level of patient care that we currently provide, and that we protect all County positions and make sure the employees continue to be members of AME; that the County follows the appropriate laws and procedures in order to ensure that Suffolk County is receiving the maximum revenue possible. Clearly the Sherman deal proposed by County Executive Bellone does none of the above. We need a new RFP, we need a new RFP Committee, and we, AME, need to be included in that process. Unlike my predecessor --

(*Applause*)

Thank you. Unlike my predecessor, I will not negotiate a secret deal behind closed doors and sell my own members out. But, instead --

(*Applause*)

-- I will bring to bear my complete resources, including legal and political, to stop this flawed, illegal, imprudent and highly questionable transaction, which, in violation of State law, will actually result in the waste of taxpayer monies.

I just want to finish with some numbers because I'm a numbers guy. The approximate 10 million cost of funding the annual deficit of J.J. Foley is approximately one-half of one percent of the General Fund expense. As a result, the General Fund property tax is the funding of last resort for the General Fund expense. The proportionate share that covers the 10 million annually operating deficit is only $50,000 this makes the cost to the average taxpayer on annual basis approximately nine cents per year; per year, nine cents. Isn't it worth the County to continue the high quality services provided by the dedicated County workers at John J. Foley Skilled Nursing Facility at such a low cost to the average County taxpayer? That's my question to you. These workers are worth a hell of a lot more than nine cents per day. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Farrell. George Francis is up, and on deck is Jennifer Murray. George Francis? George Francis? Okay. We'll put that one aside. Jennifer Murray. And on deck after Ms. Murray is Elizabeth Baldwin, it looks like.
MS. MURRAY:
Hi. Can you hear me? Okay. My name is Jennifer Murray. I did learn to ride at {Sandpaper} Farm -- I sound like Ed Romaine now -- Sandpiper Farm in the early '80's, but that's not why I'm standing here today. I'm a farmer on an historic property in Smithtown. Suffolk County has been at the forefront of farmland preservation and continually moves toward building an economically sustainable agricultural industry. Yet even with the growing demand for local farm products, there continues to be a shortage of farmland on Long Island. Even less land is available for grass space livestock operations, and none that I know of that produces hay for feed. Sandpiper Farm is an ecologically and historically significant property, and placing this farm in an agricultural district is a step towards planning for the future. Granting this property the right to farm will give the owners and its managers the ability to maintain the property sustainably, both economically and environmentally, alleviating the pressures to develop the land for housing.

I understand some concerns the Village of Asharoken has about commercial farming regarding sounds and smells of livestock farms. The farm buildings on this property are set back rather far from the road. And in my experience as a livestock farmer, a rooster's call would hardly be heard by Asharoken Village residents. However, the last time I checked, a rooster is not needed for egg-laying production, and believe it or not, pigs on pasture don't smell. When land is farmed sustainably, the soil improves, biological diversity increases, and both humans and wildlife benefit from healthy land.

I didn't want to get involved in the politics of the matter mentioning the word "taxes," but I felt the need to state the quote, that farmland tends to pay more in property taxes than it requires in public services. As farmers often say, cows don't go to school and tractors don't dial 911. To develop a win/win relationship between the Village and the owners, I encourage the Village of Asharoken to take a look at the American Farmland Trust Guide, Planning for Agriculture, a Tool Kit for Towns and Counties, and rethink the impact that denying Sandpiper Farm the right to farm will have on the future of Huntington's agricultural and historical heritage. Let's support this trend towards local and sustainable farming. Put Sandpiper Farm in an ag district and plan for a future, a future with small local farms. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Ms. Murray. Elizabeth Baldwin, and on deck is Joseph Clemente.

MS. BALDWIN:
Good afternoon. My name is Elizabeth Baldwin. I am a resident of St. James and I am here representing the North Shore Land Alliance. The North Shore Land Alliance is a 501(c)(3) not-for-profit land trust. Our mission is to protect and preserve in perpetuity the green spaces, farmlands, wetlands, groundwater and historical sites of Long Island's North Shore. Protecting this 440-acre Eatons Neck property has consistently been at the forefront of numerous organizations and municipality's conservation priority lists. The State of New York has listed it as a priority project in its 2009 Open Space Plan. The County of Suffolk made the preservation of this priority by including it on its master list.

Organizations such as the Nature Conservancy and the North Shore Land Alliance list this property as a top priority. It is, in fact, the last of its size and quality in the Land Alliance's designated area. This property is without question of regional significance and contributes greatly to community character and the environmental well-being of our area. Its unique combination of beach, bluff, fresh water and salt water wetlands, along with the grasslands and secondary growth forests, exemplify the elements of our mission like no other property in the Land Alliance's designated area. The sheer size and openess of this property make it crucial to the health and sustainability of Long Island Sound and surrounding harbors. Suffolk County residents rely on our waters for not only
recreation, but many rely upon it for their livelihoods. The rolling topography, steep slopes, large areas of sandy pine barrens, soils, beaches and tidal marsh in the central and western portions of this site make this property vital for protecting the Long Island Sound, as well as providing an excellent resource for adaptation as plants and animals move inward with rising sea levels. The North Shore Land Alliance supports the application for including this property in an agricultural district, as it will reduce the threat of development, preserve a historic farm, and provide continued environmental benefits and value to the community. It is critical that the Suffolk County Legislature take an active role in recognizing the importance of this Eatons Neck property to the health of the community. We urge you to employ all resources necessary to both achieve both the long-term and short-term goals necessary for its protection. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Joseph Clemente. And on deck, Christine Ballow.

MR. CLEMENTE:
Good afternoon, my name is Joe Clemente. I'm currently working as a physical therapist at the John J. Foley Skilled Nursing Facility. I’d like to speak about the proposed sale of the facility, why I'm against it and why you should be, too.

First point I'd like to make is that none of us have any reason to believe that the facility is actually losing $10 million a year, as reported in the paper. These kind of losses have been reported over the last four or five years, and they've been found, along with this one, I believe, to be inaccurate and overinflated. The number needs to definitely be examined clearly before you make a decision on things.

I would also like to know why the nursing home is the only unit in the County that's expected to turn a profit. We're all civil servants to the taxpayers, and services always cost expenses, so why are we held to a different standard? I don't believe that should be the case. We owe it to the taxpayers to run things and operate things as efficiently as possible, but again, we shouldn't be held to any other standard. If we held all the units of the County to the same standard, there would be no County Government at all.

That being said, the Nursing Home just had a very good State survey, which significantly -- should significantly improve its rating above the two out of five it received last year. We also had a very good CMI period and that should decrease losses by two to three million dollars. It does seem like things are headed in the right direction. However, it also seems that Mr. Bellone is hell-bent on selling the place. Although he publicly said that he wanted to save the facility, it seems that everything he's done to this point, and he's only been in office a very short time, has been to work to sell it. So I think the effort -- had the effort been put in to saving it or making it run more efficiently, we would not maybe be having this discussion now.

Okay. Everyone here knows that the RFP process was not done correctly, and the sale of the facility was steered towards a particular operator who is to receive a 75% discount on the assessed value of the building. Shouldn't we be asking why things were handled this way instead of an open transparent process that should have occurred? I keep reading in the paper what a wonderful deal this is for everybody, but who is it really wonderful for? Well, it's certainly not going to be wonderful for the patients at Foley. Ninety-two percent of them have Medicaid as their primary insurance. I wonder how many patients at Sunharbor Nursing Home have Medicaid? Not too many.

I'm sure Mr. Sherman is a good businessman, but in order to make money at Foley, he'll start moving patients out as soon as he can. This deal certainly isn't good for taxpayers either. They'll be losing a vital service, which won't be provided for a for-profit entity. They should be outraged that a
90 million dollar County asset is to be given away for 23 million dollars.

The deal isn't good for employees either. They may be offered jobs, but at what starting salaries? Many will be losing health benefits and pension dollars that are needed to continue living in Suffolk County. So it appears that the only ones getting a wonderful deal are the new owners and maybe those who would allow the sale to happen.

In closing, I would implore the Legislative body, as intelligent, caring civil servants, to keep an open mind. Put aside partisan politics and just do what's right for the patients, the taxpayers and the employees, many who have dedicated large parts of their lives to serve the taxpayers of Suffolk County. Thanks for your time.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mr. Clemente. Christine Ballow, and on deck is Patricia Kuss.

MS. BALLOW:
Hi. I'm Christine Ballow. I've lived in Eatons Neck for 27 years and have been a property owner of Eatons Neck Beach, a board member for 14 years. I also served on the Huntington Master Plan Committee. In the past, as a board member, I worked closely with former Legislator Jon Cooper to save the former Hogan Estate. We had a tremendous amount of support from our community, which consists of about 500 to 600 families, and we also had support from Asharoken to prevent the development of that parcel of land. In fact, I presented to this Legislature as we were trying to prevent the development of the former Hogan Estate. While trying to save that property I attended the State meetings as well and learned that the former Morgan Estate, also known as Sandpiper Farms, was at the top of the Nature Conservancy's list for preservation, as well as the State list. I actually saw that document and have it in my basement somewhere. Having spoken with John Turner, the Director of Conservation Programs at the time, I was assured that there was tremendous concern on the Nature Conservancy's part on the potential of development of this most pristine land. It is one of the last remaining large waterfront parcels that they were concerned about.

Sandpiper Farm has continued to be brought up as a concern for the Town of Huntington's point of view. We have regular meetings as a community with Frank Petrone and this has been brought up many times. In the past, former Mayor Kelly also was very concerned about a development. This is particularly due to the fact that we lost the ability to save the Hogan property and the development had gone through. Development plans exist for this environmentally sensitive parcel, and the development of this land would forever change the culture of both Eatons Neck, Eatons Harbor and Asharoken. The greater population would shift now from the strip to Eatons Neck mainland, and the concerns that the Village has would, of course, change as well. The peacefulness that Asharoken and Eatons Neck presently enjoy would forever be altered, as this last parcel of open space would be destroyed.

On the other hand, if the Nature Conservancy acquired this land, this would be a much greater impact on Asharoken taxpayers as well. Farmland status appears to be a compromise that allows for the usage of the land as the owner desires, Laurie Landeau, and gives an abatement of some of the taxes and the maintenance of the land without development. And we've seen the development of the Hogan property and we've seen what's happened when they've constructed the sump. Now the developer has problems with it, there's no drainage. We'll probably have to spray for West Nile Virus, another cost. So it's not that simple. There were other things that had to be mitigated.

I urge the Legislature to work out some way to satisfy the owner and Village without compromising to keep this parcel undeveloped. Please vote this in as farmland.
(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much, Ms. Ballow. Patricia Kuss.

**MS. KUSS:**
Good afternoon. My name is Patricia Kuss. I'm a former employee of John J. Foley Skilled Nursing Facility. If sold, I believe in my heart that the quality of care will decline for the residents of John J. Foley. Also, there is no control of the quality care delivered when currently outside agency workers are working in our building, about 50 percent; the other, about -- the other 50, County workers.

I ask the Legislative body to preserve, don't sell, the nursing home. This is a yard sale. I ask you to preserve and embrace the integrity, respect, loving dedication and untiring hard work of all of the John J. Foley employees who all go way above and beyond their call of duty. You cannot put a price tag on human beings, whether it be the residents or employees of John J. Foley Skilled Nursing Facility. Thank you for listening.

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much, Ms. Kuss. Lee Snead? Lee Snead? Ah, I thought that was you. How am I doing on time here?

**MR. SNEAD:**
Good afternoon, members of the Legislature. My name is Lee Snead. I happen to represent Suffolk County AME as their Governmental Liaison, and I'm here to talk to you about the resolution which was dropped on your desk this morning. I've gone through it and I want to make you aware of some of the provisions of it that are quite troubling to us, the first being that this resolution completely guts the public bidding process on the sale of property from the County. If you look at the Legislative intent, and I'll read the actual language, it's a stunning statement. And in 20 years of my representing governmental entities, municipalities, counties, towns, I've never heard this before. It says, "The public bidding proposal process does not serve the County's best interests.

This State has an overriding paramount objective of always having open public bidding for public property and public works. And this County, if you pass this resolution, is saying that that doesn't apply here in the County of Suffolk for this proposal. I don't know why, because, indeed, you've had two RFP proposals that have been gone out, responded to, vetted by your committees, and although they were found wanting, they were there. What's to make you think that if you went out for an RFP process again and you would get no bidders?

When I listened to County Attorney talk about the analysis about why he thought or why the Bellone Administration thought that the public bidding process was no good, it was because we didn't find people we want after we had an RFP, so let's just go out and pick the person we like and work the deal with them. The purpose of this law, it actually states, is to supercede all of the provisions of New York County Law Section 215. those are, in fact, the provisions that require you to have a super-majority vote in order to declare a piece of property surplus and require you to have public bidding whenever you go out and sell a piece of property, or even lease a piece of property for that matter.

So I guess at this point I'd ask a quick question of the Counsel, if he could answer. How many votes do you need to pass this resolution?

**D.P.O. HORSLEY:**
We're not going to be answering any questions.
MR. SNEAD:
Okay. The declaration here also talks about the sale of 14 acres of land. This is the first time that 14 acres of land are ever to be sold with this -- with the Foley property. The past RFPs always spoke just about the building. So why the 14 acres of land, especially when the last appraisals that this body received, both from its own Presiding Officer and from the applicant, showed the property to be worth 35 -- actually, the facility to be worth 35 to 36 million dollars? Now, a year later, with the addition of 14 acres of undeveloped land, somehow --

D.P.O. HORSELEY:
Mr. Snead, you're going to have to start to wrap up.

MR. SNEAD:
Somehow it's worth two -- it's twenty-three million. I'll go right to the back end, though. AME's not concerned about your deal. We don't like this one, we're concerned about our employees.

A question was asked about whether or not the employees would be given jobs. In this document, it specifically does not require that, and I'm going to read this verbatim.

D.P.O. HORSELEY:
Okay. Mr. Snead, you're going to have to wrap it up, though, please.

MR. SNEAD:
I will. "This section 6-3 shall not require the buyer to employ such employees on the same terms and conditions as they were employed by the seller prior to closing. To the extent that the buyer offers employment to existing employees, their rates of pay shall be consistent with nursing homes in Suffolk County." That means that if they deem -- are deemed to employ them --

D.P.O. HORSELEY:
Mr. Snead, I'm going to have to be insistent. Please, wrap it up.

MR. SNEAD:
Okay. Thank you very much.

(*Applause*)

D.P.O. HORSELEY:
Thank you. Okay. At 6:30 we are going to have to go into public hearings. But before we do that, I have a note here that we have -- I'm going to ask the Mayor of Asharoken, Mr. Letica, to please come up and make a statement prior to 6:30.you're doing fine. I'll let you go over. Don't get nervous now. But Mr. Letica has a special commentary that he would like to present to this board prior to our voting tonight on different issues.

MAYOR LETICA:
Thank you very much. Just a brief point I'd like to mention before I go on to the more important point. There was a lot of mention of the master plan in the Village of Asharoken. The master plan is a plan that the Village has, which every village should have. It's a guide for what we might do in the future should someone want to develop a piece of property. It was not designed by the Village to develop any property, it was just a guide as to what we might want to do in the future. The plan was approved by the Suffolk County Planning Board 7-0, and the man who wrote that plan for us, Andy Mendelsohn, was voted Planning Board Chairman of the Year in New York State. So that's a very, very good document that we have and should not be used as a, shall we say, threat to think that the Village wants to develop this property.
Having said that, listening to the comments tonight of many people who are very well intentioned and would very much like to preserve open space and farmland, and additionally, in consideration of the fact that should this application be postponed this evening, the property owners would lose their rights to get an agricultural exemption for another full year, and in addition to the fact that the attorney for the property and myself and our Board of Trustees had reached an agreement this afternoon, which we decided not to sign because we were under the impression that we could table this resolution this evening and then readdress it some point in the future and still be able to give the property owner the relief that they wanted, but now it appears that they can't, I would be requestfully (sic) asking the Suffolk Legislature to this evening consider voting on this property along with the other properties for agricultural exemption. That's all I'd like to say. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Yeah. The question comes from one of the Legislators whether or not we can question you as still part of the public portion -- public hearings. But let me ask Counsel to make a decision on this.

MR. NOLAN:
Under our rules, during the public portion we cannot question people. This might be a special circumstance where the Chair would exercise the prerogative if he thinks it's in the best interest to ask this particular witness a quick question, one or two, so we must get into public hearings.

LEG. KENNEDY:
Okay. It's 6:34, we're out of public portion.

D.P.O. HORSLEY:
I believe that you'd like to waive the rules?

LEG. SCHNEIDERMAN:
If it's quick, I'll make a motion to waive the rules so you can ask him. It seems we have peace right now in Asharoken. I'm not sure that --

D.P.O. HORSLEY:
That's right, peace in Asharoken in hard times.

LEG. SCHNEIDERMAN:
I'm not sure we want to disturb the peace. I'll make -- if the Chair --

MR. NOLAN:
Don't do that. If there's a -- just forget it.

LEG. ROMAINE:
Yes, forget it. Forget it.

LEG. KENNEDY:
You know what, if the sponsor -- if the parcel where the home Legislator is is okay with the deal, fine.

LEG. SCHNEIDERMAN:
Perhaps when we debate the bill later --

LEG. ROMAINE:
Yes.
LEG. SCHNEIDERMAN:
-- if the Mayor is still here.

D.P.O. HORSLEY:
That's correct, yeah. I think you would -- that's very good, possible. Okay.

LEG. SPENCER:
The sponsor is happy.

D.P.O. HORSLEY:
Thank you very much, Mr. Mayor. And the sponsor's happy. Boy, makes my day, happy peoples.

All right. Let's move to the public -- the public hearings. The Clerk advises the affidavits of publication are in proper order for the following public hearings, and we will move right into the first public hearing, which was **1341 - A local law to amend the Prompt Payment Policy for all not-for-profit contract agencies (County Executive)**. Would anyone like to be heard on 1341?

MR. STRAUSS:
Okay? Alex Strauss, 184 Radio Avenue, Miller Place, New York. This Prompt Payment Policy, to amend it, could somebody explain exactly what the amendment is so the people here can understand what they're doing or what is suggested to be doing?

D.P.O. HORSLEY:
Counsel advises me that we cannot take --

MR. NOLAN:
Just his testimony.

D.P.O. HORSLEY:
Just your testimony for the public hearing.

MR. STRAUSS:
Okay.

LEG. ROMAINE:
Can I question the witness?

D.P.O. HORSLEY:
Yes.

LEG. ROMAINE:
Did you know that this is proposed by Legislator Calarco and it would change the minimum amount from $5,000 for contract agencies to 47 --

D.P.O. HORSLEY:
I think we're on the wrong bill, Ed.

LEG. ROMAINE:
That's the wrong bill?

D.P.O. HORSLEY:
Wrong one.
LEG. ROMAINE:
Okay, okay.

D.P.O. HORSLEY:
But we appreciate your comment, though.

(*Laughter*)

LEG. ROMAINE:
I'm sorry, I was going to try to help.

MR. STRAUSS:
That's okay.

LEG. MONTANO:
Thank you for clarifying that.

MR. STRAUSS:
Okay. Since I don't know what it is --

LEG. MONTANO:
We don't know either.

MR. STRAUSS:
But at least I can express myself. If this is to lengthen the amount of time that a contract agency has to wait to get paid, this is wrong. Everybody has 30 days to pay their bills. And again, I'm just saying this because I don't know what the law is -- what the bill is, but nobody wants to explain it to me, that's fine, then I'll just ramble on. If that is what the amendment is to do, it's wrong. Everybody should pay their bills just like everybody else, 30 days. Any place that the County rents office space to, if their bill is not paid in 30 days, they start proceedings to throw the people off the property. This should be the same thing with these people. If they're looking for a payment and it's more than 30 days, it's wrong. We already had this. If this is to amend that law to make it longer than 30 days, it's wrong, it's not the right way to do business.

D.P.O. HORSLEY:
Thank you very much. Okay.

LEG. ROMAINE:
Motion to recess 1341.

LEG. HAHN:
Second.

LEG. CILMI:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Cilmi. Are there any other motions? All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)
D.P.O. HORSLEY:
1489 - A local law to improve the safety of vehicles used by child care providers that contract with the County, "Look Before You Leave Our Children Act."

LEG. STERN:
Motion to recess.

D.P.O. HORSLEY:
We have no cards. Would anyone like to be heard on this public hearing? Would anyone like to be heard on this public hearing? Okay. That being the case, Legislator Stern, you’d like to?

CHAIRMAN STERN:
Recess.

D.P.O. HORSLEY:
Recess. I’ll second the motion to recess. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:
Fifteen. (Absent: P.O. Lindsay and Leg. Browning/Not Present: Leg. Kennedy)

D.P.O. HORSLEY:
I.R. 1522 - A Local Law to enhance provisions for enforcement of certain Consumer Protection Laws (County Executive). I don’t have any cards. Oh, I yes, 16 -- that’s 1622, I’m sorry. 1522. I don’t have any cards. Would anyone like to be heard on this I.R.? Would anyone like to be heard on 1522?

LEG. CILMI:
Motion to recess.

D.P.O. HORSLEY:
Motion to recess by Legislator Cilmi, seconded by -- I’ll make the second on the motion. All those in favor? Opposed? So moved, it has been recessed.

MR. LAUBE:
Fifteen. (Absent: P.O. Lindsay and Leg. Browning/Not Present: Leg. Kennedy)

D.P.O. HORSLEY:
I.R. 1567 - Proposed increases and improvements of facilities, Phase 2A, for Sewer District No. 21 - SUNY (CP8121) (County Executive). I understand, Counsel, you have -- you would like to have this recessed for cause?

MR. NOLAN:
Well, it has to be recessed to be advertised properly, and DPW has requested we recess it until 10/9, October 9th.

D.P.O. HORSLEY:
Okay. So there -- DPW is requesting that this be recessed to 10/9.

LEG. CILMI:
Motion to recess.
D.P.O. HORSLEY:
Motion to recess by Legislator Cilmi.

LEG. MURATORE:
Second.

D.P.O. HORSLEY:
Seconded by -- I'm sorry. Legislator Muratore. All those in favor? Opposed? So moved. It has been recessed.

MR. LAUBE:
Fifteen. (Absent: P.O. Lindsay/Not Present: Leg. Browning and Leg. Kennedy)

D.P.O. HORSLEY:
That was 1567. I.R. 1622 - a Local Law to further regulate utility poles on County road right-of-ways (Schneiderman). Let's see, 1622. I do have a card for 1622, a Michael Gendron.

(*Applause*)

MR. GENDRON:
Good evening. I want to thank you all for giving me the opportunity to speak before you. I would like to also thank Legislator Jay Schneiderman for introducing Resolution 1622.

As you may well know, this is the not the first time that I and my union, CWA 1108, have become -- have come before the Suffolk County Legislature to speak on the issue of double poles. We started in 2006 and came back in 2010. In 2010, we had 11,994 double poles in Suffolk County. Verizon gave a commitment of removing 250 poles a month, for a total of 3,000 a year, with the promise that all 11,994 poles would be removed by the fourth quarter of 2014. Well, here we are in the third quarter of 2012 and we still have at least 11,000 double poles in Suffolk County.

As we stated in 2010, Verizon had not lived up to the promise and commitment given in 2006 to do everything they could to remove all of the double poles, and so we are here before you again tonight to say that Verizon has done it again. Their commitment to remove this blight by 2014 is just not going to happen. Unfortunately, when the management at Verizon saw that the previous law passed was not going to be enforced they broke their promise to the County. They broke their promise to the residents of Suffolk County to remove the blight of their double pole. They broke their promise to our children to remove the safety hazard that they play around on our streets.

What was Verizon's plan to get as many of these broken, rotted poles removed as quickly as possible? Well, first they sent hundreds of our techs into the Buffalo area on temporary assignment in 2010 and 2011. Then through attrition and forced transfers into Nassau County, we saw the number of line techs reduced from 180 to 87. Then, to finish off their plan of action, to remove all those poles, they sent 40 of the remaining 87 to Brooklyn on temporary assignment. Luckily, they were not done. Last month they started the permanent transfer of 92 techs into Brooklyn. The reason for those transfers? We don't have any work in Suffolk County. Well, if they needed any help in finding that work, I know just where to find it. They could start by removing those 11,000 poles they left littering our streets.

(*Applause*)

This resolution will give us the mechanism to enforce the law this time. Verizon does not take this issue with any degree of urgency or seriousness. The time is now to give them that urgency. The time is now to make sure Verizon takes it serious when it comes to keeping our neighborhoods safe where our children play. The time is now to make sure that Verizon makes it a priority to remove
the blight that takes away from the beauty of our streets and homes. The time is now to pass Resolution 1622. Thank you.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Michael. Michael, stay up there just for one second. We have -- Legislator Gregory would like to ask you a question.

MR. GENDRON:
Yes.

LEG. GREGORY:
Hey, Mike. How are you?

MR. GENDRON:
All right. How are you?

LEG. GREGORY:
Good. I got your call. Thanks for calling the office the other day.

MR. GENDRON:
Thank you.

LEG. GREGORY:
Now, from your testimony, am I to understand that since you started advocating about this issue in 2006, we're at the same level --

MR. GENDRON:
We're at the same --

LEG. GREGORY:
-- of double poles?

MR. GENDRON:
At the same level, if not more.

LEG. GREGORY:
Wow. So it hasn't decreased in six years or nearly six years.

MR. GENDRON:
No.

LEG. GREGORY:
Wow.

MR. GENDRON:
No. And it's extremely frustrating to see our folks transferred all over the place and to constantly be told we don't have the work. And I've got to drive around these streets and see these poles, double poles everywhere. So, like I said, I know where to find the work, they just don't seem to want to listen.

LEG. GREGORY:
Okay. All right. Thank you.
LEG. SCHNEIDERMAN:
I might --

MR. GENDRON:
Thank you.

LEG. SCHNEIDERMAN:
-- through the Chair, be able to shed some light on that, because I did meet with --

D.P.O. HORSLEY:
Legislator Schneiderman, yes.

LEG. SCHNEIDERMAN:
I met with the Verizon rep, Patrick, I forget his last name, but he's here. So even by his own admission, the number of double woods are growing by at least 1,000 poles a year, even with them removing poles. So they're not -- and they have been trying -- I guess they originally came to us and said they were going to do about 3,000 poles a year and then they modified the number down to two-thousand-something. But they admit that they're not keeping pace and the number of double woods are growing at a pretty significant pace. So that's -- over a decade, you're going to look at another 10,000 more poles, a doubling of the number of double woods, so.

D.P.O. HORSLEY:
Thank you. Thank you very much, Legislator Schneiderman. Legislator Montano. Were you done, Legislator Gregory?

LEG. GREGORY:
Yes.

D.P.O. HORSLEY:
Legislator Montano.

LEG. MONTANO:
Mike, how are you?

MR. GENDRON:
Good. How are you?

LEG. MONTANO:
Quick question. These poles that have -- these double poles, do you have, or does someone, maybe the sponsor, have an indication of how many poles are in each geographic area in Suffolk? In other words, could you tell me how many are in Brentwood, Central Islip, Islandia? Not now, but, I mean, do you have that information available?

MR. GENDRON:
I don't presently.

LEG. MONTANO:
Who would have it?

MR. GENDRON:
The -- obviously, the company. And the last time we went through this, they provided that information. And as last time, their numbers were skewed, at best. If you recall, when I spoke here last time in 2010, they had it broken down by wire center. Now a wire center is the geographic area that's serviced by a certain central office. So the example was Central Islip. Now that area covers
Brentwood and Central Islip. They had a number of double poles remaining, six. That morning, I drove around on just the main streets and I counted over 66 of them, wrote them down, and provided that list. So, you know, I hesitate to believe anything they tell me.

LEG. MONTANO:
You provided it to us or you provided it to them?

MR. GENDRON:
I provided it to you folks and --

LEG. MONTANO:
All right. Then we'll pull out that file, but I know there are more than six in Brentwood and Central Islip, that's for sure.

MR. GENDRON:
Yes.

D.P.O. HORSLEY:
Thank you very much, Legislator Montano and Legislator Romaine.

LEG. ROMAINE:
Yes, very quickly, I was a cosponsor against double poles with Jack Eddington with the original legislation. I'm a cosponsor with Legislator Schneiderman. The biggest difference in this piece of legislation, which I think you understand, is the County has the right to impose a fine of up to $1,000 a month for every double pole that they are notified of.

(*Applause*)

This legislation also requires the County to put an RFP out to hire someone, possibly a retired Verizon person, to go out and to identify these poles, make Verizon aware, and when they don't replace them after that first month, the $1,000 fine begins running that month and thereafter.

LEG. SCHNEIDERMAN:
Ninety-day notice.

LEG. ROMAINE:
Ninety day -- with 90-day notice. Thank you for reminding me of that but I would say to Verizon, the difference with this legislation is this is a very poor county that has a lot of debts, and when we see those dollar signs, boy, you better get your crews out there.

(*Applause*)

You better get those crews out there removing them. Thank you.

MR. GENDRON:
And I thank you, Legislator Romaine. I appreciate your support on that.

D.P.O. HORSLEY:
Legislator Romaine, I like the way you think Legislator Cilmi.

LEG. CILMI:
Thanks, Mr. Chair. Hey, Mike, a question for you. In addition to the double poles, do you have any -- any idea how many dangerously leaning poles there may be throughout Suffolk County, because -- and would you agree that those leaning poles do, in fact, present a hazard --
MR. GENDRON:
Absolutely.

LEG. CILMI:
To our residents?

MR. GENDRON:
Of course. And again, it's just one more thing that they ignore. How about the hanging terminals that sway back and forth that are not attached to any pole? Pretty dangerous. And, in fact, I've seen far too many of the extremely large cross boxes that, you know, weigh a couple of thousand pounds in that same condition, and again, they don't take it seriously.

LEG. CILMI:
Is there some way that we can get, in addition to the 11,000 double poles that still exist, is there a way that we can get numbers as to how many of those leaning poles we have?

MR. GENDRON:
I'll tell you what. What we can do is to do a study ourselves, and again, not just give you numbers, but we'll give you pole and street address, just to illustrate what's going on.

LEG. CILMI:
Because, as I drive through Islip on my way to my office, I tell you what, it's hard to find one that's actually, you know, perpendicular to the ground.

(*Laughter*)

MR. GENDRON:
I think, unfortunately, for the engineer, his heel on one of his shoes fell off, so he's kind of leaning one way.

LEG. CILMI:
Thank you, Mike.

D.P.O. HORSLEY:
Thank you very much, Legislator Cilmi. That being heard, Legislator Schneiderman, what do you want to do with this?

LEG. SCHNEIDERMAN:
I think there are more questions.

MR. NOLAN:
Are there people who want to testify?

D.P.O. HORSLEY:
Oh. I don't have any more cards. Anyone else like to be heard on this --

LEG. SCHNEIDERMAN:
I see Legislators with hands up.

MR. GENDRON:
Yeah, Legislator Anker.

D.P.O. HORSLEY:
Oh, I'm sorry, I didn't see you.
Okay. And then I saw somebody out in the audience who would like to speak as well, but Legislator Anker.

**LEG. ANKER:**
Again, I just wanted to thank everybody coming out today. This means a lot. It shows that you're in support, especially with your union, and that's really what's important here.

I have been working with a constituent for at least as long as I've been in office, a little over a year, and she's had two poles by her house, one is a LIPA pole and one is Verizon, and one broke, and she's been getting the back-and-forth, you know, it's LIPA, it's Verizon, it's LIPA. And it wasn't until -- you know, we've been calling, been working on this. But in Newsday, about what, three or four weeks ago there was an article, and it was the ones -- the Bulldog, whatever, they go and they find an issue. You know, we need your help as much as you need our help, and we're going to do as much as we can.

And I just want to thank Legislator Schneiderman for introducing this resolution. This is going to be vital and it will just clean up our roads, and also will put Verizon on call that they need to finish their job and they need to use our workers to do it.

**(*Applause*)**

**MR. GENDRON:**
Again, thank you. And you'll be able to count on us.

**D.P.O. HORSLEY:**
We're all good? Okay, sir.

**MR. GENDRON:**
Thank you.

**D.P.O. HORSLEY:**
Thank you, Michael. Appreciate you being down here tonight.

**(*Applause*)**

**MR. CLAMPET:**
Hi. My name is Charles Clampet. I'm a resident of Suffolk County. My question is what is a double pole, for the laymen that are out here?

**D.P.O. HORSLEY:**
Legislator Schneiderman, you want to --

**LEG. SCHNEIDERMAN:**
I don't know that there are --

**D.P.O. HORSLEY:**
-- give the primer on double poles?

**LEG. SCHNEIDERMAN:**
I will. I mean, the bill carefully defines it so that there's no confusion, and if somebody has a bill in front of them. But, basically what happens, typically if there's a car accident or a pole is just old,
you know, they reach a usable life, LIPA usually will put in a new pole and move the upper wires, which are the utility -- the electric wires, to the new pole, and then Verizon -- first, actually, Cablevision, then Verizon. The next set is Cablevision and then Verizon. They will migrate over to the new pole, and then when all of that, what we call plant, all those utilities are off, then the old pole is supposed to be removed. And what's been happening is the old pole just stays there and Verizon and Cable just stay there years, decades. And so if you drive in some -- in really beautiful scenic areas, you will see these, what we call, double poles or double woods everywhere. So it's a very -- it's a visual blight, there's public safety concerns, etcetera, and it's just really -- to me, it's been very -- it's irresponsible of Verizon to not get rid of these because it's really hurting our communities.

In fact, when Verizon met with me about this, they, you know, wanted to know why it was such a problem, or if it really was such a problem. I just said, "Come on, let's walk out my front door at my office and there's a double pole right in front of my office, around the corner another double pole, they're everywhere you look." So it really is a problem, and they just -- it's not in their economic interest right now to remove them, so they're not doing it. So this bill makes it in their economic interest to get rid of those poles, they're going to have to.

(*Applause*)

MR. CLAMPET:
What I'd like to see is the County Legislator one through 18 make phone calls to their constituents and their areas and find out where the poles are so they have it direct to you, one through 18, instead of Verizon going -- instead of Verizon going to you and saying, "There's only 10 poles," and meanwhile there's 1,000 poles.

LEG. SCHNEIDERMAN:
If I can respond to that, too. So under the bill, the Department of Public Works would look for proposals from private vendors, and that -- whoever that contractor is, it's their -- going to be their responsibility to find all these poles, look at what the pole number is, send Verizon a certified letter listing all the double poles, and then Verizon will have 90 days for each of those poles to correct the problem. After that, they face a $1,000 per month penalty. Now, I don't know exactly how many there are on County roads yet. The towns and villages may adopt similar legislation that would allow us to do one RFP. I believe there's about 12,000 of these poles currently and growing by at least 1,000 a year. So you can do the numbers, that's $12 million a month.

MR. CLAMPET:
Okay.

LEG. SCHNEIDERMAN:
That's a lot of money.

MR. CLAMPET:
The other thing is --

LEG. SCHNEIDERMAN:
A hundred and twenty, 130, 140 million dollars a year.

MR. CLAMPET:
I remember years ago they had -- Verizon had a commercial, and the guy was in the swamps with his cell phone and he'd say, "Can you hear me now?" Well, I hope that Verizon hears Mr. Romaine and Mr. Schneiderman.

(*Applause*)
D.P.O. HORSLEY:
Thank you very much. Okay. Would anyone else like to be heard on this I.R.? Would anyone else like to be heard on this I.R.? That being the case, Legislator Schneiderman, what do you want to do?

LEG. SCHNEIDERMAN:
I'm going to make a motion to close.

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
Second by Legislator Romaine. All those in favor? Opposed? So moved.

LEG. HAHN:
Recuse.

MR. LAUBE:
Fifteen. (Absent: Leg. Browning and P.O. Lindsay)

D.P.O. HORSLEY:
Fifteen. Thank you very much. And we'll move on.

(The following testimony was taken by Alison Mahoney – Court Reporter & transcribed by Kim Castiglione - Legislative Secretary)

IR 1685, A Local Law amending Chapter 740 of the Suffolk County Code in connection with revisions to sewer use rules and regulations (County Executive). I do not have any cards on this IR. It's good to see you guys, by the way. And thank you for not testifying, we got the message. We'll wait until the room clears. Okay. Let me see if anyone would like to be heard on this IR. Would anyone like to be heard on this IR 1685? Would anyone like to be heard on 1685? I don't see anybody. That being the case, this is the County Executive's.

MR. ZWIRN:
Motion to close.

D.P.O. HORSLEY:
Close it? I'll make the motion to close. Seconded by Legislator Stern. All those in favor? Opposed? So moved. It has been closed.

MR. LAUBE:
Fifteen. (Not Present: Legislators Lindsay, Schneiderman and Browning)

D.P.O. HORSLEY:
Okay. 1695, A Local Law authorizing the County Executive to execute agreements for the sale of vacant land at Yaphank County Center (Phase II - Budget Mitigation).

I have a number of cards. The first card is from a Chad -- I'm having trouble reading this. Chad Trusnovec. How did I do?

MR. TRUSNOVEC:
Terrible.
D.P.O. HORSLEY:
Terrible, huh? I had a feeling.

MR. TRUSNOVEC:
Good afternoon. My name is Chad Trusnovec. I am the President of the Yaphank Civic Association and I'm here today to speak about the proposed sale of the 250 acres. I don't have any prepared statements. I've been thinking about a number of things throughout the last several days and how big of a proposal and how much this is going to affect us. A number of months back another one of our elected officials, not at the County level, had come to our civic meeting to address a number of issues, and throughout the evening this representative said in regards to certain issues, "What is it that you would want from me or from my office?" And I said, "Well, what I would want from any elected official is to think about the people that you're affecting with what it is that you do, because I find that too often that is not the case," and I see an opportunity here for a lot of effected officials to be able to point fingers at other elected officials who say it's not my problem, it's his problem.

This proposal, this project, if you don't live near it, I'm sure probably looks very, very good. It's money, it's industry, it's jobs, and it's getting trucks off the road. I won't disagree with that, except for one major problem. It puts all those trucks in one central location in Yaphank and that is going to be a serious problem.

(*Applause*)

Our -- I'm a lifelong resident, as I've spoken here before I'm sure you all know that. I'm a lifelong resident. My family has been in Yaphank for over two centuries in my lifetime I have seen the quality of life of my town deteriorate year after year after year after year with issue after issue after issue whether it's speeding cars going past my house in a residential neighborhood, and historic residential neighborhood, doing 60 and 70 past my house on a regular basis. When I started driving 30 years ago I used to be almost able to pull out of my driveway almost without looking, and now it's a speedway and I got to wait -- I mean, it's just unbelievable the traffic.

The lakes in Yaphank are a virtual unusable swamp. It's been overlooked for decades. Another quality of life issue. The noise coming from the Long Island Expressway, I have recorded it myself. I bought myself a pretty good quality decibel meter and a video camera and I have videotaped the decibel meter steadily at up to 65 decibels in my backyard. It's not just my backyard, that just happens to be where I taped it. It's throughout the town. Hundreds and hundreds and hundreds of trucks are going to be brought into Yaphank in the surrounding area on the roads and the highways with this project. The Long Island Expressway through Yaphank was installed in 1970.it is a 40 year old concrete roadway that needs desperately to be updated. The sound difference alone from repaving it --

D.P.O. HORSLEY:
You're going to have to start to wrap it up. I'm sorry.

MR. TRUSNOVEC:
Okay. What I'm asking is for the Legislature to not just say well, we're going to sell this property and we're going to push it into somebody's else's lap and it's not our problem anymore. I ask you to think of what are the repercussions. You can't say that you don't know who are you selling it to or what you're selling it for. You all know where this property is going and what's going to be done with it. All I ask is that you think to protect the people that you are affecting because it's going to affect us dramatically. Thank you.

D.P.O. HORSLEY:
Thank you very much.
D.P.O. HORSELY:
Maryann Johnston.

UNKNOWN AUDIENCE MEMBER:
That's a woman who should run for Congress.

MS. JOHNSTON:
Good evening, members of the Legislature. Thank you for the time. I'm here to speak on the absurdity of selling 239 acres and pretending you don't know what's going to happen to it. I'm also incredibly disappointed in the Planning Director of Suffolk County who issued -- who believes that this land does not lie within the Carman's River Watershed. I can assure her it most certainly does.

The first issue deals with SEQRA. A GEIS prepared in connection with the sale of land in Yaphank analyzed the impacts associated with the Legacy Village project and the impacts associated with development under the existing zoning. This later analysis was limited in scope to very specific development thresholds. The GEIS never analyzed the impacts associated with an expanded rail development facility or a casino. The CEQ dodged this issue by illogically rationalizing that they had no knowledge of what the use of the property would be, and that future development would be subject to additional local SEQRA analysis. That is simply not true. The moment it is owned by the railroad it is a Federal analysis, not a local, State or County analysis. In fact, it's not subject to zoning.

The next thing is if this logic were correct there would never have been a need to prepare an EIS for Legacy Village since that was subject to local control, too, allegedly, but that was done. A little bit of consistency goes a long way. It also lacks credibility to say that you have no idea what the use of the property will be since you are selling it to a newly constructed rail facility that is up and running right next door. Perhaps someone should also request a FOIL for all the documents related to that sale and the minutes from all the meetings that led to the proposed sale. I need to tell you that that is also up and running minus any environmental impact analysis. It was an agreement in stipulation cut by the Town of Brookhaven.

In addition, there are a number of contaminant plumes impacting the property that have not been addressed and have been rarely tested. The Legislature needs to clarify the status of these plumes before it begins a process to sell this property.

The second issue might not sound so important, but it is equally critical. The County cannot sell public land and this Legislature cannot authorize it without an analysis and a declaration that that land is surplus. The analysis that was done for the land in Yaphank that led to the Legislature's declaration that property was surplus was only based on an analysis of land in Yaphank. You are not -- anyone can get this by simply going into the Planning Department and asking for it. It is very clear that this land and this analysis was limited to Yaphank.

D.P.O. HORSELY:
Ms. Johnston, you are going to have to start to wrap up. I do have someone who has a question, though.

MS. JOHNSTON:
I just have one other thing.

D.P.O. HORSELY:
Okay. I couldn't stop you anyway, so.
MS. JOHNSTON:
No, I wouldn't think you would think that. In order to justify the sale of hundreds of acres of County land in Yaphank, particularly in light of the hundreds of millions of dollars already spent on open space preservation, the County is obligated to perform an analysis of all County holdings, not just those in Yaphank. How can you know that if the land in Yaphank is actually surplused if you haven't analyzed the needs throughout the rest of the County. A related issue, in fact, is that some of the holdings associated with the land were acquired through eminent domain and condemnation. The County Attorney needs to look at this issue as to whether or not this should go forward.

D.P.O. HORSLEY:
Thank you very much, Ms. Johnston. We have a question so you can talk on. Legislator Gregory.

MS. JOHNSTON:
Yes, Mr. Gregory.

LEG. GREGORY:
Hi, Maryann. Good to see you again.

MS. JOHNSTON:
Nice to see you again.

LEG. GREGORY:
Just so that I understand, your -- I'm interpreting the basis of your concern is the process? That there hasn't been enough studies to go forward with this project or is there other more environmental, traffic related --

MS. JOHNSTON:
Well, let me be very clear about what my concerns are. My concerns are that my town has spent a fortune trying to save the Carman's River, and this County spent a lot of time lobbying to see to it that these holdings were excluded. That is at cross purposes to one another; that is not a common goal. We are working on an issue to save the jewel of the Isle. It requires that we not develop it irresponsibly and we certainly not sell it for 20 million bucks. Frankly, we just bought the Beechwood Property in Mastic, which is 92 acres, and we paid 16 million, so I don't know why you're holding a fire sale.

LEG. GREGORY:
So -- but -- so are you against the use of this property or --

MS. JOHNSTON:
I believe that the use of this land can be better analyzed than by taking a location that is within the worst air quality in Suffolk County, no question about it. The valley between Exit 66 and Exit 68, which is the old watershed of the Carman's River, has the worst single air quality in the State. Now we're going to put diesel trains there, diesel trucks, let them idle -- my God, this guy is burying C and D. We wonder why our revenue is down at the Town of Brookhaven landfill? We have to look and see what's being buried at the BRT. Maybe that's not a concern to you, but your concern should be the health, safety and welfare of these residents, and not whether or not you sell this to the BRT.

But beyond that there's another issue. There are three other plans for BRT's intermodal truck rail facilities, well advertised. One at Pilgrim near the Edgewood Brush Plains Preserve, another at Calverton, another at Riverhead. You allow this to go forward and you condemn those communities as well to sit in the shadow of the largest rail depot systems in the northeast. This is what you want for your County? I suggest that all of you will live in infamy if that happens. We're trying to save a river. We can't do that when you're trying to build Jerry Nadler's cross sound tunnel, and he needs these things to go forward, we don't.
LEG. GREGORY:
So you’re not against the use of the property, you’re against --

MS. JOHNSTON:
I’m against the use of it as a rail facility. I would have liked to have had an environmental review in the first place. Perhaps it wouldn’t have even been there, but that was a deal cut behind closed doors.

LEG. GREGORY:
Okay. Thank you.

MS. JOHNSTON:
You’re welcome.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Legislator Gregory. Legislator Romaine.

LEG. ROMAINE:
Yes. Maryann.

D.P.O. HORSLEY:
Maryann? We have one more Legislator who would like to ask a question.

LEG. ROMAINE:
You alluded to several things during your presentation. I just want to go over them again. Local zoning. If the County sells this, are you saying that we can’t put a condition in the contract to make this land subject to local zoning?

MS. JOHNSTON:
I don’t believe you can, sir. I believe that the Federal Government is preemptive in this area of surface rail transportation, and I don’t believe that any local government can remove the preemption. So the same argument they made to have the BRT in the first place will be an argument with a great deal more weight that they make now since they already have one.

LEG. ROMAINE:
Even if we made that a contingent of the sale?

MS. JOHNSTON:
Even if you make it a contingent in the sale I believe that you would lose in court.

LEG. ROMAINE:
Okay. Thank you, because I see a representative of our County Attorney’s Office sitting in the audience. I’m going to ask him that question when this gets vetted out either at committee or at the next General Meeting about that question. I want him to be on notice so I don’t catch him by surprise and he can do his research.

MS. JOHNSTON:
Just as an aside, in the minutes before the Surface Transportation Board, the owners of the BRT maintained they were not subject to local zoning.
LEG. ROMAINE:
The next thing I want to ask is we're selling you said 238 acres, I saw a document that said it may be 247 acres. It's 238?

UNKNOWN AUDIENCE MEMBER:
It's 230.9.

LEG. ROMAINE:
Two-hundred thirty point nine for a little less than $20 million. What's that about, 88 --

MS. JOHNSTON:
Eighty grand an acre.

LEG. ROMAINE:
Yeah 88,000 an acre. I know if I go to buy residential property anywhere, like one acre to put up a house, I'm paying, you know, well more than that in any decent neighborhood. I mean, this is industrial property --

MS. JOHNSTON:
This is increasing --

LEG. ROMAINE:
-- which of a greater value, I assume and I say this for the record so that County Attorney, again, who is present, an appraisal of this property will be provided to every member of this Legislature. An appraisal of this property should be provided to every member of the Legislature, an independent appraisal so that we have an ability to make an independent judgment, not that this should be done without an appraisal. I know that -- and the reason that the appraisal, Maryanne, is important to me, and Jay is reminding me it should be two, is that this is a directed sale. There is no RFP, there is no bid. This is a directed sale with a decided price, and without those two appraisals it will raise questions. The next thing I know you mentioned that -- and I saw it today in the paper on a totally unrelated issue regarding the Shinnecock Tribe and Mr. Gumbs and others, that the parent company, BRT for the company that's buying this -- is this property being considered?

MS. JOHNSTON:
Absolutely.

LEG. ROMAINE:
As a casino?

MS. JOHNSTON:
Absolutely.

LEG. ROMAINE:
I have to say --

MS. JOHNSTON:
I'm stunned no one knows that.

LEG. ROMAINE:
This fact should be fully vetted by this Legislature prior to the sale -- I mean, I don't know if I would be for or against it until I analyze it, but I have got to tell you. To say that we're selling this and, you know, a year from now construction of a casino is underway, I think a lot of us would feel foolish that no one told us about this. And that's something that if that is a potential possibility, that has to, particularly since local zoning laws may not apply, that truly should be vetted here. Also, you
mentioned that some of the land that we're selling the County had taken by eminent domain.

**MS. JOHNSTON:**
From the Glover Family.

**LEG. ROMAINE:**
I believe there is a different standard applied to the sale of land by a municipality that was originally taken by eminent domain. And I'm going to ask the County Attorney again who is here to opine on that at the appropriate time, either at the committee or the next General Meeting, whenever this is up for a vote, so that issue can be fully vetted whether this requires a different type of procedure for those lands that the County originally took for different purposes by eminent domain.

And finally, I noted in the committee last week that a portion of this land seemed to include a portion that was cleared for the new jail, and I was told yes it did. And I was further told that there were underground utilities there and I asked about an easement. And I would say if that is the case, and that's what the County Attorney's Office informed me and it was a result of some of my questioning, I would ask the County Attorney's Office to produce whatever easements --

**D.P.O. HORSELY:**
Ed, are we moving into a question on this?

**LEG. ROMAINE:**
Are you aware?

(Laughter)

**MS. JOHNSTON:**
Am I aware that there are things in the ground there? Yes.

**LEG. ROMAINE:**
Unfortunately, I guess no one wants to shed light on this. I haven't come out opposed to the sale or in favor of the sale, but you know what? I'm not going to be uninformed about the sale. And I appreciate your testimony today and I'm putting on the record clearly these concerns so that they can be vetted and answered, and there may be answers for all of these, and I'm waiting to learn them because I got to tell you, this is not going to be a blind vote and I am going to raise questions. Did you know that?

**MS. JOHNSTON:**
No, I did not.

**LEG. ROMAINE:**
There you go.

**MS. JOHNSTON:**
And secondly, I would like to just add and reiterate a former speaker who was here today, that if you approve this sale as a directed sale, which I believe, and anyone knows me knows that I worry less about the outcome, although that often troubles me, than the process by which we get there. And when we get there through an authoritarian directed sale without a full public purview, a full analysis, a good look-see at the consequences -- this is $20 million. I suggested to my town that if you're so hard up we'll give you that 20.thank you.

**LEG. ROMAINE:**
I think the County is hard up.
D.P.O. HORSLEY:
We have another question. Legislator Cilmi.

LEG. CILMI:
Yes, thanks, Mr. Chair. Thank you for your presentation.

MS. JOHNSTON:
You're welcome.

LEG. CILMI:
Just very quickly. Are there any active uses that you would envision or support for this piece of property?

MS. JOHNSTON:
I believe the original taking of most of this land was from one single farm family, the Glover Family, whose house sits in the shadow of the bypass over County Road 21. My feeling is that as a County facility that provides services for our residents, I think that we would have fewer objections to that. When we were talking about Legacy Village there was a lot of discussion about a solar array being put in cleared lands. I think that's a great use for that site. I think it's a way that you -- it's a win-win. You reduce the cost of services not only to the County, but to its residents in the surrounding communities. There are many other sites that can be used here besides creating a railroad terminal.

Now I was part of the CUNY study that was conducted on the Pilgrim site, and they were unable to justify to me a reasonable analysis that it takes trucks off the road here. Clearly trucks to get to Yaphank will come loaded. They're often not the most efficient vehicles, they sit there idling, they have very low standards on emission controls. We'll take trucks off the road in the City. We are working presently with a group called CURES, Civics United for Railroad Environmental Safety. It is a conglomeration, a similar umbrella group to ABCO, that operates out of Fresh Meadows, Queens. They can tell you what the impact of this is and there was no cumulative impact done on the length of this railroad. This is a railroad. This is not a standalone project. It impacts the communities all along its path, every single community is impacted, and every single community has a right to be heard. And you can't segment that process under the SEQRA.

LEG. CILMI:
It occurs to me that a couple of years ago, you know, the County entered into a contract with a private French company by the name of enXco to erect solar carports in some of our parking lots. The deal between enXco and LIPA, the Power Purchase Agreement, netted that company, that French company, $120 million over 20 years, so six million dollars a year is not too shabby to put up a bunch of solar panels. I mean that may be -- if that's something that you think you would support, that may be something that the County Executive's Office may want to look into, because if we could enter into a similar agreement with LIPA we may be able to generate in excess of that much money, and that could go towards helping our fiscal situation a little bit.

MS. JOHNSTON:
Right, and we do have limited ability to turn County lands into productive, sustainable green technology. We should be looking for that. This BRT is far from green. Anyone who lives around it can tell you the noise is atrocious. Since they began operation in late winter there have been a minimum of four serious accidents at Exit 66 on the LIE with trucks coming in loaded. Secondly, they're sand minding on the site and they are burying C and D on that site. This is a serious problem and I ask that you give it the serious consideration that it requires.

LEG. CILMI:
So aside from my last question, aside from the solar array, aside from, you know, a farm for some
sort of public use, give us one other suggestion that you might --

MS. JOHNSTON:
Well, that's why they pay you the big bucks.

(Laughter)

D.P.O. HORSLEY:
Good answer.

MS. JOHNSTON:
I'm here to comment on the things that come before the public and to give meaningful impact and voice to the residents, but I think there are certainly better plans. The ABCO organization voted unanimously, 32 civics in Brookhaven Town, to oppose a casino anywhere in Brookhaven Town. We do not believe it enhances the quality of our life. And any backdoor deal that allows that to go through will probably have very serious consequences.

LEG. CILMI:
Thank you very much.

MS. JOHNSTON:
You're welcome.

D.P.O. HORSLEY:
Thank you. We have several more speakers. Claire Goad and on deck is Marty VanLith.

MS. GOAD:
Good evening. I'm President of the Friends of Wertheim National Wildlife Refuge. As you know, Carman's River flows through the Wertheim National Wildlife Refuge. New York State designated Carman's a wild and scenic river to help protect it. Many people have worked for many hours on the Carman's River Watershed Plan hoping to help protect it. Friends of Wertheim has worked to protect the river since 1998 when our organization was formed. With help from environmental and civic groups, we kept Home Depot from building next to the river. Working with the town's Landfill Committee resulted in a new mapping of the leachate plume and there are now test wells on the refuge to monitor Yaphank Creek and Little Neck Run, which flow into the river. We have also gone to Brookhaven Town Planning Board meetings when zoning questions have come up on land that is within the wild and scenic river designation to make sure the DEC zoning for a wild and scenic river is followed. We also worked with Suffolk County concerning the Robinson Duck Farm. This committee helped plan what can be done to restore the duck farm to its natural habitat as much as possible without damaging the river.

Friends of Wertheim asks that this resolution be tabled until a public meeting can be held and all of our questions can be answered. We need proof that this vacant County land is not in the watershed, because many people believe it is. If the land is sold the owners will be required to file NEPA, the Federal equivalent of SEQRA. Friends of Wertheim feels very strongly that the new owners should agree to develop the site according to Brookhaven Town zoning regulations and DEC zoning regulations for a wild and scenic river if it is within the watershed.

We ask that you give all of us, New York State, Suffolk County, Brookhaven Town, Friends of Wertheim and other civic and environmental organizations a chance to work together to protect Carman's River and that no decision be made until public meetings and all of our questions are answered. Thank you.

D.P.O. HORSLEY:
Thank you very much. The next speaker is Marty VanLith and on deck is Don Seubert.
MR. VAN LITH:
My name is Marty VanLith. I'm a founding member and First President of the Friends of Wertheim, the group that Claire Goad just represented today. I'm also the person who instigated the beginning of the South Shore Estuary and got that through as an act for New York State. I've spent my entire life living along the Carman's River and that is my concern here. I do believe that the land, and it was between 200 and 250 acres, is entirely within this watershed. We have worked for the last several years to come up with a plan, a watershed management plan. We've worked very hard. It had not made it to the Pine Barrens legislation. There was -- it's an ongoing process and we're still working on this.

We would like very, very much to have a hard look at anything that is being done in the watershed, and we ask you, as Legislator Romaine so eloquently stated, he's very articulate. I emphasize that what he brought out along the lines of protecting the river is very, very important, to take a hard look at the consequences of a sale that is unregulated by local input and Local Laws such as SEQRA. It will be taken out of our local control once it is sold to the BRT, and this is very much a big concern. We don't take a stand one way or the other whether this is good, but we would just like to know exactly what it is that is going to happen to this land.

I would like you to please table this until further studies. I understand Legislator Browning will be having a public hearing on this that would provide some more information so we could speak more articulately on this. Thank you very much.

D.P.O. HORSLLEY:
Thank you, Mr. VanLith. Don Seubert. Mr. Seubert?

MR. SEUBERT:
Good evening. I'd just like to reiterate what the people said before so articulately and the County Legislators. I would like to take you on a little ride. You get off at 64 and you get on the Expressway and we're stacked up at 7-Eleven with tractor trailers on the Service Road exactly now. I live in Medford. I'm on the Medford Taxpayers and Civic Association, an officer there. Our community is the beginning of this garbage transfer station community. All along Peconic Avenue we have tractor trailers, Gershow, the whole deal. They all go down and they all go down into Horseblock Road, the industrial site. And here we are trying to save a river, and yet you're going to go about it -- here we are 1800 acres they outlined before is 10,000 they were saving, but we already had 8,000 of them. There was 1800.here we're going to give away at a fire sale 230 acres. There's something wrong. For a one-shot deal for what?

For the rest -- you know, every three people that are 50 or over that live in Brookhaven Town in Suffolk County you want to keep here. They don't impact the schools, they don't cost you anything. What you want to do is more and more development -- oh we can't afford. Okay. See, you don't look at the economics. The whole thing needs to be vetted.

Over the BRT, when you get off at the BRT, before you even think about, think about this program, this plan, go to the BRT. See what they did. You don't have to have the trip to Mars. You don't have to spend billions for that. You'll see Mars right on County Road 101.you'll see it there now, okay.

Coming back, when you're there, the Carman's River watershed area, what is the sense -- do you know what else is there? Grucci Fireworks is surrounded. The landfill, the largest landfill on Long Island. The whole industrial complex, one transfer station after another. What about environmental justice? What about communities that have to live with it? And of course you have the Caithness Power Plant there. What's fair? How far can you go? This is penny wise and a million dollars foolish. You're going to pay for it more later on. I'm trying to get Mr. Calarco to get the 52 acres behind Eagle Estates and the guy wants 20 million for that. But here you are going to give
somebody for 20 some-odd million, you are giving them 230 acres. It doesn't make dollars or sense.

I have a cell phone here. I have people that live along Long Island Avenue, okay, behind -- I live about 600 feet from it. Your houses shake now. These people are up in arms about it but there's no signs posted. What's the process? At least put something up. If the County can't put up signs and say hey there's going to be a meeting tonight, let the people know, even every little town or village does that. I think it's about time the County does it, too, when they are considering something massive like this. The waste management sites are the whole area, Medford ends up going -- everybody goes through us here. I talked about the process. Let me see what else I had down here. The trucks.

D.P.O. HORSLEY:
Mr. Suebert we're -- wrap it up, please.

MR. SUEBERT:
Okay. What goes in must go out. A train may take five tractor trailers. How do you get the stuff out? It doesn't stay there, it goes right through the communities that are already impacted by everything else that's there. What goes in must go out. All those trailers will go out and the tractor trailers and then the small vans, or you're bringing in trucks that are empty. What makes sense. It may be sense to the LIE. Thank you.

D.P.O. HORSLEY:
Thank you very much. Would anyone else like to be heard on this? Yes, come on up.

MS. PETERSON:
Good evening.

D.P.O. HORSLEY:
Good evening.

MS. PETERSON:
My name is Linda Peterson. I'm a former member of the Brookhaven Town Planning Board, a former Suffolk County Commissioner of Planning with the Commission and a former Deputy Brookhaven Planning Commissioner. I am fully aware of the need for intermodal transportation solutions for Long Island. The Brookhaven Rail Terminal has been placed at the entrance to the Yaphank community at the intersection of County Road 21 and Long Island Expressway Exit 66. as the host community for this facility, we expected a much better corporate neighbor. This site has become an eyesore. It has had all the natural wooded buffers removed, excessive sand mining of the entire site.

D.P.O. HORSLEY:
Is there any way you could just move a little to the microphone? We're having trouble hearing you. Thank you.

MS. PETERSON:
Okay. Sorry. There's been excessive sand mining of the entire site. Large piles of blowing sand has been placed on the perimeters, which if it's a windy day blow into County Road 21 and 101. there is graffiti covered trains stacked inside this facility which is in full view from the road. There is a smell of diesel fuel in the air, train noise 24-hours a day and excessive truck traffic. The DEC has cited the company for burying construction and demolition materials on the site.
When the Town of Brookhaven was questioned on the lack of proper buffering and the site plan requirements we were told they have no jurisdiction because it is a Federal facility. There appears to be no air quality monitoring, no regulation of depth to groundwater monitoring for this over-excavated site, which is in close proximity to the Carman's River and no control of hours of operation.

The site in question that you're thinking of selling as well as this site is less than a third of a mile south of the Carman's River. For many years this site was targeted for corporate development due to its high visibility from the Long Island Expressway. Had that occurred, we would have had clean industry and high paying jobs. Instead, we are living with an environmentally, problematic site, which could ultimately affect our air and quality of life.

Yaphank residents did not want the BRT facility to begin with. Having watched their operation for the past year, our fears have been realized. They are a disgrace as a facility in our community. We respectfully request that you do not sell any additional land in Yaphank to Oakland Transportation, LLC. Instead, if the land must be sold, find a corporate buyer who will respect the land and the community and who will develop the site using proper site plan requirements.

D.P.O. HORSLEY: Thank you very much.

MS. PETERSON: Thank you.

D.P.O. HORSLEY: I thought I saw another hand. Mr. Malaga? You want to --

MR. MALAGA: I did have a card. I'm surprised that you didn't call my name.

D.P.O. HORSLEY: I don't see it. Yellow or green?

MR. MALAGA: It was, you know, for the public meeting. Okay, anyway. My name is Cesar Malaga. I'm really surprised that the questions that you Legislators asked the previous, you know, speakers about this land, we had -- you have lots of information from the previous meetings concerning this land. There's a lot of testimony that you can be informed about it so there is no need to ask questions if you read. Sometimes we come here and it appears to me that we are talking to the walls, to the four walls, and none of you are listening to us.

Now, this land should not be sold to anyone. It belong to Suffolk County residents. It does not belong to you Legislators.

(*Applause*)

It does not belong to the County Executive. So this land is a pristine piece of property that is unique to Suffolk County. It's a virgin land. Now, we had proposed many plans for this land. I was in Switzerland, I was in Germany, France and Italy, and they do protect their private land. Now, many of those places, as I mentioned, many meetings are here. They have what we call them a community farms. The community, the town or the village lends a piece of land to the residents so they can produce there. There's many of them there. The Legislator for the East End, I had provided her pictures of that place. So I'm saying that you can use this land to bring to residents so they can provide, they can grow, produce. Many of them are talking about organic food. They can
produce organic food so there is no need. You should not sell this land at all. It belongs to us. Let's keep it.

Many of you do not even consider that in this land, as someone mentioned, there's wildlife that has been there for years and it appears to me that you do not have any concerns about this wildlife. I was just not long ago in Alaska and they have, you know, some parks they protect the wildlife. Here we don't care about wildlife. You want to sell, sell, sell.

Now, over four years I had spoken to you to cut expenses. Over four years you have not done any -- you didn't cut any expense. As a matter of fact, I know you want to sell something that we have, you know, to close that hole you have in the budget. Like someone proposed, let's sell the Dennison Building and then let's lease or rent. I mean, that's stupidity. I would like to ask you, why don't you sell your house and rent it? What will you have at the end of, you know, paying rent? Just a worthless piece of paper.

**D.P.O. HORSLEY:**
Mr. Malaga, you're going to have to start to wrap it up, please.

**MR. MALAGA:**
So to wrap it up this land, this land, belongs to us. You should not sell this land. This land is a unique piece of property and do not sell. It's ours, not yours nor the County Executive's. Thank you very much.

(*Applause*)

**D.P.O. HORSLEY:**
Thank you very much. Come on up.

**MS. MADIGAN:**
Hi. I'm Kathleen Madigan and I'm a resident of Yaphank. I want to thank everyone who preceded me for telling you the truth. I don't think you can understand what's going on with that property until you come and see it. On Sunday I was driving north on Route 101 and I felt like I had miraculously been cast into a remake of Lawrence of Arabia. The sand blowing across the road is so severe that I had to pull over because I couldn't see. We're bombarded with 24-hour diesel smells, train whistles, and there is a line-up of all kinds of trucks imaginable to get into that site. And, you know, I'm sitting here and I'm thinking $20 million? I mean, you know what? You know the whole idea of the solar farm and everything -- so now I'm getting an idea. You're giving away another property, the Foley Nursing Facility, so maybe we should take this property and turn it into something we can be proud of. Maybe it is about solar farms, maybe it is about innovative farming, maybe it's about health and wellness, maybe it's about bringing in industry that can give our community jobs, but I can tell you right now it's not. It is not about what's there now and believe me, before you entertain selling 230 more acres to these people, why don't you come on out and see what they have done with the less than 100, because I can tell you now it is a disgrace. And, in fact, this whole project went from being called a blight on the community to suddenly transformed into being a benefit.

Well, I have to tell you something folks. We have contamination in our wells right now. We have gross alpha and beta radiation, cobalt. I don't even want to go down the list. We have it in Yaphank and the people three miles south on Horseblock Road have it. We have environmental horrors working that need to be addressed and we do have the Carman's River. And you know what? This is vacant land but this is a community. You have a jail, you have the Suffolk County offices, you have the police, you have the Suffolk County Farm. So why don't we do something with this land and make it really visionary and make it profitable because I can tell you right now we could raise a lot more than $20 million.
D.P.O. HORSLEY:
Thank you very much. Would anyone else like to be heard on this? I see a hand.

MS. HARRISON:
Thank you. Louise Harrison once again. I would like to support all the statements that were previously made, and I'd like to offer just a brief perspective on something. I worked at the County Office of Ecology from 1986 till 1992 as the head of the Bureau of Environmental Management. At that time I used to meet frequently with the Department of Planning, and one of the things that I would do is to look at properties that were to be entered into the Nature Preserve. And these were properties that the County already owned and wasn't sure what to do with. Sometimes they were minor, small properties and sometimes more significant.

I sat with the Department of Planning and I said what's all this land here in Yaphank, around the Police Station, where the at that time future Foley Nursing Home was supposed to go, police station and they said,"Oh, that's off limits". I said, "How come it was never put in the Pine Barrens?" "Well, that's because it's off limits." "Well, why is it off limits?" "Because Mr. Kunz has plans for that." Remember Mr. Kunz, Dr. Kunz? "He has plans for that." "Well, what are the plans?" "Well, Dr. Kunz has those plans."

Well, I have been waiting to see what great plans have come from Suffolk County's Department of Planning ever since, and I've seen the land, which by the way, ecologically is Pine Barrens. It's Pine Barrens land that's not yet -- those parts that are not yet destroyed. Yes, it's in the headwaters, it's in the Carman's River watershed. It's been deteriorated by a lot of the projects that are going on there now. But I own that land and everybody in this room who lives in Suffolk County owns that land, and we deserve to know what good things can be done with it. And selling it, any piece of it, below its proper market value is an atrocity. This County buys open space at a premium, supposedly fair market value, but you know how expensive it is. Twenty million dollars?

I have that kind of number in my head because back in the early 80's I remember they had to resurface the face of the Stony Brook Medical Center, all the cement was falling off of it, and they said it was $25 million to resurface that. And I used to think, gee, how much open space could we buy for $25 million because some cement contractor got to do a bad job on a State building. So that 25 million kind of sticks in my head, and you selling or the County selling property for $20 million that's ecologically Pine Barrens and should be put to a better use, could you persuade the Department of Planning and the County Executive please to come up with some viable plans for the land around Yaphank that will create jobs and bring in revenue to the County? This is a quick fix you. You'll never be able to sell that land again. Thank you.

D.P.O. HORSLEY:
Thank you very much. Would anyone else like to be heard on this? Would anyone else like to be heard on this? Okay, that being the case, I am going to make a motion to recess for one cycle out of respect and that our fellow colleague, Kate Browning, is not here tonight due to the passing of her mother, so we'll make a motion to recess. Seconded by Legislator Cilmi. And we'll address this next go around. All those in favor? Opposed? So moved.

MR. LAUBE:
Fourteen (Not Present: Legislators Lindsay, Browning, Nowick and Gregory)
D.P.O. HORSLEY:

IR 1696, A Charter Law to establish an independent Office of the Medical Examiner. I have one card on this, Mary Finnin.

MS. FINNIN:

Good evening. I'm -- my question -- I'm here to address the removal of the Medical Examiner's Office from the Department of Health, not necessarily because I'm opposed to the concept, because I understand why they would want to be out, but it's one more carve out of the Health Department and I want to know what is the cost, is it going to be increased administrative cost and what monies will be taken out of the Health Department to create this, to move it over? Now, if you remember when the State clawed back $20 million in the last go around out of our Health Department, most of that money, when we got some of it back, went over to the ME's Office and they -- we didn't get it back for our health centers. So I want to know what the impact of doing this, how much money will be removed from the Department of Health and how it will impact what little is left in health services in the Health Department.

I have great respect for the ME's Office. I know the work that they do and I'm not opposed to an independent office, but I want to see what the structure is and how it will impact other services in the Health Department. Thank you.

(*Applause*)

D.P.O. HORSLEY:

Thank you very much, Ms. Finnin. Anyone else like to be heard on this IR? Anyone else like to be heard on this IR?

LEG. ROMAINE:

Motion to close.

D.P.O. HORSLEY:

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

LEG. CILMI:

Second.

D.P.O. HORSLEY:

Second by Legislator Cilmi. All those in favor? Opposed? So moved, it has been closed.

MR. LAUBE:

Fifteen.(Not Present: Legislators Lindsay, Browning and Nowick)

D.P.O. HORSLEY:

IR 1698, A Local Law to amend post-employment restrictions. I do not have any cards on this. Would anyone like to be heard. Yes, Ms. Johnston.

MS. JOHNSTON:

Thank you. I don't have an opinion, but I had some questions. Would this --

D.P.O. HORSLEY:

You may not get any, though. You're to talk to us.

LEG. SCHNEIDERMANN:

Let her go.
**MS. JOHNSTON:**
I hope that at some point when people talk to you, Legislator Horsley, that you actually answer their questions.

**D.P.O. HORSLEY:**
Yeah, I am not trying to be disrespectful.

**MS. JOHNSTON:**
The questions I would have is when you restrict post-employment -- when you remove them for people who were removed from employment with the County for other than cause, that you also leave in place those restrictions that put the County in a compromised position for some of those employees. So I do understand that, you know, some of our employees have restrictions on post-employment activities because it compromises the County. So I’m going to ask that this law include those kinds of restrictions that continue to protect the integrity and the confidentiality of the offices they held when they were indeed paid by this County. So I would ask respectfully that you would do that. Thank you.

**D.P.O. HORSLEY:**
Thank you very much, Ms. Johnston. Legislator Schneiderman, this is yours. Would anyone else like to be heard on this by the way? Would anyone else like to be heard? That being the case, Legislator Schneiderman, what would you like to do?

**LEG. SCHNEIDERMAN:**
And of course this bill only focuses on a very narrow element. The ethics provision that created it was so that people didn’t use their inside knowledge to jump from the County to some business that was doing business. But in the case where we have actually laid people off the idea is to not tie their lands and make it harder for them to find work. But I do plan on modifying the bill.

**D.P.O. HORSLEY:**
Oh, okay.

**LEG. SCHNEIDERMAN:**
To exempt exempts so that this would only apply to Civil Service positions and not to exempt.

**D.P.O. HORSLEY:**
So would you like to recess it, is that what you’re saying?

**LEG. SCHNEIDERMAN:**
So I need to recess it.

**D.P.O. HORSLEY:**
Okay. There’s a motion to recess. Is there a second on the motion?

**LEG. ROMAINE:**
Second.

**D.P.O. HORSLEY:**
Legislator Romaine seconds the motion. 1698 has been recessed.

**MR. LAUBE:**
Fifteen. (Not Present: Legislators Lindsay, Browning and Nowick)
D.P.O. HORSLEY:
I have one more that is not on your schedule here, which is apparently we have a CN on this,
Resolution 1837, A Charter Law to add efficiencies for the newly created Board of Ethics. What's the timing on it?

MR. NOLAN:
It would be -- the public hearing was posted timely so we can hold a public hearing now and we should see if there's anybody --

D.P.O. HORSLEY:
Would anyone like to be heard on this? Would anyone like to be heard on this?

MR. STRAUSS:
You post it on the friggin' door. How could anybody know what you're talking about?

D.P.O. HORSLEY:
It's a good question. It's in the CN package. The County Executive sent it over and that's the reason why we are dealing with this at this point.

LEG. MONTANO:
Is there anyone here to talk on this?

D.P.O. HORSLEY:
Would anyone like to be heard on this? No one would like to be heard? I'll make a motion to close.

LEG. CILMI:
Motion to recess.

LEG. SCHNEIDERMANN:
I'm going to make a motion to recess. I just think -- you know, because it's an ethics law and it's almost like oxymoronic to basically say we're not going to have any public input on an ethics law. So I think we should allow for real public comment on it. It's too important, I can't see the rush on this. So I'll support a motion to recess. Sorry.

LEG. KENNEDY:
Mr. Chair.

D.P.O. HORSLEY:
Yes.

LEG. KENNEDY:
If I can just weigh in here for a moment and support a motion to close on it. The -- I believe that was the purpose of the board to actually be here when we started the meeting what, about five hours ago, four hours ago. They have indicated that they need this legislation in place to actually set about doing the reviews and the work and the basic nuts and bolts.

D.P.O. HORSLEY:
Right.

LEG. KENNEDY:
And while Legislator Schneiderman's comments goes to something we all generally hold to that we want to promote a public input and public discourse, in this case what we're going to do is, is we're going to delay by a minimum of two weeks the work that this group can do that we all struggled mightily to put into place.
**Leg. Schneiderman:**
If we could hear maybe a little about the bill then maybe we could make that judgment call.

**D.P.O. Horsley:**
I think that makes perfectly good sense. Legislator Montano, did you want to make a comment?

**Leg. Montano:**
No, I actually was going to ask the same thing.

**D.P.O. Horsley:**
Right now we don't have anything --

**Leg. Montano:**
Right. Can we get an explanation at least from the County Attorney?

**D.P.O. Horsley:**
Why don't we do this. Why don't we have a motion to -- I'll make the motion to close. Seconded by Legislator Kennedy. Legislator Schneiderman is making a motion to recess.

**Leg. Schneiderman:**
You know what, I'm going to withdraw my motion to recess as long as we get somebody from the County Executive's Office to explain this bill so we can decide whether it's something that really needs to be fully vetted. If it's just a simple, obvious thing then maybe it doesn't.

**D.P.O. Horsley:**
Okay. That sounds good. Is there anyone from the County Executive's Office that would like to address this with us? Why don't we have our Counsel address this with us then.

**Leg. Montano:**
Ben's outside.

**D.P.O. Horsley:**
Counsel?

**Mr. Nolan:**
It does four or five things. First, it states the board can promulgate rules to provide for the electronic distribution and publication of the ethics booklet, training materials and training requirements that are required under the current law. So it allows them to do that electronically.

**Leg. Schneiderman:**
So that's in the public interest. Okay.

**Mr. Nolan:**
Secondly, it allows them -- it adds language they can add temporary or permanent staff. And also right now it just says they can hire such staff as they need. They want language that says temporary or permanent or consultants as may be necessary to do the job, still subject to appropriation by the County Legislature. All the hiring has always been subject to appropriation.

Third, it states that, you know, any reference in the Charter or the Code to the old commission should be read to mean, "The new Board of Ethics" and that's really a technical change.

It also states for this year only, 2012, the board may, upon a super majority vote of the board, extend any deadline referenced in any other resolution, Local Law, Charter Law. You know, in our current -- like for our financial disclosure statements there's deadlines. This basically means that...
the board can extend that deadline to no later than the end of the year by a super majority vote of the board.

And then the last provision states that all the equipment and records that was previously with the old commission will now go to the new Board of Ethics. From my reading, that's what it does.

**LEG. SCHNEIDERMAN:**
I'm only hearing one item that might be of concern, which is that the super majority that kind of -- that new voting rule to extend deadlines.

**D.P.O. HORSLEY:**
Why don't we have Ben -- do you want to add anything to this conversation?

**MR. ZWIRN:**
No, we were in support of this, so we would --

**D.P.O. HORSLEY:**
I know, but maybe -- some of the members are just hearing it for the first time, so that we're looking for some education here as well.

**MR. ZWIRN:**
I can ask Dennis Brown to come over from the County Attorney's Office. He's still here but he's not in the building. If you want to -- I mean, we have a quick turnaround, so if you want to just recess it and --

**LEG. SCHNEIDERMAN:**
Right now the Ethics Board has no ability to waive deadlines? Is that correct?

**MR. ZWIRN:**
That's correct.

**LEG. SCHNEIDERMAN:**
And so this would give them the ability to waive to the end of this year only? It's just a temporary provision, is that what that is, George?

**MR. NOLAN:**
Yeah, just till the end of this year. I guess because they have been late constituting, you know. I don't know, I missed their testimony earlier, but this may be a problem.

**LEG. SCHNEIDERMAN:**
So they can't meet their own deadlines you're saying.

**MR. ZWIRN:**
That's correct.

**D.P.O. HORSLEY:**
That's correct. I've heard that from them. I believe Legislator D'Amaro is looking to make a statement.

**LEG. D'AMARO:**
I just have some similar questions. I heard our Counsel go through the different provisions and I took a look at the law myself and it's adding a secretary and it's also empowering the Ethics Board to hire consultants within available appropriations. So subject still to the legislative purse strings, but nonetheless I would be a little curious as to what consultants would be envisioned with this
board's work, as well as the secretary, because it was my understanding when we passed the original law that we felt that the Executive Director coming on full-time would be sufficient.

I also, like Legislator Schneiderman, would like a little more of an explanation on extension of deadlines, what deadlines are we speaking of and what's the reason for the extensions. So, you know, if you want to move forward with this today, if we could get answers today that would be fine. If not, we can just wait the two weeks. Whatever the Chair would like to do.

**LEG. SCHNEIDERMAN:**
I guess the real question is since we're going to debate the bill later, this is really just a public hearing that are we ready to close the public hearing. That's really what we're deciding. So some of these things can be answered when we debate the bill.

**LEG. NOWICK:**
Close the public hearing and debate the bill.

**LEG. SCHNEIDERMAN:**
Of course there's no real public notice of it, so.

**D.P.O. HORSLEY:**
Yeah, I understand. Legislator Cilmi.

**LEG. CILMI:**
My question, I think, will be answered if Legislator Schneiderman's question and Legislator D'Amaro's question are answered, and that's to say with respect to this deadline issue, what deadline still exists? I thought all of the deadlines for filing whatever it is that elected officials and whatnot have to file have already passed.

**LEG. SCHNEIDERMAN:**
What I'm thinking is that the Ethics Commission themselves have a deadline as to -- they have a certain amount of time to render an ethics opinion.

**D.P.O. HORSLEY:**
Yes, that's what it is.

**LEG. SCHNEIDERMAN:**
And I think it's those opinions probably that they can't get done in time since they're just coming up to speed.

**D.P.O. HORSLEY:**
Right, that's what it is.

**LEG. SCHNEIDERMAN:**
And so they're going to be in violation of the new time frame.

**LEG. CILMI:**
Wasn't one of the reasons that we created this new commission because it was taking an undue amount of time to get opinions out of the previous Ethics Commission?

**LEG. SCHNEIDERMAN:**
I believe so. But I guess what is being suggested by, I think by Mr. Zwirn, is that because -- or maybe by Legislator D'Amaro, I forget who said it, is that they're just coming up to speed and they won't be able to get these opinions. They have a backlog and so they may need to --
M.R. NOLAN:
Only because I misspoke earlier. The language about deadlines, only extending them to December 31st, 2012. That only applies to the financial disclosure statement. That's it. So other deadlines it's more open-ended in terms of how long they could be moved by the board.

LEg. D'AMARO:
Did the original bill that we passed when we redid the Ethics Commission to now the Ethics Board set specific deadlines? Or perhaps to, Counsel, George.

LEg. KENNEDY:
No.

M.R. NOLAN:
It did set specific deadlines for them to act. There were provisions that would allow them to extend those deadlines for additional time. I don't remember the specifics, but in terms of issuing an advisory opinion, yes, there was a deadline and dealing with -- and ruling on complaints. There were also deadlines --

LEg. D'AMARO:
So why the need for the 2012 waiver or their authority to extend those deadlines if it's already in the framework of the law. I don't understand why they would need that here. My concern, again, is that if we were addressing the timing issue by redoing the law, and I understand there may be a need just for a transitional period to extend some deadlines, but I'd like to hear a little bit more from the commission members as to what's happening and why.

D.P.O. HORSLEY:
Unfortunately, they were here earlier and -- but that being the case, would anyone else -- Legislator Montano, I'm sorry. Legislator Montano.

LEg. MONTANO:
Did you want to go, Jay?

LEg. SCHNEIDERMAN:
Yeah, I mean, now that we know it's only for financial disclosure, that's raising a whole other series of questions. So if they can extend to the end of the year, and let's say it's a public official, none of us are in elections this year, but I'm not sure whether the County people are, it puts it past the election period. So it's just something to think about if it was designed to let the public know what people's financial interests are that could be a problem.
D.P.O. HORSLEY:
Yeah, I think what the problem is, is that they didn't even have a secretary. They have received all these financial disclosures and now they're sitting there, they need a secretary, they need an Executive Director to do the day-to-day thing. They just got their office apparently like within the last several weeks. So they are now out in Yaphank. So they're looking for some leeway so that they can do the business.

LEG. SCHNEIDERMAN:
So maybe financial discloses are in but they haven't been able to record them.

D.P.O. HORSLEY:
That's correct. That's my understanding.

LEG. SCHNEIDERMAN:
That's a different story. So somebody might be --

D.P.O. HORSLEY:
It sounds like they're sitting in a mailbox.

LEG. SCHNEIDERMAN:
So rather than say it's late when it's really not late --

D.P.O. HORSLEY:
Right.

LEG. SCHNEIDERMAN:
Just because they haven't got to it.

D.P.O. HORSLEY:
And they haven't gotten to it.

LEG. SCHNEIDERMAN:
Okay.

D.P.O. HORSLEY:
They're just basically putting their organization together.

LEG. SCHNEIDERMAN:
That would be legitimate. That's why we just need information on these things.

D.P.O. HORSLEY:
Kara? Legislator? I'm sorry, Legislator Montano. I'm sorry, and then Kara.

LEG. MONTANO:
Ben, how are you?

MR. ZWIRN:
Good.

LEG. MONTANO:
Ben, I'm just reading this for the first time. The first question, why did it -- why did it come in as a C of N? What was -- is there a particular reason why it couldn't have been done timely?
MR. ZWIRN:
Yes. The ethics -- members of the Ethics Commission came in and -- came to the County Executive's Office, I think Deputy Presiding Officer Wayne Horsley was there, Legislator Kennedy was there, and they made a request saying that they want to get up and running as fast as they can. They've asked us to put in a CN to try to get the old files transferred, the computer information, the computers themselves transferred now that they have an office. They wanted some help with staff as well and we did it by Certificate of Necessary because we're trying to get them up as quickly as possible. So that's the reason for the Certificate of Necessity. If I can --

LEG. MONTANO:
So you didn't know this -- in other words, this wasn't presented to your office until recently is what you're saying.

MR. ZWIRN:
Just this past -- early last week.

LEG. MONTANO:
The question I have as I'm reading the language, "The power to appoint and retain an Executive Director," that's already in the law, "a secretary." So and then -- that's new because it's underlined right, George, is that added to the bill?

MR. NOLAN:
It's new, and to be honest, I don't understand actually because it says other staff, so I don't know why that wasn't covered.

LEG. MONTANO:
Well, yeah, I'm getting to that. It says "a secretary" meaning that there's no secretary there now. "Other temporary and permanent staff or consultants shall be subject only to available appropriations provided." Now, in the Operating Budget that we passed, is there a position for a secretary in the Ethics Commission?

MR. ZWIRN:
I'd have to ask BRO.

LEG. MONTANO:
Yeah, they're not here. I looked at them, they're not there. Here's the point I'm getting at. If there's no secretary in the Operating Budget, then even if we passed this you can't hire a secretary because you don't have a line. However, what troubles me is that when we talk about consultants, where would you get the money for that? Is that coming out of the 454 account? Because for that there is an appropriation. There may not be an appropriation for a particular consultant in the Ethics Committee, but this seems to give you the authorization, you being the Executive department, the authorization to fill up the -- to fill positions using existing 454 -- the 454 account, if that's the right account number, and I got to get to BRO -- 456.

MR. ZWIRN:
I know which account you're talking about, but I don't -- Deputy Presiding Officer Horsley and Legislator Kennedy, I don't think that was contemplated.

D.P.O. HORSLEY:
No.

LEG. MONTANO:
So then the question is -- so if we pass this now, you're not able to hire a secretary. I wish BRO were here. If they're listening maybe they can come in just so we can clarify the budgetary issues.
D.P.O. HORSLEY: Legislator Montano, would it make sense if we --

LEG. MONTANO: Pass over this? Yup.

D.P.O. HORSLEY: Well, I was thinking close it tonight and then send it to committee. This way we can vet those questions out. It at least gets it moving.

MR. ZWIRN: I mean, from our point of view, I think that's -- close the hearing but don't act on the bill until you get all your questions answered.

LEG. MONTANO: In other words, well, in other words, you want to vote today.

MR. ZWIRN: No -- well --

LEG. MONTANO: All right. So we are going to close it and send it to committee? I have no problems with that.

D.P.O. HORSLEY: That was my suggestion.

LEG. MONTANO: I thought you wanted to vote today.

D.P.O. HORSLEY: No, just the closure of the public hiring. Legislator Hahn, you wanted to --

LEG. HAHN: I just wanted clarification that this is just a temporary extension for this year, it won't apply every year.

D.P.O. HORSLEY: Right. That's my understanding of it. I don't want to, you know --

LEG. MONTANO: And Dennis is here.

D.P.O. HORSLEY: Mr. Brown is here.

MR. ZWIRN: If I might.

D.P.O. HORSLEY: I knew if we'd chat long enough he'd be here.

MR. ZWIRN: If Dennis Brown could address the Legislature he can answer some of the questions that you've raised.
D.P.O. HORSLEY:
Dennis, why don't you.

MR. BROWN:
Thanks, I appreciate it. I apologize, I was at the office. To answer the question raised by Legislator D’Amaro and Legislator Schneiderman about the super majority and the extension requirements? We worked on this bill, I worked on this bill with Linda Spahr, and she'll come down and answer any of your questions also. I just spoke to her. And these were requested by all of the members of the Commission after having reviewed the Charter and reviewing the Administrative Code. And as you know, the board wasn't fully constituted until recently when Robin Long was appointed and Linda Spahr was appointed. And it was upon it being fully constituted that they started to review the Code, and one of the things they realized that they were up against was the February first deadline -- I'm sorry, September 1st deadline, for the filing of financial disclosure statements.

Now, there may or there may not be people that have filed timely back in May when they were due, partly because the board wasn't fully constituted at the time. So one of the things that they were asking was to extend that deadline, but to no later than December 31st of this year, to allow people to file with the board that's now been fully constituted. And they those the chose super majority voting requirement of the board to allow the extension of that deadline so that there was no abuse and all of the -- and you had at least a super majority of the members concurring in the need for a request for an extension.

D.P.O. HORSLEY:
Okay. Legislator Cilmi to Mr. Brown.

LEG. D’AMARO:
Wayne?

LEG. CILMI:
I'm not sure that this is a question for Mr. Brown or just my own musings, but, I mean, this is -- there are obviously significant questions here. I just don't understand why we're rushing. I mean, I understand the point about there's, you know, a deadline currently exists and they want to extend that deadline because they didn't have enough time. I get all that. But, I mean, this is -- we shouldn't be asked to rush through stuff like this. And this is -- we're constantly being asked to rush through stuff like this that there are obviously questions. We shouldn't be discussing this right now. This should be vetted in committee and then brought to the full body for a bill. I don't understand why we have to rush through things like this when there are obviously so many questions.

For that matter, somebody alluded to, you have a deadline that you're going to push back to December 31st, which is interestingly after Election Day, and what if there are outstanding issues that for people who are running for office this year? You know, maybe it should be amended and this would be something that I would expect would come out of committee, but maybe this should be amended to be -- you know, to extend that deadline to October 15th or, you know, September 31st or whatever, some time prior to Election -- or maybe it's not even an issue. Maybe the Ethics Commission can come to us and say there are no elected officials that are late that are running this year, so it doesn't really matter. It would have been nice to have them here or have the CN prior to them being here so we could ask these questions of that body. But, again, it's done backwards.

MR. BROWN:
May I reply just to the comment?

D.P.O. HORSLEY:
Sure.
MR. BROWN:
As to the December 31st deadline, if the decision was made to change the December 31st deadline certainly that can be changed. I don't think that that's not written in stone. As to December first -- September first date that you're referring to, I believe that, I'm not positive because I'm not well studied in the Administrative Code and the penalties that ensue for not filing a financial disclosure statement on time, but if I'm not mistaken I believe that there might be misdemeanor penalties associated with that, which was why they were asking for the authority to extend. But if you wanted to shorten up that date I'm sure that the Ethics Board, I can't speak for them, but I'm sure that they wouldn't have, you know, a problem with that date.

LEG. CILMI:
I think the Deputy Presiding Officer's idea is probably best at this point, that we close the public hearing and then commit the bill to committee and just, you know, with a request to the County Executive, not to you Dennis, but to the County Executive, don't put us in this position to have to question the -- I mean, we should do this in committee. That's all.

D.P.O. HORSLEY:
Okay. Thank you very much, Legislator Cilmi. Legislator Montano.

LEG. MONTANO:
Yeah, just on that comment, on just a couple of issues. The reason I really don't want to close it is that if we close it and then we start discussing it, and then we have an issue with certain parts of the bill, we will then have to open the public hearing to amend it because if we're going to make a substantial change, we just locked ourselves in. So I don't think that's the way to go unless we vet it fully. And some of the stuff you talk about administerial acts, about getting computers and --

MR. ZWIRN:
No, no.

LEG. MONTANO:
Some of the acts you talk about to me are administerial, getting computers. You want the computers, go pick them up. I don't have a problem with that. But I'm sort of fixed in on this language having to do with the consultants and with the available budget and appropriations because the way I read this, this is to me the same kind of problem that we ran into that compelled us to change the Ethics Committee when we start talking about hiring consultants etcetera. And unless BRO is willing to come in and tell me that we're not going to use that 456 or 454 account to hire people, because that you can do immediately because the appropriations are there. And I would like to know before I pass the bill what you're going to spend, who you're going to spend it on, and why you need to hire a consultant when we have an attorney and when we have staff. And I don't want to go back to what we went to last time. I understand the part about a secretary. I think -- am I -- Ben, you're shaking your head.

MR. ZWIRN:
No, no.

LEG. MONTANO:
I think I am clear on that. What was that?

MR. BROWN:
I can answer --

LEG. MONTANO:
Did we do that?
MR. BROWN:
I can answer some of your questions.

LEG. MONTANO:
Did we appropriate a position for a secretary.

MR. BROWN:
There was a resolution, it could have been passed, on June 19th, possibly before June 19th, amending the Salary and Classification Plan for an Executive Director and a secretary for the board.

LEG. MONTANO:
So now we have an appropriation for a secretary, am I correct?

MR. BROWN:
Yes. I'm not a budget person, but yes, I believe so.

LEG. MONTANO:
Well, I know. That's the problem. Budget -- BRO is not here and, you know, I don't know if they're listening. But with the consultants you could hire -- as I read this you can hire consultants right now once we pass this, which are 456 account, and we have no way of knowing who you're hiring, am I correct?

MR. BROWN:
Partially, because in --

LEG. MONTANO:
All right. Explain the part where I'm correct and the part I'm incorrect.

MR. BROWN:
In terms of not knowing who they hire because the board, I believe, would be subject to the County Procurement Rules. If they were going to hire a consultant I can explain why that is in the bill, but if they were going to hire a consultant they would have to do so either {V} or an RQ in my opinion, an RQ, an RFP or an RP or an RP waiver. Now, the purpose --

LEG. MONTANO:
Would that be --

MR. NOLAN:
Hire an attorney.

LEG. MONTANO:
Would that be if you hired someone under $10,000 would you have to go through that process?

MR. BROWN:
It's actually $25,000, and with respect to $25,000 it's --

LEG. MONTANO:
Under or over.

MR. BROWN:
Up to $25,000. You'd have to seek solicitation from three prospective vendors and also a Comptroller's form has to be completed, a procurement checklist. And in the procurement checklist you have to report to the Comptroller's Office the method that was used, and if it was solicitation of bids you have to document that. And if it's only one source you'd have to document for the
Comptroller to sign off on the procurement that it was a sole source and that it was unique and you couldn't find another vendor to provide the service.

**LEG. MONTANO:**
Right. Would that go through the Waiver Committee or something like that? See, I'm not really up on this, and that's one of the problems. One of the problems with passing this or closing is that there are a lot of questions that I have that cannot be answered in this short time, and I don't want to take up more time of the Legislature.

**D.P.O. HORSLEY:**
Legislator Montano, may I interrupt just one second?

**LEG. MONTANO:**
Go ahead.

**D.P.O. HORSLEY:**
They just whispered in my ear that Gail is -- that BRO is back there listening and they're researching those issues that you're -- and should have that shortly.

**LEG. MONTANO:**
So they don't know either, so I don't feel so bad. All right, I'll yield.

**D.P.O. HORSLEY:**
Legislator D'Amaro.

**LEG. D'AMARO:**
Thank you. I think Legislator Montano is right on. A couple of points I just want to make very quickly. First of all, the reason why this law came into effect was because some questioned how the prior commission had operated, and I don't think we should be amending our new Ethics Board legislation to provide for more staffing, more consultants and power to extend deadlines without public input. I think that's certainly getting off on the wrong foot.

Second, I really have to question this whole thing about consultants, and I would like an opportunity to substantively question the members of the Commission, or whoever feels they need to hire a consultant, under circumstance they would need a consultant and what it might cost us.

Third, what -- I don't understand why any of us, or any County official who's subject to the financial disclose requirements would need an extension. Whether the board was in existence or not you had an obligation to file. I'm not quite sure what that extension is getting to.

And the fourth question I have is what other deadlines are in the Commissioner's minds when they talk about the ability to extend other deadlines even beyond the end of the year. What deadlines are we even talking about.

So the point I'm trying to make is that I'm just not prepared to vote on this today. I don't know that we should even close the public hearing because I think there is going to be considerable questions asked and perhaps some substantial revision before this comes out in final form.

**D.P.O. HORSLEY:**
Okay. We have a motion to recess and -- did you withdraw it?

**LEG. SCHNEIDERMAN:**
Yeah.
D.P.O. HORSLEY:
That's was withdrawn. We had a motion to close. I think that's all we've got on it.

MR. LAUBE:
Yes, that's all you have.

LEG. SCHNEIDERMAN:
No, I'll vote on it. I've got at least enough of an explanation, so.

D.P.O. HORSLEY:
Oh, I'm sorry. Legislator Nowick.

LEG. NOWICK:
Dennis, I'm thinking Legislator D'Amaro brought up a point that I was thinking about. By May 15th of course we all had to file. Is that extension because when someone's nominated to run they do have to -- they also have to file a financial disclosure?

MR. BROWN:
Whether a candidate has to run? I don't know the answer to that question.

LEG. NOWICK:
Oh, I thought maybe that was why the September date, because we have to file May 15th whether -- there was no if, ands or buts.

MR. BROWN:
Yeah, and I don't know why May 15th is in the law. I've never been asked to research that and I haven't researched it.

LEG. D'AMARO:
Why did they want the authority to extend the filer's deadline?

MR. BROWN:
I could only relay to you the conversations that I had with the board. So the purpose, my understanding is because the board was not constituted at the time of the filing deadline. So technically there was nobody to accept, that's correct, technically there's nobody to accept the financial --

LEG. D'AMARO:
Then where is my financial disclose statement that I timely filed?

MR. BROWN:
You'd have to asking one of the Commissioners that question.

LEG. D'AMARO:
I mean, no one ever told me I'm relieved of the responsibility to file.

MR. BROWN:
And you are probably correct. You probably were not relieved of the responsibility. But also if you went to the Ethics Board on May 15th to file theoretically you could have been confronted with there's no board here to file it with, so that's the --

LEG. NOWICK:
Where did it go? Or -- and I'm almost wondering if this means that they don't -- I could understand that they wouldn't have to make any judgments or decisions on the financial statements till maybe
September, but we did have to file timely because we get those letters that say if we don’t you’re in big trouble. All right. You know what, it’s going to go to committee, so let’s just let it go.

D.P.O. HORSLEY:
Legislator Kennedy and then Barraga.

LEG. KENNEDY:
Mr. Chair, look, this -- I did my second on a motion to close predicated on the fact that it would go to committee to be vetted for all of the substance that we’ve spoken about for the last half an hour.

D.P.O. HORSLEY:
Me, too.

LEG. KENNEDY:
But I do not want to facilitate or promote the appearance that we’re trying to rush through something that’s got substantive questioning, so I’ll simply withdraw my second.

D.P.O. HORSLEY:
Nor do I. It’s not -- okay, so we have lost the second. I’ll also withdraw my motion to close. But I have now Legislator Barraga that wants to be heard. Now we have nothing on the table.

LEG. BARRAGA:
The only comment I’ll make is that I think most individuals, 99.9% file by May 15th, did so. The trouble I ran into, and I think it was apparent to most individuals, there was nobody there to receive the financial disclosure. I sent people over there three or four times to the office. It was always locked. We phoned about eight or ten times, nobody returned the call. So I know where my financial disclosure is, it’s in your office, because I left it with the County Attorney who, promised that they would somehow forward it on to the Ethics Board. Whether the old one or the new one, I really didn’t care, as long as it got there by May 15th.

MR. BROWN:
And that is exactly what happened, the Administrator of our office would stamp them in and put them in a locked room until the board was fully constituted. And whence the board was fully constituted they did take possession of everything and move everything to their new facility in Yaphank.

LEG. HAHN:
Next time give us receipts.

D.P.O. HORSLEY:
I’m certainly glad you didn’t go looking for them, Tom, out in Yaphank, because I didn’t know about that until about three days ago. You’re out in Yaphank?

LEG. BARRAGA:
Once they took it from me I was gone.

(*Laughter*)

D.P.O. HORSLEY:
Okay. Would anyone else like to be heard on this issue?

LEG. D’AMARO:
Motion to recess.
D.P.O. HORSLEY:
We have no motions. We now have a motion to recess. Is there a second on the motion?

LEG. CALARCO:
I'll second the motion to recess.

D.P.O. HORSLEY:
Second by Legislator Calarco.

LEG. MONTANO:
Question. If we recess this, what is the result? Where does it go? Does it go automatically to committee or does it stay here?

LEG. D'AMARO:
It's just a public hearing.

LEG. MONTANO:
Can we send this to committee?

LEG. NOWICK:
Only if you close it.

LEG. ROMAINE:
Close the hearing and send it to committee.

LEG. MONTANO:
No, I don't want to -- I'm not going to close it because they're going to be -- we can send it --

D.P.O. HORSLEY:
Counsel, what can we do? Can we send it to committee without closing it?

MR. ZWIRN:
Mr. Chairman?

D.P.O. HORSLEY:
Yes.

MR. ZWIRN:
Linda Spahr is here from the Ethics Commission. I know the timing isn't perfect.

LEG. MONTANO:
May I make a suggestion? Can you -- Ben. So that we don't have a problem, could you simply lay it on the table, you know, withdraw the C of N, lay it on the table and it will automatically go to committee.

LEG. NOWICK:
No, but then doesn't it go back to public hearing and we do the same thing we just did.

LEG. MONTANO:
Right, but I'm not -- well, you guys can do what you want, but I'm not prepared to close the public hearing. There are too many questions for me.

MR. ZWIRN:
Then why don't we recess.
D.P.O. HORSLEY:
We have a motion to recess and that’s the only thing that’s on the table at this point. Are we ready? All those in favor? Opposed? To recess.

D.P.O. HORSLEY:
The motion to close was withdrawn.

LEG. SCHNEIDERMAN:
I will close it.

LEG. MONTANO:
No.

LEG. KENNEDY:
I'll ask her, before you call, let me ask her.

LEG. SCHNEIDERMAN:
We haven’t voted. I’m going to make a motion to close.

D.P.O. HORSLEY:
All right, we haven’t voted. Legislator Schneiderman makes a motion to close. Do we have a second on the motion?

LEG. KENNEDY:
I'll second the motion to close. On the motion, can I please question Ms. Spahr?

D.P.O. HORSLEY:
You can.

LEG. KENNEDY:
Thank you. Hi, Linda. Nice to see you again.

MS. SPAHR:
It is so good to see you and I apologize. You have me at a disadvantage. I have no idea what's been going on for the last hour.

LEG. KENNEDY:
Well, we’ve got a couple of questions and there are a few issues that have kind of jumped out in the bill. I certainly couldn't recall some of our discussion, and so I'm glad you are here.

MS. SPAHR:
I am very happy to be here.

LEG. KENNEDY:
One of the things that we’ve all talked about was the extension of deadline, and then we also talked about the ability for the Commission to do hiring and/or temporaries and/or consultants. Can you tell us anything about any of that?

MS. SPAHR:
We are in such a tough situation and there was actually some discussion among us about how much we’d come forward and say what the real issue is here. I’ve been a member of the board officially for five weeks, and when I came in -- so this is really -- I think that my appointment was effective, I don't have it in front of me because I'm stuck in security with my bag of stuff, but around June 28th I think was when my appointment was effective. The deadline for filing for the financial disclosure
statements was May 15th. So at that point in time when Robin Long and I became members of the board and the board was fully constituted, we were already beyond the point when the financial disclosure statements had to be filed. And it's just the way it happened. You know, it's the way the law was passed, it was the way the date when it was enacted, it was the date when it became effective. So we were stuck kind of between a rock and a hard place.

We've been working very hard. We thought we shouldn't say how many meetings we've had. We've had too many meetings. I have to say that I didn't know the people other than Tom Isles, I didn't know the other people on the board. I am so impressed by the fact that everybody really cares, that everybody takes it really seriously, they take it as seriously as me, and that all of these people, myself included, are not the type of people that are accustomed to failure or that take on responsibilities expecting to fail. And the reality is if we are unable to extend the deadline that we as a board are able to set for filing, we will fail. There is no question about it. If this law does not pass, if it's not in effect by September 1st, then we're unable to, don't kill me for saying this, but we're unable to be in compliance with the law. And it's not anybody's fault. It's just the timing for when the law was passed. And it's not that anybody is to blame. It's just the way that it is. We put in this provision as we were talking to the County Executive's Office, the Majority Leader, the Minority Leader about this. We said well, we don't want it to be just the board can decide to extend it. We thought that it would be appropriate to put in the provision for a super majority. I do anticipate that lots of people will get an extension. We may have to do a general extension for the deadline. That's reality, and I wish I could say it more.

LEG. KENNEDY:
Linda, if I can, just so that I understand it a little bit better. The deadline you're speaking of is deadline for some of our County employees to complete the financial disclosure that all of us have routinely been filing on May 15th?

MS. SPAHR:
Yes, and the deadline -- what the law says -- the law that was passed, so it's the Code of Ethic, it's Article 77 now, 77-11, I think it's Subdivision D, and I don't have it in front of me so I apologize, but you might be able to just find it quickly, says that we may for good cause shown on application of the filer extend the deadline to some date, but in no event may be extended beyond September 1st. Well, we're in a real bad situation right now because we don't even have a secretary, we don't have an Executive Director, we didn't have a return address. You have full-time employees, these terrific people before my time, that are full-time employees coming in nights and weekends to review documents and, quite frankly, we don't have -- we didn't even have a return address to send the required registered certified letters to people who had not filed and to give them the notice.

I understand, a quick discussion here, that there was concern from some of the body, and I don't even know whom, that there might be extensions granted to people who didn't deserve them or couldn't show good cause. I don't see, and I'm speaking for myself not for the board, but I don't see how we can penalize people, and there are -- there are absolute requirement of fines, big fines, for people not filing. How can we fine people if we haven't given them the notice that's required to be given. It's just fundamentally unfair.

LEG. KENNEDY:
So you're still attempting at this point, my recollection with this is there's probably about, I don't know, 600, 700, 800 people throughout the County that are required to go ahead and file.

MS. SPAHR:
Right.
LEG. KENNEDY:
Whether you are an exempt or an elected or you are over grade 26, yada, yada, yada, yada. So you’re looking at that pile of all those disclosures that came in voluntarily, like most of us did, and do you know yet how many non-filers we have, or you’re still trying to ascertain that?

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

MS. SPAHR:
We are still trying to ascertain. We have some numbers. But you can only imagine running an office, running the Legislature, running a law office, running a business, a 7-Eleven, a deli, and not having staff that can do the accounting, that can do the mailing. And literally to not have a return address or phone number for people to call with questions is -- it's almost -- it's almost embarrassing but it's a struggle for us to try to do this.

LEG. KENNEDY:
I think we get it and I get it. This extension that you're looking for is just related to this year, to 2012.

MS. SPAHR:
Absolutely, just for 2012.

LEG. KENNEDY:
And the language in the resolution would limit it to that?

MS. SPAHR:
Correct.

LEG. KENNEDY:
Okay.

MS. SPAHR:
And in any event, no extension for the filing of financial disclosure statement could be, under the law, beyond the end of this year. What we were hoping, really, is that we would be able to put in place the electronic filing like the State has and most other jurisdictions have so that it will be much easier by next year.

LEG. KENNEDY:
Tell me a little bit about the staff. Why the wide range in language?

MS. SPAHR:
Okay. We have permission to file, and I believe that it may have been the last meeting of the Legislature before the summer recess. I apologize if that's not right, but I believe that's what it was, the Legislature gave authority. I think it was -- changed the budget so that we could actually hire an Executive Director, and again, it was just a technicality, it was an oversight. Whatever it was it needed to be done so we could hire both a secretary and an Executive Director. We're in the process.

We are trying very hard to not just continue the way things have been. We're trying to look at the different models for Ethics Commissions and Ethics Boards around the country. We have joined the National {COECL}, which is the conference on ethics and financial disclosure organizations for jurisdictions. We're working on training. There was recommendation that we have training. We have outreach to different organizations that can provide training to us. We're looking at training, different types of training for elected officials, for board members, you know, for different County
agencies and for regular County employees. One of the provisions in this IR is to allow us to do electronic or web based training for all County employees. So we're looking at a lot of different ways to try to do it fresh, and to really do the job and, quite frankly, it's a little bit scary to have a job where if you don't pass this bill, we're going to fail. We have no choice but to fail.

**LEG. KENNEDY:**
I appreciate you being here. I'll yield, there's other questions, but thank you, thank you for coming back down.

**D.P.O. HORSLEY:**
Legislator D’Amaro.

**LEG. D’AMARO:**
Thank you. And you're not going to fail.

**MS. SPAHR:**
Thank you so much. It's scary.

**LEG. D’AMARO:**
And I appreciate how you are trying to be -- you're overreaching on the side of being fair, and I understand that, and I appreciate that very, very much. But the question I have similar to what Legislator Kennedy was asking, was -- or let me just see if I have this right. The reason why you want to extend either a blanket extension or on a case by case basis the deadline to the end of the year is because if you fail to file by the May 15th cutoff, there are certain affirmative actions that need to be taken by a board --

**MS. SPAHR:**
Correct.

**LEG. D’AMARO:**
-- to notify you.

**MS. SPAHR:**
Yes.

**LEG. D’AMARO:**
And to follow the proper procedure, which would ultimately, if you still fail to file, would lead to substantial penalties.

**MS. SPAHR:**
Correct.

**LEG. D’AMARO:**
So it's your belief that because the board was not in a position by the cutoff date to fulfill its statutorily required procedures, that then at the end of the day how can you penalize anybody.

**MS. SPAHR:**
Correct.

**LEG. D’AMARO:**
Okay. That makes sense to me and I appreciate that. The other question I had was -- yeah, the consultants.
MS. SPAHR:
Yes.

LEG. D’AMARO:
This is a blanket authorization within given appropriations, and after all, this Board of Ethics is operating very independent and rightfully so. But it gives this board authority to hire consultants, and I’m not sure under what circumstances there would be a need for that.

MS. SPAHR:
And that’s a -- it’s a very good question, and it’s a straightforward answer. One of our -- one of the requirements for us to do our job is to hire -- is to appoint counsel, general counsel, among other things. And the new law under which we’re operating has some stringent, understandable, but in some ways problematic restrictions on how we could go about doing that. The likelihood is that we would end up appointing some counsel through a consulting agreement so that would cover -- that word consultant was put in there for that because it wouldn’t be an employee potentially.

LEG. D’AMARO:
Okay. I’m sorry for interrupting. Didn’t the law provide for the Board of the Ethics the authority to hire counsel?

MS. SPAHR:
Yes.

LEG. D’AMARO:
So -- but your concern is that if you hire counsel through a consulting contract --

MS. SPAHR:
As opposed to an employee.

LEG. D’AMARO:
As opposed to employee, you didn't have the language.

MS. SPAHR:
Correct.

LEG. D’AMARO:
So if this bill were revised to say not consultants but just continue with the authority to hire counsel, either employ counsel or by contracting with counsel, would that meet your needs so we can take out the blanket authorization to hire consultants.

MS. SPAHR:
It would, except the other thing that we were thinking about is that one of our initiatives that we want to do -- as you know, when you passed the law you provided for having financial disclosure statements being filed electronically. When we were looking at the provisions for training it occurred to us that some of the training might be web based training. Some of you may be aware that there are certain types of training that's done on a County level. For instance, the workplace violence training. That's done electronically. So there's some types of training that we envisioned might be done for employees beyond what's required by the law that we're operating under that could be done effectively web based. We're dealing with IT to try to establish both the web presence and to work with them for developing the financial disclosure electronic filing. But it's anticipated that we may need to hire consultants to do that computer stuff if IT can't do it in-house.

LEG. D’AMARO:
Okay. So, again, let me tell you my concern, and I think we can go with the language for attorneys.
MS. SPAHR:
Yes.

LEG. D’AMARO:
Whether they're consultants quote unquote or employees. I understand the need for perhaps administrative consultants.

MS. SPAHR:
Yes.

LEG. D’AMARO:
But my concern is that when we vet and appoint individuals to your board that we're appointing you. And when I see the word consultant what I don't want, and I don't think would be appropriate, would be to hire consultants to actually help you with your substantive work and decision making.

MS. SPAHR:
Right.

LEG. D’AMARO:
You see, and that's what's popping up in my mind when I look at this. You know, now you're subjected to -- we don't have any authority or even knowledge of who you are hiring and what you're doing, but I can't put this board in a position of being able to hire consultants for a purpose where I don't think it's appropriate.

So, again, what I would be willing to do is go with some more narrow language that allows the attorney -- takes care of the attorney either by employee or through contract, that allows you to hire consultants for administrative or training support, but I would want to limit specifically the use of consultants by this board to ensure that it's not consulting for purposes and paying for consultants for purposes of making decisions with respect to ethics. That's what the board is appointed to do.

MS. SPAHR:
Correct. Oh, that's understandable. And just so you know, in our thinking as we were playing with this language, one was for the attorneys, if it's not an employee that we're appointing, and frankly I don't think we have the budget to --

LEG. D’AMARO:
Well, not yet.

MS. SPAHR:
-- to appoint an employee attorney.

LEG. D’AMARO:
Right.

MS. SPAHR:
But the third thing was as we're trying to identify appropriate secretarial staff and Executive Directors we're feeling kind of up against the wall with the timing, as I said, because we've got to get these notices out. Again, I don't like to admit that these deadlines are hurting us.

LEG. D’AMARO:
I know, but that's not -- it's not a matter of fault, it's just the timing of the whole thing. Let me just, because the time is running short and I apologize for interrupting. Just one other quick question. Going back to extending deadlines, the financial disclosure deadline would only be the authority to be given for one year, this year, til the end of the year, for the reasons that we spoke
about. Are there any other deadlines that you foresee extending?

**MS. SPAHR:**
There may be. There are deadlines in a number of different laws that we have responsibility for administering or receiving notices on and we’re just starting to look at those and to try to evaluate what our responsibilities are. For instance --

**LEG. D'AMARO:**
Okay. And you may come against the same procedural requirements --

**MS. SPAHR:**
Yeah.

**LEG. D'AMARO:**
-- that you had to take action affirmatively as a board and were not in a position to do so and you want to just have that language there for this year to get through that in case it should happen.

**MS. SPAHR:**
Absolutely. There may be investigations that need to be done that, again, we don't have investigative staff yet. We don't have secretaries, we don't have people that can help us to do what we need to do.

**LEG. D'AMARO:**
The only thing I will ask you, I will support that, but be mindful that we would be giving you open-ended extension authority there.

**MS. SPAHR:**
That's why we put in, and it was really our idea to put in the super majority provision, thinking that it would give the Legislature some sense that it wasn't going to be something lightly done. But I do say with full disclosure there have to be some deadlines that are extended and we need to do that in a rational and fair and appropriate way.

**LEG. D'AMARO:**
Right. And I’m sure you’ll exercise that authority should you get it prudently as well. Okay.

**MS. SPAHR:**
And I'm telling you, the other members of the board are just terrific as I have come to know them.

**LEG. D'AMARO:**
Sure. All right. Well, I appreciate very much you coming here and answering these questions and it's helped me a lot. And Mr. Deputy Presiding Officer, thank you.

**D.P.O. HORSLEY:**
Yes, Lou, I'm just consulting -- consulting with our -- with Counsel and the question comes up, if we narrowed the language a little bit, like the consultant issue, would you agree to the closure of this bill?

**LEG. D'AMARO:**
I would, yes, I would.

**D.P.O. HORSLEY:**
Because Counsel advises me that if we just take it with the language a little bit that it would not make substantive changes but it would be able to still move the bill forward. You’re okay with that?
LEG. D'AMARO:
I would. Only because with respect to having the public hearing, the original Board of Ethics Law went through that procedure and it was fully vetted through public hearing. And I know this is in a way short-circuiting that process.

D.P.O. HORSLEY:
Yeah, this is really --

LEG. D'AMARO:
For lack of a better term.

D.P.O. HORSLEY:
Yeah, I'm not happy with this at all.

LEG. D'AMARO:
But I will say that the bulk and the text of the law is intact and given the explanations that I've heard here today, it really is not that substantive a change, it's an interim measure --

D.P.O. HORSLEY:
That's what Counsel believes also.

LEG. D'AMARO:
-- for a transition period. And so on that basis I would be willing to say that the public hearing posting would be sufficient for me because the original law was vetted.

D.P.O. HORSLEY:
Thank you. Legislator Montano.

LEG. MONTANO:
Yes, how are you there?

MS. SPAHR:
Thank you.

LEG. MONTANO:
Let me try and cut to the chase. I don't have a problem with the transition provisions, Section C30-5 A, B and C. Those seem to be ministerial functions that the board is asking for so that you can do your work. And I don't have a problem with G, but I do have a problem with the Section 4, staffing and facilities, when you talk about subject to available appropriations, the hiring of consultants. I had asked a question of BRO. Gail -- I don't think you were here for that, Ms. Spahr.

MS. SPAHR:
No.

LEG. MONTANO:
But, Gail, could you just very quickly answer that question if you heard it?

MS. VIZZINI:
Yeah. The Ethics Board has appropriations that total $238,000. There's provision for salaries for Director and a secretary, and there are provisions for fees for services or, you know, consultant fees or attorneys, what have you, of --

LEG. MONTANO:
But we have the independent counsel, right? That's in the statute?
MS. VIZZINI:
(Nodded yes)

LEG. MONTANO:
And do we have an appropriation for that?

MS. VIZZINI:
The fees for services is $70,000.

LEG. MONTANO:
So their total budget is 230,000?

MS. VIZZINI:
Yeah, 238,000.

LEG. MONTANO:
All right. Do you know how that's going to be -- you have a Director? Have you hired a Director there?

MS. SPAHR:
We haven't gotten there terms of, you know -- we're

(*Laughter*)

LEG. MONTANO:
You're interviewing.

MS. SPAHR:
Yeah.

LEG. MONTANO:
Okay.

MS. SPAHR:
I don't want to mislead you and say we're interviewing. We're determining what the real requirements for the Director should be and what the role of the Executive Director should be. As I said, we're looking to come at what the model should be for this board in terms of what role will that Executive Director play, the secretary is a little bit easier, and what should the salary be. So I don't know how much wiggle room we have with the money that's appropriated for salaries. For the counsel, though, position, which I guess is the fee for services, Gail, that I think anticipated that it would be hired counsel, contract counsel.

LEG. MONTANO:
So, Gail, their whole budget right now is 230,000. They cannot exceed that without coming back to the Legislature, am I correct?

MS. VIZZINI:
Theoretically, yes.

LEG. MONTANO:
All right. What's the theoretical part? I need to understand that. What does that mean? Can they do something that would, you know, instead of saying theoretically yes, could you give me like a yes or a no?
MS. VIZZINI:
Well, if I assume that they are a department and they had the same restrictions that other departments have, meaning they have to get --

LEG. MONTANO:
Right, then they're locked in.

MS. VIZZINI:
-- a 167 for filling positions or they would have to get the Budget Office’s okay to spend, then I would say that it would -- that they would not be exceeding their appropriations, unless there was a budget amendment.

LEG. MONTANO:
You say that now with certainty?

MS. VIZZINI:
Yes, that's correct.

LEG. MONTANO:
Okay.

MS. SPAHR:
Are you saying that we can spend more than -- sorry.

LEG. MONTANO:
Do you need -- Linda, do you need Section A in there other than the component that allows you to hire a secretary? Because we already made the appropriation. Do you need that language in there that talks about such other temporary and permanent support, or is that something that can come in later and we can debate it fully at the appropriate time and not in a C of N.

MS. SPAHR:
Well, I'll tell you why that word temporary is in there is because as we were discussing this matter and we were discussing it with members of the Legislature in the Exec's Office, we were concerned that we might not be able to hire a secretary quickly enough. That's the -- that was the critical concern when this language was developed. What if we can't get a secretary quickly enough, can we hire a temporary secretary, can we hire somebody that might be off one of the lists, somebody that's been laid off or appoint someone --

LEG. MONTANO:
Do you know how many secretaries are out there looking for work?

MS. SPAHR:
Oh, yeah, yeah. So that was where that temporary or permanent staff language came in instead of just staff so -- and then the or consultants.

LEG. MONTANO:
But you got an appropriation for a secretary.

MS. SPAHR:
Yes.

LEG. MONTANO:
You have $230,000. You're supposed to live within that appropriation. How do you hire a Director, an independent counsel, a secretary and then have money left over for consultants?
**MS. SPAHR:**
Oh no, no, no. That would be -- the consultants would be for the independent counsel, and that was just us playing with the language, and I'm sorry, that was me lawyering the language, and the temporary secretary would be for this year. Remember, we're halfway through the budget year. So the concern was can we hire -- given the language in the statute were we authorized to hire a temporary person until we appointed a permanent secretary. So it's really just looking at whether we had the authority. If you're saying you think we have the authority to do it under this then we don't need that amendment.

**LEG. MONTANO:**
All right.

**MS. SPAHR:**
It was really just making sure that we weren't going to be overstepping the bounds of our authority.

**LEG. MONTANO:**
Yeah, I surrender. Thank you.

**D.P.O. HORSLEY:**
Okay. All right. So are we still of the opinion, and Counsel believes he can, he can work within the framework of this law, of this law if we close it today, to make minor changes. And we'd certainly have Mr. D'Amaro and Mr. Montano take a look at it and make sure that it's --

**LEG. MONTANO:**
It's going to Ways and Means, right?

**D.P.O. HORSLEY:**
It will be going to Ways and Means, yes. Are two weeks okay, if we send it to committee?

**MS. SPAHR:**
Oh, are you asking me?

**D.P.O. HORSLEY:**
Yes.

**MS. SPAHR:**
Our big concern is that it get to the Secretary of State before September 1st.

**D.P.O. HORSLEY:**
Okay.

**MS. SPAHR:**
So I understand that the County Exec needs to do a hearing.

**D.P.O. HORSLEY:**
We could do that, we can try.

**MS. SPAHR:**
If it's not we're in violation.

**D.P.O. HORSLEY:**
I understand, you're in violation. Okay.
LEG. NOWICK:
What are we doing?

D.P.O. HORSLEY:
All right. What we're going to do, we're going to send it to committee, but we're going to close the public hearing today. And they're going to tinker with the language, the consultant stuff and make sure that all of our members are happy -- I'm sorry, say it again?

LEG. NOWICK:
And the CN's off the table?

MR. NOLAN:
Commit it to committee. We're getting ahead of ourselves.

D.P.O. HORSLEY:
Okay. All right. We good?

LEG. MONTANO:
Yeah, can I just point out one thing? If we close it and we send it to committee, it's going to go to Ways and Means. But we're not going to have time -- the bill, in order to be voted on on the 16th has to be amended by Monday, and the Ways and Means Committee is on Wednesday. So I don't want to go into a, you know, a committee meeting with a bill that has a time limit that cannot be amended. If it's going to be amended it has to be amended by the first, procedurally.

D.P.O. HORSLEY:
Okay. Counsel, you're on the job.

LEG. MONTANO:
All right?

D.P.O. HORSLEY:
You're in this week?

LEG. MONTANO:
This needs to be resolved by Monday, because otherwise you're locking the Legislature in, in my opinion, inappropriately. We don't want to kill -- we don't want to make you be in noncompliance, but we also don't want to be put up against the wall by having to pass a bill that has language in it that some of us would be uncomfortable with.

D.P.O. HORSLEY:
Okay. All right. Are we good? We have a motion to recess. We do, right? Mr. Clerk, what do we got? I don't remember at this point. I know, I know. Recess comes first if we have one.

LEG. MONTANO:
I'd take the language out now.

D.P.O. HORSLEY:
You withdraw your motion? Let's see what we got.

MR. LAUBE:
I have two motions in front of me, one to recess and one to close. To recess was --

D.P.O. HORSLEY:
Okay. Who made the motion to recess?
MR. LAUBE:
Legislators D'Amaro and Calarco.

LEG. D'AMARO:
I'll withdraw my motion to recess.

D.P.O. HORSLEY:
Mr. -- your second is withdrawn as well?

LEG. CALARCO:
Yep.

D.P.O. HORSLEY:
We're good. Okay. So now we have only on the floor we have a motion to close.

MR. LAUBE:
We have Legislator Schneiderman and Kennedy.

D.P.O. HORSLEY:
We're good guys?

LEG. HAHN:
Just a quick question. If we're going to tinker -- I don't understand how we can close.

LEG. MONTANO:
That's the problem.

D.P.O. HORSLEY:
You want to explain it, George?

MR. NOLAN:
We can close the public hearing -- if the changes made after we close the public hearing are not substantial substantial changes, we don't have to reopen. It sounds to me like the language we're talking about would not be so substantial as to require reopening the public hearing.

LEG. D'AMARO:
Well, George, if I may. I have the language that would be acceptable to me, and if you want to just rule on that now I can give it to you.

MR. NOLAN:
Well, there's other -- there are other people involved.

LEG. D'AMARO:
Okay.

MR. NOLAN:
So -- but it sounds to me, Legislator D'Amaro, like we could go with this plan and it would work.

LEG. D'AMARO:
Yeah. I don't think it's substantive. I agree with you.

D.P.O. HORSLEY:
Yes, Ms. Nowick.
LEG. NOWICK:
Just quickly, because I'm looking at your face. You understand, we've been -- we understand what we're doing here, but I could see your face, you're wondering --

D.P.O. HORSLEY:
We do?

LEG. NOWICK:
Well, sort of. Your face looks like it's saying do I have to change it by Monday?

MS. SPAHR:
I don't play poker.

LEG. NOWICK:
No, not well.

MS. SPAHR:
No.

D.P.O. HORSLEY:
It will be up to Counsel to put that --

LEG. NOWICK:
Our Counsel will be doing it.

D.P.O. HORSLEY:
Put that langue and reach out to Mr. D'Amaro, Mr. Montano and Mr. Brown and everybody that George feels is necessary to make sure that this language is appropriate.

LEG. D'AMARO:
And Legislator Horsley, could I ask one more question while Ms. Spahr is here.

D.P.O. HORSLEY:
You may. Why not.

LEG. D'AMARO:
Would you be more comfortable with the non-financial disclosure deadlines, the other deadlines, to be a cutoff of December 31st of 2013? Just so there's a set time.

D.P.O. HORSLEY:
It's starting to sound like a major change.

MS. SPAHR:
The only -- I think what we anticipated is that if there were other deadlines that needed to be extended it would be within the calendar year 2012 that they would be extended. So I think that 2013 would be way beyond that. So I think this language would cover it if that is better.

LEG. D'AMARO:
Well, this language only gives you an end of year deadline for financial disclosure. All the other deadlines you can go into 2013.

MS. SPAHR:
Right, right. That was our hope.
LEG. D'AMARO:  
So would a cutoff date of December 31st of 2013 for all those other deadlines be objectionable to you.

MS. SPAHR:  
It would not be objectionable.

LEG. D'AMARO: 
Okay. That’s what I wanted to know.

MS. SPAHR:  
No.

LEG. D'AMARO: 
Okay.

D.P.O. HORSLEY: 
We good? All right. We have a motion to close. All those in favor? Opposed? Abstain? All right. We've closed.

MR. LAUBE: 
Sixteen. (Absent: Presiding Officer Lindsay, Legislator Browning)

D.P.O. HORSLEY: 
Congratulations.

MS. SPAHR:  
Thank you. May I?

D.P.O. HORSLEY:  
If you send over another CN we're going to kill you. Yes, Ms. Spahr.

MS. SPAHR:  
I would just like to know what do we need to do to assist you or make this happen. We are available.

LEG. NOWICK:  
Probably walk away.

MS. SPAHR:  
Walk away.

D.P.O. HORSLEY:  
Leave your number with the Counsel. He's going to coordinate it.

MS. SPAHR:  
Awesome. Thank you so much. I appreciate you hearing from me again today.

LEG. CILMI:  
Be available for Ways and Means. When is Ways and Means?

LEG. MONTANO:  
Well, Ways and Means is Wednesday, but the point I was making, Linda, is that the amendment, whatever amendment we're going to make, has to be made by Monday at 1:00 -- 5:00, I'm sorry.
So whatever language, and I did want to hear Legislator D'Amaro's language but we can get that later. But I think it needs some tweaking and that has to be done -- our deadline for that, I mean not legally, we can take it to committee, but then you're going to wind up not having everybody on board, because I will not support this bill in its current form.

**MS. SPAHR:**
We are very happy to be tweaked. We are at your service.

**LEG. MONTANO:**
Good. Thanks.

**MS. SPAHR:**
Thank you, sir.

**LEG. MONTANO:**
Monday --

**D.P.O. HORSLEY:**
All right.

**LEG. MONTANO:**
The committee meeting is Wednesday at 10 o'clock, if anyone is really interested in the subject, which I doubt.

**D.P.O. HORSLEY:**
It's riveting and we will all be there.

**LEG. NOWICK:**
Run, run.

**D.P.O. HORSLEY:**
Okay. Well, let's make -- I'm making a motion to set the date for the following public hearings, August 21st, 2012, 2:30 p.m., in the Maxine Postal Auditorium, Riverhead in New York; second by Legislator Cilmi. All those in favor? Opposed? So moved.

**MR. LAUBE:**
Sixteen. (Not Present: Leg. Browning/Absent: Leg. Lindsay)

**D.P.O. HORSLEY:**
Setting the date for the following public hearings, and the I.R.'s, for August 21st, 2012, at 2:30 P.M., at the Maxine Postal Auditorium, Riverhead, New York. Second --

**LEG. MONTANO:**
List the I.R.'s.

**D.P.O. HORSLEY:**

**MR. LAUBE:**
Sixteen. (Not Present: Leg. Browning/Absent: Leg. Lindsay)
D.P.O. HORSLEY:
Right. Now we have a lot of cards that are still remaining from the public portion. We have to finalize them by 9:30 -- 10 o'clock. I'm sorry, 10 o'clock. So let's see who has left. Some of these I know have already spoken during the public hearings portions on these issues, one of them, the first one being Kathleen Madigan. Is Kathleen still here? I believe she already spoke. Linda Petersen on I.R. 1695. Linda Petersen? I believe you spoke, right, that's correct. Pat Rollings. Pat Rollings is not here. Simone DaRos? Simone DaRos? Not here. Patrick Cleary. Patrick Cleary, not here. Robert Service. Robert Service. Adrienne Esposito? Is Adrienne -- are you still here?

AUDIENCE MEMBER:
She left.

D.P.O. HORSLEY:

MS. FREDETTE:
Here.

D.P.O. HORSLEY:
Mary's here. Welcome, Mary.

MS. FREDETTE:
Thank you. Yes. I'm Mary Fredette. I've worked at John J. Foley for over 20 years, and I'm here to stand in opposition (sic) of the sale of the facility. And I just want to -- I'm standing in agreement with my colleagues, that you all heard them before, and they covered all the areas that I was -- intended on covering, and I just stand in agreement with them.

My biggest -- you know, aside from the fact that Steve Bellone shook my hand and basically lied to my face and told me he would advocate for the facility, you know, if I gave him my vote; aside from the fact that, you know, we need the public service in Suffolk County, it's quite obvious, you've heard all the people that were turned away from private facilities; aside the fact that the facility passed the State inspection very well; aside the fact with the operator that's trying to obtain the facility has a horrific reputation, almost criminal, and I just want to -- I just -- really, I can't even believe I'm here today after four years. It's kind of appalling as a Suffolk County taxpayer that this is how the money is being spent. I don't -- I can't even understand how a 90 million dollar building is going to be sold to someone like this person for 23 million dollars. Note I mean, even as a businessperson, which I'm not even that great of one, it just doesn't make any sense at all. And I'm just really appalled that I have to speak here today about that. It's sad.

(*Applause*)

D.P.O. HORSLEY:
Thank you very much, Mary. Charles Clampet? Charles Clampet.

MR. CLAMPET:
Who makes the laws for child support? County Legislature, Family Court admits them and Child Support follows them. Well, I just don't understand a gentleman that I know has never seen his child for well over 12 years. Child -- the hearing examiner told by the Judge -- the hearing examiner said to him that his case is closed. Well, because he's a noncustodial parent, the people at Child Support Enforcement Bureau figures they'll take out on their -- they'll do it their -- they'll do it their way.
Back in 2010 he received a check in the amount of close to $7,000 back because he couldn't find his child that he's been paying child support, and he got the money back because the hearing examiner said, "Your money is sitting in abeyance. We will release your money. Your child is 23 years old and this has gone on way too long, way too far." Child support stops at 18 years old. This is what I was told by many people, even the hearing examiner told him, "Your child support obligation stopped at 18. Your son lives in Florida. You have not seen your son in 12 years," 12 years or better.

The Child Support takes it upon themselves -- Child Support Enforcement Bureau takes it upon themselves to make it harder for this gentleman to go through this process. When you go to Child Support, I don't know about any of you people here, but I don't know about taxpayers that were sitting here before would really like to hear what's going on in Child Support in Ronkonkoma, Window 1 you have to go to. Window 2 you sign in. You sign in at Window 1, you give I.D., then you go to Window 2 and you give your concerns to that person. Well, that person tells you, "Oh, you can do your business here in the lobby." Well, that person doesn't want to do it in the lobby, they want to talk to somebody behind the wall. So having said that, then Window 3 is over there reading a newspaper for 33 minutes, reading a newspaper, eating pretzels and drinking a soda. This is County tax dollars at work. Is that right? You have cameras at Child Support Enforcement Bureau that are in the lobby, they should be watching the County employees to see what they're doing.

They don't do their -- this is what the supervisor said, "We're going to do our due diligence, Mr." -- I'm not going to say his name, but "We're going to do our due diligence to find the baby's mother." Haven't done it in 12 years. The hearing examiner said release the money. You released the money, this -- 2010 he got the money. 2011, his income taxes were taken out, that's all, not his payroll, his income tax was taken out by CSEB, because they have cohundas (phonetic), because they think they're better than the County Legislature that lays the law, they think they're better than the State Legislature, they think they're better than the hearing examiner. They kept saying that Cindy, is a woman, the hearing examiner, Cindy Cherry, they kept saying, "He doesn't know what he's doing. He doesn't know what he's doing." Well, you want to know something, the system is broken. It's a way that the County gets money. It's a way that the State -- the Federal Government gives the County money for the repair of the roads, the State roads. Nobody could tell me nothing different, but --

**D.P.O. HORSLEY:**
Mr. Clampet, you're going to have to start to wrap it up.

**MR. CLAMPET:**
Okay. Well, anyway, the due diligence crap has got to go. Child Support people that are over there, they should not do it. The lady walked in, the supervisor that he was talking to in Child Support -- he works at the Bellport Library -- she walked into the Bellport Library, walked in. I was there. She walked into the Bellport --

**D.P.O. HORSLEY:**
Mr. Clampet, you're going to have to start to wrap it up, please.

**MR. CLAMPET:**
I will. She walked into the Bellport Library, went over to his supervisor and said, "What's his I.D. number," da, da, da. Then they wind up taking the check -- taking money out of his check again. They did it three times this month already.

**D.P.O. HORSLEY:**
Okay.
MR. CLAMPET:  
And the hearing examiner said it's closed. How does -- Child Support Enforcement Bureau higher than you?

D.P.O. HORSLEY:  
Thank you, Mr. Clampet. Michael Finland, and on deck, Kathleen Kleinman, if she's still here. Welcome, Michael.

MR. FINLAND:  
Good evening, everyone. First off, I just want to acknowledge an individual who's always been a vital force in the Suffolk County Legislature, Mr. Bill Lindsay. He's been a longtime mainstay of Suffolk County government and a friend of AME. I want to extend my good wishes toward him.

I am here tonight to speak of the future fate of a jewel in the crown of Suffolk County government, that being the Foley facility. It is my sincere hope and wish that the County Legislators will carefully consider their options when deciding the fate of the John J. Foley Skilled Nursing Facility. The maintenance and functionality of this site has been a source of intense scrutiny over the course of seven years. While it may be tempting to explore a less cumbersome option, for example, the sale of Foley, I want the lawmakers assembled here tonight to proceed with caution on this endeavor.

I have had an affiliation with AME for many years and have had the opportunity to become familiarized with the incomparable workforce that maintains this nursing home. Indisputably, the staff there are second to none. I want to commend them on their unsurpassed work ethic, and I really want our elected officials to take a second look at what the workers have accomplished there.

Being engaged in any kind of care-giving work calls for a special kind of talent, compassion, capability, and foresight. I know this because I have been a caregiver. I know firsthand what the AME employees at Foley must face on a daily basis. For purposes of comfort and continuity for the patients, I highly recommend that the current workers remain there. We should not rush to judgment, but consider alternative options such as a public/private partnership.

Let's not close the door on alternative measures. We should always afford ourselves of any other tenable and viable options. I fervently and emphatically implore you to seek out other potential measures. We respect and value our workforce, and as the liaison for the Foley Facility, I wholeheartedly hope that you will explore each and every pathway for the future continuity of this exceptionable facility.

I thank you for your time and your consideration in this matter.

D.P.O. HORSLEY:  
Thank you very much, Michael, appreciate it.

(*Applause*)


MS. ABRAMS:  
Hi. I'm Alison Abrams, I'm a nurse practitioner at John J. Foley, and I want to speak on behalf of myself and the rest of the people that spoke tonight. I totally reiterate and agree with their positions of the quick fix, the RFP process that might not have even been a legal process, it went so fast. The fact that it seems like a garage sale for 23 million dollars, the overestimation of the actual cost of what we are -- said to cost the County. I mean, that 10 million dollars, it seems ridiculous, if that's what we cost them every single year.
We've cleaned up so much. I've been there for three years, I've seen so many changes. Everything is much, much better there. It's so improved. It's really a great place to be, it's a great place for our patients, and it's really a wonderful facility. And to sell it for 23 million dollars, and then the fact that all of a sudden all those acres are just added in? Here, here's 14-plus acres? I mean, that's a lot of property.

If you look at what's happening in the graying of America today, the fastest growing segment of our population is above 65 years old. The even faster is above 85 years old. We have -- in Riverhead, the Township of Riverhead, we have the highest population of senior citizens of any township in the state. If we just look at what's going to be happening, we will know that this facility is greatly going to be needed and is needed now. The fact that what you look at in long-term care now, you're looking at whole new models. We are far behind a lot, of lot of states. It's all about continuing care, continuing care communities. So if you look at these extra 14 acres, we're just giving him a continuing care community is basically it. Why don't we just give him the 14 acres for 23 million dollars, keep our facility? I mean, there just seems to me limited options.

We have -- all the mental health facilities have basically closed, and we have mental health patients that need care. We have wings -- we have a wing that's actually closed. We could use that wing for other things. We need hospice care. We don't have that. We have people that are dying and that can't get care at home, that we could actually be taking care of them at a much better rate and a much better way than we are now. And it just seems appalling that this is going to be happening like that, like all of a sudden, come in, that's it.

So, I really am appealing to you to look into this. There's other ways, there's just more opportunity, look forward, look into the future and see that this is a really -- it's a jewel, it's a gem, not just for all the workers that are there, it's about the future, the future of our country, basically. So we really need it, so thank you very much.

(*Applause*)

D.P.O. HORSLEY:
All right. Thank you very much, Alison. Margaret Rosenka.

MS. ROSENKA:
Good evening. My name is Margaret Rosenka and I've been an employee of John J. Foley for 18 years. Again, I stand here before you fighting the sale of our building. We all know our County is in financial distress, but the problem is not going to be solved by selling our facility. It took Suffolk County a long time to get this to point and it's probably going to take just as long to rectify it. There are no quick fixes. A one-time deal to sell our building, the property, and all its inventory at a fraction of what it's worth just doesn't make any sense and will certainly not solve the County's financial problems. The Shermans may own many profitable nursing homes, but they're profitable for a reason. Along with running a nursing home, they run a business. And as we all know, you're in business to make money. John J. Foley is not run as a business and that's why we don't generate a big profit. We take care of people who can't take care of themselves, and many of our clients just aren't profitable.

Do you really believe that these residents will have a long-term home with the new owners? I don't think so. The beds will be filled with people who will bring in the money. And what about the employees? Sure, the owners promised us all a job, but we'll be starting over at the bottom. Most of us worked many long years, and just as retirement looks like it's within reach, the rug is pulled out from under us. Is there absolutely no way to keep us on as County until we're ready to retire? There are so many legitimate concerns regarding the sale of our facility. I speak for all of us at John J. Foley, employees, families and residents alike. I ask that you please give it as much thought and consideration as humanly possible before making any decisions. Our futures are in your hands.
Thank you.

(*Applause*)

**D.P.O. HORSLEY:**
Denise Speizio.

**MS. SPEIZIO:**
Hi. Thank you for having us today to hear our concerns. I'm here to speak in support of Resolution 1566 and ask that Sandpiper Farm is included in the ag district. And I should introduce myself, I'm sorry. Denise Speizio. I'm President of Nassau-Suffolk Horsemen's Association, and I'm also Commissioner for Longwood Youth Sports Association Equine Team.

You heard everyone speak tonight about the environmental -- sorry -- benefits and the groups of -- that are supporting it as far as environmental groups and their concerns about the development of the property. Tonight the only thing I do want to add or reiterate is that New York State is a right-to-farm state. That the prohibiting of agricultural activities is against the Farm Bureau policy on a local, a state and a national level.

I just want to also speak a little bit about New York State has an initiative for economic development. There are several organizations, groups and local agencies that are trying to get their hands on the funding that's available, and all the equine industry and community is asking of you is we're not asking for funding, we're just asking you to institute the tools that we need to sustain ourselves.

For two-and-a-half years I volunteered on the Suffolk County Equestrian Task Force and during that time the task force identified the equine community. We identified challenges to the industry to help it sustain itself and stay on Long Island, because horses and the businesses are leaving in droves. We also made eight recommendations to those challenges, one of which is to try and get properties included in ag and market districts. So the inclusion of Sandpiper Farm would speak to those recommendations and they're recommendations by a committee that you formed here, Suffolk County Equestrian Task Force, and it would just help the horses stay on Long Island. We have a viable economic impact on the County, 1.7 million dollars in sales tax alone. And just as a small tidbit, and I'm going to -- I'll end with this, the 1.7 million dollars takes into consideration direct impacts, it doesn't take into consideration indirect impacts. We -- it would count in the barns and the trailers, but it doesn't necessarily count the trucks that we purchase to pull the trailers, or the electricians, or anything else that goes along with purchasing the barns.

So again, we would appreciate you including Sandpiper Farm, and I just want to thank you for having us here today to speak on it.

(*Applause*)

**LEG. CILMI:**
Thank you, Denise. Linda McGregor.

**MS. MC GREGOR:**
Linda McGregor, Suffolk County employee. Thank you for the opportunity to speak.

Regarding John J. Foley Skilled Nursing Facility, Suffolk County Charter requires that the County follows New York State General Municipality Law in following the competitive bidding process or the RFP process when selling, leasing or buying County assets or property. Apparently, due to all accounts, that has not been followed. So you're opening the County up to a lawsuit if it is to proceed approving a contract.
Government solutions on the Town, County, State and Federal level to the budget deficits do not match the causes of the budget deficits. Health services in this County is not responsible for the budget deficit. Government should be in the business of public health care. Fifty-eight nations in the world have national health care; United States is not one of them.

Sorry, I lost my thought. The County -- County revenue is dependent on State funding. State funding is dependent on Federal funding. Federal revenue and County revenue are dependent on us, the taxpayers. The causes of the budget deficits that all the governments at all levels are facing are due to the massive tax cuts, the Bush tax cuts, deregulation of the banking industry. You have the mortgage and security fraud crisis. You have deregulation of the commodities market, which led to more Wall Street speculation. We have the highest prices of fuel and food in history; two unfunded wars, and my daughters are both veterans of those wars.

And regarding John J. Foley, an idea off the top of my head, you might have already thought of this, is I know John J. Foley accepts TRICARE, which is the military insurance. I don't know if maybe John J. Foley, an avenue could be primary veteran's center, in addition to a nursing home. I think the only veterans centers are Patchogue, Northport and Riverhead in this area. So your -- the solutions of government are not addressing the causes that have led to these budget deficits. Public employees and their salaries and their benefits are not responsible for these deficits. And I hope that we can also eliminate in New York State political party fusion, cross-endorsement by political parties, because that is illegal in 42 other states. It's been tied to election rigging, patronage jobs to the parties giving their cross-endorsement, and also explains why we still have people in office like Suffolk County District Attorney Thomas Spota. You could be a nurse working in Suffolk County, quit your job, you go to jail by the D.A.'s Office. And, as a matter of fact, that Federal civil rights lawsuit, the Grand Jury proceedings minutes are being unsealed in the Federal civil rights lawsuits against the D.A. But, yet, he gave a pass on criminal prosecution to former Executive Steve Levy with the fundraising campaign activities.

So you have a lot of work to do if you're going to have a Board of Ethics. You better really give it a lot of staff, because there's a lot of things happening by politicians here in Suffolk County that is unethical.

D.P.O. HORSELY:
Ms. McGregor, you have to wrap it up.

MS. MC GREGOR:
Thank you.

D.P.O. HORSELY:
Thank you.

(*Applause*)

Peter Mastando.

MR. MASTANDO:
Good evening.

D.P.O. HORSELY:
It's good to see you, by the way.

MR. MASTANDO:
Thank you. I'm here on my second life trying to defend John J. Foley again. Thank you for the recognition.
Yous don't get it, yous don't get it yet. You're not selling a building, you're selling people. These are the weak, the meek and the sick.

When I was a kid growing up in New York City, we defended these people. You're for the mighty dollar. Dollar don't count when it comes to human beings. Where's your humanity? Where's your heart, compassion? We defended the old women, the young children. Why not here? Why not here?

We had a man prior to this County Executive, he got out of office, we're still standing, John J. Foley. Unfortunately, that man got in trouble. I'm not disappointed about that, but that did save John J. Foley because it made the buyer back out of the deal. Now we have another County Executive drop the bomb. We didn't even know this was happening. We didn't know it until the day it came. He came, shook our hands, like they said, took our votes, and then he betrayed us. Why? Why does that happen? All we knew when we were a kid was be honest and loyal, especially to the sick, the meek and the weak.

I mean, I don't know what to tell yous. We've been here, we've done this, you saw the tears. Some of these Legislators haven't been at John J. Foley. I had a woman today that's already sorry I'm leaving. She -- you know, I had to do something just not to make her cry and just make a joke out of it. You know, we love our residents.

We need your help, your vote. Those residents are not the dollar sign. There are ways to save this building, and if anything, at worst and last, you could always do it the way Kate Browning, which I send my regards to, and Mr. Lindsay, I send my regards to, public/County; keep our jobs. We love to help these people. I'm for it. And if you don't vote for it, I don't know where humanity is, when you wake up in the morning and you got to look in that mirror and say, "Did I do justice to those people? Did I do my job today?" Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Judy Salvatore. Judy Salvatore?

AUDIENCE MEMBER:
She's gone.

D.P.O. HORSLEY:
Peter Nichols? Peter Nichols. That is the last card that I have. Would anyone else like to be heard?

MR. STRAUSS:
Yes.

D.P.O. HORSLEY:
Did he speak in the open --

MR. STRAUSS:
No, I spoke on a public hearing.

LEG. NOWICK:
Public hearing.

D.P.O. HORSLEY:
On a public hearing, yeah. I knew you knew.
MR. STRAUSS:
What?

D.P.O. HORSLEY:
I knew you knew the rules.

MR. STRAUSS:
Oh, yeah, sometimes better than some of the people sitting around the horseshoe.

LEG. KENNEDY:
Nice Alex, very nice.

LEG. NOWICK:
He figured out the ethics.

D.P.O. HORSLEY:
Don't name names, we don't want to hear it.

MR. STRAUSS:
I'm not naming names. Everybody knows who they are. Alex Strauss, 184 Radio Avenue, Miller Place, New York.

You know, we're talking about a nursing home, we're talking about something where it's not selling widgets. We're not going to get rich over the sale of this nursing home. I don't understand. You know, something's wrong when we're going to sell it for 36 million, I think it was, and now we're going to give them some more property and the price went down to 23 million. Something doesn't seem right with that. Did the land go bad? Is it land that's no good? Does it have to be cleaned? Is something wrong with it? If not, why the heck are we giving this guy more property for a lesser price? I don't understand that.

You know, we talk about -- it's been talked about here that John J. Foley has to be supplemented by 10 million dollars. Is that a good thing? Maybe not. Does the Suffolk County bus thing, is that being supplemented or anything? I'm sure the fare that the people pay to use that transportation does not cover the cost. Do we think that's right? Well, yeah. So I don't understand why we don't want to supplement something that's for people that don't have nothing. We're going to pay for somebody to get in a taxicab and drive out to a place so he can stay in a trailer that's supposed to be -- that's what we have to do. I don't understand how we can just say we're going to sell this nursing home to a person that's for-profit. And any businessman knows that if he's going to have this nursing home, he's not going to keep people there that don't make him money, he's not going to do that. First thing he's going to do is cut the staff and get it down to what normal nursing homes do. What it means as normal nursing homes is the people that keep getting brought up in Newsday about that the nursing home was -- had people in there that didn't know what the hell they were doing, people were sick, people were getting hurt, because it's for profit, it's for profit. That's all they're interested in. These are people that don't have anything.

You know, there's just too much that doesn't make any sense. I can't understand how you're going to sell something and cut the price and add more to it. It doesn't make any sense. If it doesn't make any sense, then you shouldn't do it. I know we're in hard times, but maybe if we had raised taxes for the last ten years instead of saying we're going to save everybody a dollar, maybe we wouldn't be in this problem we are today. Nobody likes to pay taxes. There's nobody in this room that likes to pay taxes.

D.P.O. HORSLEY:
You're going to have to start to wrap it up.
MR. STRAUSS:
You're done with me.

D.P.O. HORSLEY:
Yeah.

MR. STRAUSS:
Okay, no problem.

D.P.O. HORSLEY:
We love you, but --

MR. STRAUSS:
I know, it's time to go. Thank you very much.

(*Applause*)

D.P.O. HORSLEY:
Would anyone else like to be heard? Would anyone else like to be heard? Okay. That --

MR. STRAUSS:
Just one last little thing. I'm not even going up there. Mr. Cilmi, thank you very much. Now I know what the bill was. And like I said, don't give them more time. Everybody pays their bills on time. Thank you again. I'm sorry to interrupt.

D.P.O. HORSLEY:
You're welcome. Okay. I'll make a motion to close the public hearing, seconded by Legislator Cilmi. All those in favor? Opposed? So moved. Public hearings are closed.

All right. We have -- I'll make a motion to approve the Consent Calendar --

MS. ORTIZ:
That was 11. (Vote Amended to 13-0-0-5/Not Present: Legs. Schneiderman, Browning, Anker, Spencer and Lindsay)

D.P.O. HORSLEY:
-- second by Legislator Cilmi. All those in favor? Opposed? So moved.

To the agenda. All right. We're moving to the tabled resolutions. They're handing me the gavel. I know you guys are getting tired.

**TABLED RESOLUTIONS**

1020, the first tabled resolution, we have a motion -- it is withdrawn. So that has been withdrawn.

1210 - Authorizing the acquisition to --

LEG. ROMAINE:
Motion to table.

LEG. BARRAGA:
Second.
D.P.O. HORSLEY:
Wait. Let me read it. 1210 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Open Space component - for the Omni Ventures Inc. Property (Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000) (County Executive). Legislator Montano, you want to move to table?

LEG. MONTANO:
No, Romaine.

MR. NOLAN:
Romaine.

D.P.O. HORSLEY:
Oh, that was Romaine?

LEG. ROMAINE:
Move to table.

MR. NOLAN:
Second by Barraga.

D.P.O. HORSLEY:
And seconded by Legislator Barraga. Are there any other motions? All those in favor to table? Opposed? Abstentions? It has been tabled.

MS. ORTIZ:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
1361 - To amend requirements and composition of Women’s Advisory Commission (Stern).

LEG. STERN:
Motion to table.

D.P.O. HORSLEY:
Motion to table by Legislator Stern.

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:
Seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? It has been tabled.

MS. ORTIZ:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
1446 - Adopting Local Law to protect the County Legislature's deliberative law-making process (Montano). Mr. Montano?

LEG. MONTANO:
Motion to table.
D.P.O. HORSLEY:
Motion to table.

LEG. STERN:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Stern. All those in favor? Opposed? So moved, it has been tabled.

1610 - Directing the Department --

MS. ORTIZ:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
-- of Public Works to implement -- I'm sorry. Directing the Public Works to implement bus fare reductions for veterans (Muratore).

LEG. MURATORE:
Motion to approve.

LEG. CILMI:
Second that.

D.P.O. HORSLEY:
Motion to approve, and there's a second on the motion by Legislator Cilmi. Any other motions? We're good?

LEG. CILMI:
List me as a cosponsor.

LEG. GREGORY:
Motion to table for discussion purposes.

D.P.O. HORSLEY:
Motion to table by Legislator Gregory for discussion purposes. Any other -- is there a second on the motion?

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Legislator Anker seconds the motion to table. Discussion on the motion? Legislator, do you want to --

LEG. GREGORY:
Counsel, can you correct me? I'm trying to remember what it was that there was a problem with at the last meeting. I think there was a problem with the process between a public hearing and implementing the increase, or do you recall?

MR. NOLAN:
I'm actually not recalling exactly why this bill was tabled.

LEG. GREGORY:
Okay. What does this bill do, then?
MR. NOLAN:
It basically authorizes a reduction in the bus fare for veterans to 75 cents. I think DPW testified at some point that no public hearing was required so that that was taken out of the bill. There's been one other change since our last meeting, is that has become a pilot -- a one-year pilot project to reduce the fare, and then the Department will come back to us with a report on what happens as a result of that in terms of ridership and revenues. But other than that, I believe the bill is ready to be voted on, if the Legislature wishes to do so.

LEG. GREGORY:
Just one last question. In your opinion, does this bill violate Legislator Stern's previous bill, that wherever you reduce revenues, you have to have a corresponding offset?

MR. NOLAN:
You know, I'm just not the person who can answer that question, because actually during this whole process there's been conflicting testimony. At one point, DPW came in and said they thought it might actually generate revenue above what we're getting now. I know -- I think BRO may have said something different. You're right, the law says we're not supposed to pass a bill in the middle of the year that reduces revenues without some corresponding offset or increased revenue. But, frankly, the testimony on that issue has been a little unclear. So I just am not in a position to say.

D.P.O. HORSLEY:
Okay. Tom, you want to -- you want to hold off one sec? Legislator Cilmi has another question and then we'll answer all the questions.

LEG. CILMI:
Just a technical question for Counsel or the sponsor. George, the way you articulated what this bill does is you said that it authorizes a reduction to 75 cents. Does it simply authorize or does it authorize and direct?

MR. NOLAN:
It is directing them to do that.

LEG. CILMI:
It directs them to do it, okay. That's why I want to be -- I want to be sure that we weren't giving them the authority without directing them to do it.

MR. NOLAN:
Yep.

LEG. CILMI:
Thank you.

D.P.O. HORSLEY:
Legislator Muratore. I'm sorry, I didn't -- I jumped over you there.

LEG. MURATORE:
That's okay. But just to answer my colleague, Legislator Gregory's question. At the hearings, DPW felt that it probably will generate more income, because right now a lot of our returning vets have no vehicles, or the vets have no means of transportation. They can't afford the regular fee, but in time they can afford the smaller fee. And then maybe someone might ride with them to assist them. So instead of getting one ride, we may get two rides. So they're under the thought process that maybe we will get some more money through the process. And we are offering the men and women who defended this country a means to get to the VA in a more affordable manner by charging them 75 cents.
D.P.O. HORSLEY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I just wanted to point out, too, 75 cents is what we charge seniors and the disabled as well. So some of this group of veterans are seniors, depending on which wars they served in, and some of them are disabled, as you know, too. So a lot of them are already going to have the 75 cent fare. It's a -- so probably the impact is very small in terms of how many will take advantage of it. Initially, there was a movement to make it free for veterans. We've moved away from that and we're using the same fare for seniors. I'm a cosponsor with Legislator Muratore. So the pilot program allows us to analyze it to see if we are getting hurt. But there was some testimony that it might be revenue, actually, positive for the County, so that's why there's no offset.

LEG. GREGORY:
If I may, through the Chair.

D.P.O. HORSLEY:
Sure.

LEG. GREGORY:
You know, I don't have a problem with -- I'm a vet myself, so, obviously, I support veterans. But, I think it's -- you know, when we get in a position of saying that it's okay to violate our own laws because it's only going to make a little bit of a difference, not a lot of a difference -- I mean, we have a law that says if you reduce revenues, you have to have off -- corresponding offset. Whether it's 10,000 or 200,000, that's the law. And, you know, there's conflicting testimony that says well, it may -- you know, it's -- so it's indeterminate what the impact's going to be. But the law is very clear, if there's going to be -- there has to be a corresponding offset, and it should be identified in the legislation. It's that simple in my mind.

D.P.O. HORSLEY:
Ms. Vizzini, do you have any comments on this? Gail.

LEG. SCHNEIDERMAN:
There's a fiscal impact --

D.P.O. HORSLEY:
That's what I thought, yeah.

LEG. SCHNEIDERMAN:
-- statement with the bill.

LEG. MONTANO:
Right, but it's --

LEG. SCHNEIDERMAN:
It's indeterminate that there is --

MS. VIZZINI:
The fiscal impact --

LEG. MONTANO:
That's not what the fiscal impact says.
LEG. SCHNEIDERMAN:
How could you offset something that's -- you can't figure out how much to offset?

D.P.O. HORSLEY:
Gail, please.

MS. VIZZINI:
It's indeterminate only in that they don't collect data in terms of whether the riders are veterans or not. So we did not make any assumptions in terms of what portion of the riders are veterans and what portion of the revenue would be attributable to that, and what portion of the revenue could be lost and/or generated, depending on your perspective.

D.P.O. HORSLEY:
That was a great answer. Legislator Montano.

LEG. MONTANO:
Yeah, no. I just wanted to point out, Gail, that the fiscal impact statement says that the resulting action will be a reduction in the revenue, it doesn't say anything about indeterminate. So in order to I think not be -- not run afoul of the offset, the fiscal impact statement would have to be amended to state that it's indeterminate. It may go up or it may go down, because right now you're saying that it's going to reduce revenues. Am I --

MS. VIZZINI:
The fiscal impact resulting from this action may be a reduction in revenue to the County of an indeterminate amount --

LEG. MONTANO:
Mine says -- mine says --

MS. VIZZINI:
-- unless the discounted rate results in an increase in ridership by veterans, which offsets the reduced fare revenue. That's in the detailed explanation of the fiscal impact.

LEG. MONTANO:
All right. Mine reads different. Mine says the fiscal impact resulting from this action will be a reduction in revenue to the County, not may be.

MS. VIZZINI:
Are you reading from the fiscal impact?

LEG. MONTANO:
I don't know. I'm reading what came up on the computer. But I won't argue the point with you, it's really very minor. I just wanted to point that out, that your impact says we're going to lose revenue. Whatever that is, I don't know, unless there's a revised, you know, financial impact statement.

MS. VIZZINI:
The fiscal impact I'm reading from is amended July 31st, perhaps as a result of the testimony at the Public Works Committee. I wasn't present.

LEG. MONTANO:
You're right. Mine is 6/8/12. I don't know. That's the one that came up on the computer. I stand corrected. Thank you.
D.P.O. HORSLEY:
Legislator Barraga.

LEG. BARRAGA:
Gail, how would you make the determination, if you say there's going to be a revenue loss, that the loss has occurred because of the reduction in price to veterans, as opposed to some other element associated with bus service, you know, whether, you know, economic or just a fall-off in passengers? How would you be able to attribute it to a specific group that we lost money because we reduced their fare?

MS. VIZZINI:
We try to be very myopic when we're doing a fiscal impact statement. So, in this case, if you're a veteran and you ride the bus, you're going to pay $1.50, unless you have some other exemption. So it was very straightforward in that regard, and now the $1.50 is going to go to 75 cents.

LEG. BARRAGA:
All right. But I know I attended a meeting with Public Works where I think the Commissioner of Public Works said there was a possibility that revenue would be increased by -- I think Mr. Muratore pointed out where you'd have additional veterans using the bus system who cannot use it now to offset the reduction with a greater increase in the volume of veterans using the service.

MS. VIZZINI:
Yes, and that's exactly what we incorporated in the fiscal impact statement.

LEG. BARRAGA:
I'm just wondering the other thing, too, is that I understand Mr. Gregory's point. Is it possible to amend the bill to have it sunset in two years? Put the legislation in, have it hold true for two years, see what the fiscal impact is, but it sunsets after two years. It could always come back to the Legislature to be renewed for, you know, another two or three years. In other words, you have a -- because you really don't know the impact. You're on both sides of the issue, so if you pass the bill for a two-year period, let's see what happens, and after two years, it sunsets.

D.P.O. HORSLEY:
Yeah, because you won't be taking it away.

LEG. BARRAGA:
No, you won't be taking it away, and you might -- you know, after two years you might say, "Look, there was no fiscal negative impact, let's just renew it again or make it permanent."

MS. VIZZINI:
Certainly an option for the sponsor.

D.P.O. HORSLEY:
Legislator Muratore.

LEG. MURATORE:
If we remember, it's in the bill, it's a one-year trial and see what happens and then we revisit it and we can -- there is a sunset in it, and I believe Legislator Stern at the first go-around with this brought that about, so there is a sunset in it, or for lack of a better expression. There's a study built right into it to see how much we gain or lose from it.

LEG. BARRAGA:
Well, I want to make sure you're clear. You say there's a sunset after 12 months, after 12 months this goes away, unless we renew it?
LEG. MURATORE:
Right.

LEG. SCHNEIDERMAN:
One-year trial basis.

LEG. MURATORE:
One-year trial basis.

LEG. BARRAGA:
Okay.

D.P.O. HORSLEY:
Legislator Stern, did you want to speak?

LEG. STERN:
Yes, just on the motion. Thank you, Mr. Chairman. Let me first commend the sponsor for taking the time and going back and reworking it, and it is something that really does build in the opportunity going forward for us to evaluate what the impact is, if any, and then we can make a determination at that point going forward. So I think that that is a positive.

Following up on some of what Legislator Montano had brought up, I don't see that as being a minor issue. I agree with Legislator Gregory, that it is a fundamental issue. We have laws that we have in place and we do need to follow them, particularly when it comes to finding offsets for reduction in revenue mid-year.

I also had looked on the computer, as Legislator Montano did, and I see here that the fiscal impact statement says that it will be a reduction in revenue to the County. It is indeterminate as to what that might be, but it seemed pretty definitive. I guess we are finding out now that there's been an updated -- an amended version of that that isn't quite as definitive that there will be a reduction. It is indeterminate, we might make money, we might lose money, but we do have a fiscal impact statement here that doesn't definitively say that it would be a reduction in revenue. We hope it's going to be an increase in revenue. And we can analyze that as we go forward to determine whether or not to renew this at the end of the one-year pilot program. So I am prepared to support it.

D.P.O. HORSLEY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I don't disagree -- I don't disagree at all with this idea that, you know, we need to follow the laws in place. If there's a fiscal impact, we need to offset it. But we depend on our financial advisors to quantify the fiscal impact so we know how much money we need to come up with and where we can locate that money, if it exists. And we as the cosponsors here, how could we possibly come up with an offset of an unknown value? We can't possibly do that. So I don't think we're violating the County law in any regard. They're telling us that it may raise money, it may lower money, they're not sure, that's why you have a pilot basis. So I think we are following the County law precisely. You can't offset to an amount that's undefined.

D.P.O. HORSLEY:
Okay? Legislator Montano.
LEG. MONTANO:
No. I was going to say, Legislator Schneiderman, that’s why I didn't realize that there was an amended fiscal impact that did not state that there would be a revenue loss. So the question then becomes whether or not it takes it out of the context of the prior bill. And I guess, George, do you have an opinion on that? I mean, are we okay? If the fiscal impact is indeterminate, we're not saying that we're reducing revenue, so we don't need to come in with an offset; am I correct in that?

MR. NOLAN:
I think what I said is it's just -- it's not clear-cut. In many cases we may take an action or an action will be proposed, and we get a definitive number from the Budget Office saying it's going -- we're going to lose two or three million dollars as a result of that action, and then we can say, you know, "You can't do that, it just can't be done." In this particular case, unfortunately, we don't have that information, so it's difficult for me to say to Legislator Muratore, "You can't do that," because it's just -- because I can't.

D.P.O. HORSLEY:
Okay. Tom, I just had a quick question, if I may. How do you -- when a veteran comes up to the bus and is going to purchase a ticket, how do we know that he's a veteran?

LEG. MURATORE:
They use their veteran I.D. card.

D.P.O. HORSLEY:
They use their veteran I.D. card?

LEG. MURATORE:
Yes.

D.P.O. HORSLEY:
That's what they're going to require?

LEG. MURATORE:
Yes. DuWayne probably has one.

D.P.O. HORSLEY:
Okay, fair enough. Okay. Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Well, I think that whenever you lower a fee or a fare, that you'll have a fiscal impact and you'll lose money. In fact, when I tried to propose that in a dialogue with our Commissioner of the Parks Department for the dog park in my district, I was told that any time you lower a fee or a fare you always have a negative impact.

So I think, first of all, given the dire circumstances the County's in, we should err on the side of anticipating a negative impact, not a positive impact.

Second of all, I think we can figure out roughly what that impact would be just by using proportions and percentages of the number of veterans within Suffolk County as a whole and then the ridership, and then apply that same proportion to the ridership itself. You can get a benchmark at least to extrapolate an anticipated loss of revenue. So, you know, the worst case scenario is that we enact this, it has a negative fiscal impact, and we didn’t provide the offset, so we’re just piling on more deficit, and I don’t think that's prudent to do that at this time.
So I want to support the bill and I want to try and find an offset, and I think we can somewhat calculate what the impact would be and I think that's what we should be doing here.

**D.P.O. HORSLEY:**
Okay. Would anyone else like to be heard on this?

**LEG. GREGORY:**
Yes.

**D.P.O. HORSLEY:**
Oh, Legislator Gregory. How could I miss you?

**LEG. GREGORY:**
We share the same name. How can you forget me? All right. Almost, anyway.

The concerns that I have, I think Legislator D'Amaro hit most of my thoughts dead on. I think, you know, we heard hours of testimony from Foley employees, we've heard the employees over the summer that were, unfortunately due to the layoffs -- I think we owe it to them during this fiscal crisis that whenever we're going to reduce revenues, that we have a corresponding offset, whether it's 20,000, 30,000 -- I mean, that could be one job, you know. And this is not the first time we broached this subject where, oh, well, let's reduce revenues, but we really don't need to comply with the law. You know, we really -- you know, in every instance we should be complying with the law.

And if I may, I guess through the Chair to the sponsors, you know, we're talking about a pilot program, you want to measure if there's any impact, but do we have a baseline to go from? Is there a mechanism within the bill to, I guess, keep track of how many veterans actually will use the program, so a year from now we can say, well, we had 2000 veterans use this special bus fare and what's that compared to last year, you know? So how can we really determine, you know, what the impact's going to be if there's no benchmark to go from?

And a number of factors can influence the ridership, but we should be tracking the usage specifically by veterans if it's going -- if it's going to be to the detriment of the funding for this appropriation.

**D.P.O. HORSLEY:**
Legislator Muratore.

**LEG. MURATORE:**
To answer the question, let's hope that DPW does their due diligence and do what they say they were going to do and monitor it, and keep track of what veterans use it, how many use it, and then this time next year we'll have a number. I mean, 2000 veterans is probably what, fifteen hundred dollars, you know, if that's a number used? And that's probably what it's probably going to be, about 2000 veterans the entire year.

**LEG. GREGORY:**
Okay. I don't want to belabor the point. I just have real reservations about -- I think it's a great idea as a veteran myself, but I just have concerns about the fiscal impact of it.

**D.P.O. HORSLEY:**
Okay. Anyone else? We're all good? Mr. Clerk, what do we got on the -- do we have both? We do, right?

**MR. LAUBE:**
You have a motion to approve with Muratore and Cilmi, and a motion to table with Gregory and Anker.
D.P.O. HORSLEY:
Okay. The tabling motions goes --

LEG. GREGORY:
I'll withdraw my tabling motion.

LEG. ANKER:
I'll withdraw my second.

D.P.O. HORSLEY:
Okay. Then we just have a motion to approve. All those in favor? Opposed? Abstain? It has been approved.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
I was going to say, how many cosponsors you want?

(*Laughter*)

Tim, yeah, absolutely. Good. Anyone not want to be a cosponsor?

MR. LAUBE:
I got them all.

LEG. CILMI:
Renee, you have me down, right?

MS. ORTIZ:
Yes.

MR. LAUBE:
Yep.

D.P.O. HORSLEY:
All right. Are we good? 1631 - Amending the 2012 Capital Budget and Program and appropriating funds in connection with the acquisition of lands for the reconstruction of CR 16, Portion Road, from Ronkonkoma Avenue to CR 97, Nicolls Road, Town of Brookhaven (CP 5511, PIN 075598) (County Executive). Whose area is this?

LEG. KENNEDY:
That's -- I'll make the motion to approve.

D.P.O. HORSLEY:
Kennedy makes the motion to approve. Is there a second on the motion?

LEG. ANKER:
Motion to table.

D.P.O. HORSLEY:
Legislator Anker?
LEG. KENNEDY:
Muratore.

D.P.O. HORSLEY:
Legislator Muratore. Okay.

LEG. KENNEDY:
This is -- if everybody recalls, I think the reason it was tabled the last time around was we did not have the bond. It is a condemnation award that goes back to when the road project was done. And I believe the attorney for the private landowner brought an action demanding that we make payment, and if we failed to pay now, we're going to be in contempt of court, something to that effect; pretty close, I believe.

D.P.O. HORSLEY:
That was all -- that was the only thing?

LEG. KENNEDY:
We didn't have the bond last time around.

D.P.O. HORSLEY:
This is not the sound wall one, is it?

LEG. KENNEDY:
No, no, no, no.

D.P.O. HORSLEY:
Okay.

LEG. KENNEDY:
This is Portion Road in Ronkonkoma.

D.P.O. HORSLEY:
I didn't think so, just double-checking.

LEG. KENNEDY:
All right.

D.P.O. HORSLEY:
Okay.

LEG. KENNEDY:
Why, you don't like sound walls, Wayne? (Laughter)

D.P.O. HORSLEY:
There you go. Yeah, sounds like it. Okay. We had a motion to approve, and was there a second motion on there?

LEG. KENNEDY:
Tom.

D.P.O. HORSLEY:
And seconded by Legislator Muratore. I got that part. I thought I did anyway. It's getting tiring. Okay. Are we good? I guess all we have is a motion to approve. All those in favor? Opposed? So moved. It's been approved.
MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
We have corresponding bond issue, 1631. Same motion, same second. Roll call.

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

LEG. KENNEDY:
Yes.

LEG. MURATORE:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yeah.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. BROWNING:
(Absent)

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
All right. H.R. 13 has been withdrawn. That concludes the resolutions tabled to August 7th.

**INTRODUCTORY RESOLUTIONS**

**BUDGET AND FINANCE**

All right. We're getting there, guys. All right. Introductory Resolutions. 1073. We're ready? Budget and Finance. *Amending the 2012 Operating Budget to transfer funds from the Assessment Stabilization Reserve Fund, Fund 404, and amending the 2012 Capital Budget and appropriating funds for the Village of Northport for Wastewater Treatment Collection system improvements (CP 8193) (Spencer).*

LEG. SPENCER:
Motion to table. My understanding is that the Infrastructure Committee --

MS. ORTIZ:
Microphone.

D.P.O. HORSLEY:
Yeah, your mic's off, Doc.

LEG. D'AMARO:
I'll second the motion.

LEG. SPENCER:
Motion to table.

D.P.O. HORSLEY:
Okay. We have a motion to table and second by Legislator D'Amaro.

LEG. SCHNEIDERMAN:
On the motion.

D.P.O. HORSLEY:
On the motion.

LEG. SCHNEIDERMAN:
I understand from the sponsor that this was up against the six-month time frame and that's why it was discharged, but we're waiting for the committee to make some recommendations. Might this be better to be just recommitted back to the committee? I'm not sure it's really ready for the floor. And that would -- I believe, Counsel, that would start the six-month clock again, would it not?
**MR. NOLAN:**
Yes.

**LEG. SCHNEIDERMAN:**
Do you have any problem with that?

**LEG. SPENCER:**
No.

**LEG. SCHNEIDERMAN:**
All right. I'll make a motion to recommit.

**D.P.O. HORSEY:**
I'll second the motion. Okay. Recommit comes first, right?
Recommit goes first. All those in favor of recommitting? Opposed? Okay. We're good.

**MR. LAUBE:**
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

**LEG. SPENCER:**
Thank you.

**D.P.O. HORSEY:**
You're welcome.

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**ECONOMIC DEVELOPMENT AND ENERGY**

Economic Development and Energy: 1680 - Approving the appointment of Robert S. DeLuca to the Gabreski Airport Conservation and Assessment Panel (County Executive).

**LEG. SCHNEIDERMAN:**
Motion.

**LEG. ROMAINE:**
Second.

**D.P.O. HORSEY:**
Motion by Legislator Schneiderman, seconded by Legislator Romaine. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

**D.P.O. HORSEY:**
Motion's been approved. 1681 - Approving the appointment of Herman J. Beck to the Gabreski Airport Conservation and Assessment Panel (County Executive).

**LEG. SCHNEIDERMAN:**
Motion.

**LEG. ROMAINE:**
Second.
D.P.O. HORSLEY:
Motion by Legislator Schneiderman, second by Legislator Romaine. All those in favor? Opposed? Abstentions? Motion's been approved.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

EDUCATION AND INFORMATION TECHNOLOGY

D.P.O. HORSLEY:
Education and Information Technology: **1663 - Appropriating funds in connection with the acquisition of a Disaster Recovery Project (CP 1729) (County Executive).**

LEG. ANKER:
Motion.

D.P.O. HORSLEY:
Motion to approve by Legislator Anker; seconded by Legislator --

LEG. STERN:
Second.

D.P.O. HORSLEY:
-- Calarco. Sorry. Motion to approve. So all those in favor? Opposed?

LEG. KENNEDY:
Opposed.

D.P.O. HORSLEY:
Abstention? We have one -- you got him.

MR. LAUBE:
Fifteen. (Absent: P.O. Lindsay and Leg. Browning).

D.P.O. HORSLEY:
Okay. We have the corresponding bond issue. Same motion, same second. Roll call.

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

LEG. ANKER:
Yes.

LEG. CALARCO:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.
LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
Yeah.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
(Absent)

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. HORSLEY:
Yes.

P.O. LINDSAY:
(Absent)

MR. LAUBE:
Fifteen. (Absent: P.O. Lindsay and Leg. Browning)

D.P.O. HORSLEY:
Okay. Motion's been approved. 1679 - Authorizing execution of an Intermunicipal Agreement pursuant to §§ 119-o with the Town of Southampton (County Executive).

LEG. ANKER:
I make a motion.

D.P.O. HORSLEY:
Motion by Legislator Anker. Is there a second on the motion?

LEG. SPENCER:
Second.
D.P.O. HORSLEY:
Legislator Spencer.

LEG. SCHNEIDERMAN:
Wait a second. In Southampton?

D.P.O. HORSLEY:
Oh, that's a good point.

LEG. SCHNEIDERMAN:
I wouldn't mind the motion.

D.P.O. HORSLEY:
You got a little honorable mention there. Is second all right? Doc, do you mind if I give it to Legislator Schneiderman?

LEG. SPENCER:
Absolutely not.

D.P.O. HORSLEY:
Legislator Schneiderman seconds the motion. Sorry, Jay. All those in favor? Opposed? Abstentions?

LEG. ANKER:
Cosponsor.

D.P.O. HORSLEY:
It has been -- it has been approved.

LEG. SCHNEIDERMAN:
Cosponsor for me as well.

MR. LAUBE:
Sixteen. (Absent: P.O. Lindsay and Leg. Browning)

ENVIRONMENT, PLANNING AND AGRICULTURE

P.O. HORSELY:
All right. The Environment: 1559 - Authorizing planning steps for the Acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - February 2012 - Rosko Farms, Inc. (Property) Town of Southampton (SCTM Nos. 0900-158.00-02.00-015.001 and 0900-158.00-02.00-028.001) (County Executive). Mr. Schneiderman.

LEG. SCHNEIDERMAN:
Motion.

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Romaine.
**LEG. D’AMARO:**
Motion to table.

**D.P.O. HORSLEY:**
There’s a motion to table. Is there a second on the motion?

**LEG. ANKER:**
Second.

**D.P.O. HORSLEY:**
Seconded by Legislator Anker.

**LEG. HAHN:**
On the motion.

**D.P.O. HORSLEY:**
Okay. So we have a motion to table, as well as to approve. Motion to table goes first. All those in --

**LEG. HAHN:**
On the motion.

**MS. ORTIZ:**
Legislator Horsley.

**LEG. SCHNEIDERMAN:**
Any reason for tabling.

**D.P.O. HORSLEY:**
Oh, I’m sorry. Legislator Hahn.

**LEG. D’AMARO:**
Yeah, on the motion -- Legislator Hahn, go ahead.

**D.P.O. HORSLEY:**
Hahn first.

**LEG. HAHN:**
Thank you.

**D.P.O. HORSLEY:**
I was rushing.

**LEG. HAHN:**
We were supposed to be getting a binding letter from the Town, so I -- I saw Director Lansdale here earlier. Perfect timing. Come on down.

**LEG. HAHN:**
Any word from Town of Southampton on Rosco Farms, the binding letter?

**DIRECTOR LANSDALE:**
No, we have not received a binding letter yet.
LEG. HAHN:
Okay.

LEG. SCHNEIDERMAN:
Can I just say the resolution itself is contingent upon that 50% partnership, and the County will not appraise it until they have a Town Board resolution saying that. So we’re not going to spend money on appraisals, etcetera, until we have that. So I don't see any reason to table it. And we've never had in the past an exact situation, planning steps with partnerships, that move forward. And later --

D.P.O. HORSLEY:
Is this a chicken and the egg?

LEG. SCHNEIDERMAN:
Yeah, later we'll get that, right, Sarah? We won't appraise it until we have it, correct?

DIRECTOR LANSDALE:
That's what the resolution states, yes.

D.P.O. HORSLEY:
Okay. Legislator Hahn, you're done, right?

LEG. HAHN:
Yeah.

D.P.O. HORSLEY:
Legislator D'Amaro.

LEG. D'AMARO:
Yeah. I just -- with deference to Legislator Schneiderman, my recollection is just the opposite, that we are really leery of even moving these bills out of committee unless we have that binding commitment on the partnership from the municipality. We did so on this one because we thought we could get it quickly to try and accommodate, but I'm not prepared to vote on this until we have that binding letter. That's been the precedent that we've set for as long as I've been here.

D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
Hi, Sarah.

DIRECTOR LANSDALE:
Hi.

LEG. CILMI:
How are we doing with planning step resolutions, you know, that are sort of in the works at this point? Do we have many of them? Are we backlogged, are we not backlogged?

DIRECTOR LANSDALE:
I don't have those statistics in front of me, but I can definitely work on compiling that information, if that's helpful.

LEG. CILMI:
I mean, do you -- is there an overwhelming number of them that are sort of in the process and --
DIRECTOR LANSDALE:
Yeah. We're passing as the EPA Committee is passing resolutions through as they see fit.

LEG. CILMI:
Okay. Thank you.

LEG. D'AMARO:
Can I say one more thing?

D.P.O. HORSLEY:
You can say one more thing.

LEG. D'AMARO:
Legislator Hahn might be able to help me on this, or perhaps Director Lansdale, but I believe one of the concerns here also was that there was a letter in the file from the Town which was actually a nonbinding commitment. And so it gave me a little more pause about whether or not the Town would even be willing to partner on this, because had they been willing to do so, I think we would have seen a binding resolution, which is what we're accustomed to seeing.

D.P.O. HORSLEY:
Yeah, I think it's a nonbinding resolution, I think that was the language.

LEG. D'AMARO:
Yeah, I'm pretty sure. yeah. So again, I would support tabling this and let's give -- we have a two-week turnaround. We'll give the Department of Real Estate or Sarah's department an opportunity to try and secure the letter or the resolution.

D.P.O. HORSLEY:
Jay, what do you think? Your --

LEG. SCHNEIDERMAN:
We are meeting again in two weeks, but it's just we've never done it this way that I recall. I mean, typically a letter from the Supervisor or something indicating an interest from the Town has been sufficient, but we don't move forward with expending funds until we have the Town Board resolution. That's been my experience on similar properties and there's no -- it's basically an administrative function, that's how -- administrative policy. It's not in our Charter that's how we work, but --

D.P.O. HORSLEY:
Okay. Why don't we -- why don't we do a roll call vote on this. I'm not sure which way this is going. Tabling first.

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

LEG. D'AMARO:
Yes to table.

LEG. ANKER:
Yes.

LEG. SPENCER:
Yes.

LEG. STERN:
Yes.
LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
(Not Present)

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MONTANO:
Yes.

LEG. CALARCO:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
(Not Present)

LEG. SCHNEIDERMAN:
No.

LEG. ROMAINE:
No.

D.P.O. HORSLEY:
Yes. What do we got?

MR. LAUBE:
Ten. (Absent: P.O. Lindsay and Leg. Browning/Not Present: Leg. Kennedy)

D.P.O. HORSLEY:
That's what I thought. Okay. It's been tabled, just this one cycle. Jay, we'll go back. Who's going to try to get it, though? I mean, is that -- Jay, you're going to call them or --

LEG. SCHNEIDERMAN:
I'll reach out, of course.

D.P.O. HORSLEY:
Okay. All right.
LEG. SCHNEIDERMAN:
You know, if we need a Town -- I don't think that the Supervisor can write a binding letter without a Town Board resolution. It's not going to happen within a two-week time frame, I don't believe, so it's probably got to go off until September sometime.

D.P.O. HORSELEY:
Okay. All right. 1566 - Authorizing the inclusion of new parcels into existing certified agricultural districts in the County of Suffolk (County Executive).

LEG. HAHN:
Motion.

LEG. CALARCO:
I'll second it.

LEG. SPENCER:
On the motion.

LEG. D'AMARO:
On the motion.

D.P.O. HORSELEY:
Okay. We have an on-the-motion. Legislator Spencer.

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

LEG. SPENCER:
This issue has just been one, as we saw from the testimony early -- earlier, that has been, I guess, extremely contentious with regards to support and also points of concern. I support the Farmland Protection Board's work and what they've done, I support the equestrian use for agriculture, I support agriculture. And I think that the issues with this particular legislation -- and I hope in the future that we could do this in a better way, because the Farmland Protection Board has to rule on these applications on their merits, and I commend them for their work, they do a fantastic job doing it. But when they submit all the properties together, one of the responsibilities we have as Legislators is to be able to look at the overall greater picture and the impact, and we're allowed to look beyond the application in and of itself.

With that said, of concern with the Sandpiper issue was the fact that it was 440 acres, which the two properties made up more than ten times any of the other property which made it become an issue in my particular Village of Asharoken, it made up 51% of the area in the village. I considered this issue carefully and for the last two weeks this issue has just completely occupied my life, and I have to make a few statements for the record. I appreciate my colleagues in terms of their support that has helped me work through a very difficult issue.

Although I support the Agricultural District, the concern was the impact, during these difficult economic times, that it would have on the fire district, on the school district, on the Town, on the Village. And when I had an elected official reach out to me, the Village Mayor, a Senator, a State Senator, a State Assemblyman, a Town Supervisor that all expressed concern with Sandpiper. So I feel that it's important for the record that we have to protect the school district, the taxpayers, when you see something that is disproportionately large that could be included in this district that could have an impact. But all the hard work paid off, I feel, where you have the Mayor who was able to work with the representatives of the property to indicate that they would negotiate in good faith and they would take into consideration. And also, granting this Agricultural District does not
automatically assess a tax that is agricultural on all of the acreage.

So for the record, I do feel that by supporting this, it's good for the environment, but also preventing the development does protect the taxpayers. And also, by preventing it from coming off of the tax rolls if it's donated also protects the taxpayers. So I'm not happy that everything has been achieved, but I feel it was a reasonable compromise in an extremely difficult situation. So I needed to make those statements for the record and that's why I feel that it is okay for this bill to move forward. So thank you.

**D.P.O. HORSLEY:**
Thank you very much, Doctor. Anybody else? Lou D’Amaro.

**LEG. D’AMARO:**
Thank you. I had just a few questions on the broader issues, not necessarily involving the application that Legislator Spencer was addressing. And I’d like to ask Director Lansdale a few questions; is she still here? Yeah, great. Hi, Sarah.

**DIRECTOR LANSDALE:**
Hi.

**LEG. D’AMARO:**
Thanks for waiting. I wanted to ask you, how many parcels are being considered under this resolution?

**DIRECTOR LANSDALE:**
The Farmland Protection Board considered 15 parcels in its review, in its annual review, and are recommending 12 of the 15.

**LEG. D’AMARO:**
So included in this resolution are 12 parcels that would be -- that would be now part of the Agricultural District, should this pass.

**DIRECTOR LANSDALE:**
Yes. There --

**LEG. D’AMARO:**
Right. Go ahead.

**DIRECTOR LANSDALE:**
There are a couple of Agricultural Districts throughout Suffolk County, so they would be included in existing Agricultural Districts.

**LEG. D’AMARO:**
Now, so there were 15 applications, 12 of which were approved. Now, what's the actual name of the committee that made the recommendation to the Legislature, the Farmland Protection --

**DIRECTOR LANSDALE:**
This is the Farmland Protection Board.

**LEG. D’AMARO:**
Farmland Protection Board. Now, as those applications, those 15 applications came in, were you a part of that board?

**DIRECTOR LANSDALE:**
Yes, I was.
LEG. D'AMARO:
You're the Chair.

DIRECTOR LANSDALE:
No.

LEG. D'AMARO:
No, I'm sorry.

DIRECTOR LANSDALE:
Not the Chair, a member.

LEG. D'AMARO:
Okay, you were just a member.

DIRECTOR LANSDALE:
Uh-huh.

LEG. D'AMARO:
Okay, I apologize. So when the 15 applications came in, did the Farmland Protection Board consider and debate each one of them individually on their merits?

DIRECTOR LANSDALE:
Yes, they did.

LEG. D'AMARO:
They did.

DIRECTOR LANSDALE:
There were individual presentations.

LEG. D'AMARO:
Oh, very good.

DIRECTOR LANSDALE:
Yes.

LEG. D'AMARO:
So they heard each one. And some of them they actually rejected; three were rejected.

DIRECTOR LANSDALE:
Yes.

LEG. D'AMARO:
Now, of the 12 that were approved, were they all unanimously approved?

DIRECTOR LANSDALE:
I don't have that information, but my recollection is that the majority of them were, yes, unanimously approved. I don't recall split votes.

LEG. D'AMARO:
Because I remember testimony at the EPA Committee that they were not all unanimously approved.
DIRECTOR LANSDALE:
Okay. I can look into that for you.

LEG. D'AMARO:
Okay. Well, my question is this, if the Farmland Protection Board gets to consider and even reject applications, and then even for those that get passed, some voters are voting no. Why is it that the Suffolk County Legislature has to take an all or nothing vote? Why is the department presenting these important applications to us where our advisory board is telling us through their voting, individually for each application, what their opinion is, but yet I can only have an up or down, yes or no vote on all 12 applications? What is the rationale for limiting my ability to vote individually on each of these applications?

DIRECTOR LANSDALE:
I haven't fully explored that. I know that that is something -- that's a concern that's been expressed by many members of the Legislature and that will be duly addressed in future applications, cycles.

LEG. D'AMARO:
Are there any -- I would really like to know of the 12 included in this bill, which of them were not unanimously approved. And then I would like to know who dissented and why. And I apologize for taking up the time of the Legislature to do this, but frankly I'm presented with a bill with 12 separate properties in it.

DIRECTOR LANSDALE:
I'm looking into that right now. So Widow's Hole was unanimous.

LEG. D'AMARO:
Okay.

DIRECTOR LANSDALE:
Eleven votes. Sherwood House Vineyard was unanimous.

LEG. D'AMARO:
Okay.

DIRECTOR LANSDALE:
Kings Park Farms, there was one who voted no on that.

LEG. D'AMARO:
So one member of the esteemed board voted no. And do you know what the objection was to that application?

DIRECTOR LANSDALE:
The objection was that this particular resolution was for the parcel -- this was -- this particular resolution was for not to include this into the Agricultural Program. And a farmer voted no because he felt there was debate about whether there was existing agricultural use on this property.

LEG. D'AMARO:
Okay. Well -- okay. So someone on our advisory board that we are giving so much deference to, someone has expressed the fact that, in fact, this application may not meet the standards in the State law.

DIRECTOR LANSDALE:
To the -- actually, it's actually to the contrary; this resolution was to not include this.
LEG. D'AMARO: Oh, to exclude?

DIRECTOR LANSDALE: Was to exclude this parcel from the Agricultural District.

LEG. D'AMARO: All right, but the resolution before us tonight is to include 12 parcels.

DIRECTOR LANSDALE: Right. And there were 15 parcels that the board considered.

LEG. D'AMARO: Oh, this is one of the rejected parcels?

DIRECTOR LANSDALE: Yes.

LEG. D'AMARO: Oh, no. I'm asking of the 12, I apologize.

DIRECTOR LANSDALE: Oh, okay. Sorry.

LEG. D'AMARO: My mistake. Only the properties that are before us now.

DIRECTOR LANSDALE: Got it.

LEG. D'AMARO: And I understand that there were three where the board got to vote individually and reject those.

DIRECTOR LANSDALE: Got it, understood.

LEG. D'AMARO: Right, okay. In fact, you can tell me the ones that were just not unanimous, if it's easier for you.

DIRECTOR LANSDALE: Okay.

LEG. D'AMARO: I don't want to take up a lot of time, but I just want to make an informed decision.

DIRECTOR LANSDALE: Uh-huh.

LEG. D'AMARO: Because I know that we've been, through testimony at the EPA Committee especially been told many, many times about the expertise of this board. And if, in fact, members of this board are objecting to passing this resolution for a particular property, I think that should be on the record here.
D.P.O. HORSLEY:  
All right. Legislator Montano?

DIRECTOR LANSDALE:  
So Cedar Tree Farms was a split vote and that was for inclusion into a district.

LEG. D'AMARO:  
Cedar Tree. And what was the vote there?

DIRECTOR LANSDALE:  
The vote was 7-3 and one abstention.

LEG. D'AMARO:  
So four of the members did not vote to put this particular property in an Ag District, you know, to recommend that it be included.

DIRECTOR LANSDALE:  
Yes.

LEG. D'AMARO:  
Okay. Do you know the basis of the objection?

DIRECTOR LANSDALE:  
Oh, I'm sorry, this was for not including. I apologize.

LEG. D'AMARO:  
Okay. All right, so find another one. That's fine.

DIRECTOR LANSDALE:  
Yep. All of them -- all of the resolutions for inclusion were unanimous.

LEG. D'AMARO:  
All right. So this committee got an opportunity to review each one individually, rejected three and then unanimously moved the other 12 which are now before us.

DIRECTOR LANSDALE:  
Yes.

LEG. D'AMARO:  
All right, and I thank you for taking the time to do that. My point is that I'm going to support the resolution, but I will not support it in the future if they're not individually separate resolutions.

DIRECTOR LANSDALE:  
That's noted.

LEG. D'AMARO:  
I think if the board, the Farmland Board has that authority and does that review, I think in deference to that board, if there's a split vote, I think we need to know that and I think we need to know why. In fact, I think the State Law mandates that that board issue a written report to this Legislature, I think it specifically specifies to the County Legislature we are supposed to get a written report detailing the recommended action and the reasons supporting those actions, and I don't recall seeing that. It may have been done, but I just don't -- I don't have that.
DIRECTOR LANSDALE:
Okay.

LEG. D’AMARO:
Okay?

LEG. HAHN:
Wayne?

LEG. D’AMARO:
All right. Thank you, Mr. Chairman. I appreciate it.

D.P.O. HORSLEY:
You're all set?

LEG. D’AMARO:
Yep.

D.P.O. HORSLEY:
Legislator Hahn.

LEG. HAHN:
I'd like to thank Legislator D’Amaro. I do think these are legitimate questions. I do agree with him that we should have that information next time around. And if there's a written report, as there's supposed to be, we should see it. I don't know if maybe part of that should be an appendix to each resolution, backup, as backup detailing.

DIRECTOR LANSDALE:
Sure.

LEG. HAHN:
Do they take minutes?

DIRECTOR LANSDALE:
There's recorded minutes that could be transcribed.

LEG. HAHN:
Okay. I think that those are very valid points that Legislator D'Amaro is making and I thank him for making them.

D.P.O. HORSLEY:
Legislator Romaine.

LEG. ROMAINE:
Yeah, thank you. Yeah, I do believe that this should be -- if there's minutes of this meeting, possibly they should be attached to the resolution. Let's understand and let's be clear, Agricultural Districts are controllable by State Law, not County Charter. There is specific State Law about this that talks about a procedure, it's spelled out in Section 303-B of Agricultural Law and it provides a window to adding parcels once a year to the Agricultural District.

It describes duties and prescribes the responsibilities of the County's Agricultural & Farmland Protection Board. Those recommendations are then forwarded on to the Legislature, and I think it would be a good idea to have the minutes. But there is no mechanism in State Law for separating those procedures. And if there is no mechanism, I don't know if the County, in separating those
procedures, would be preempted by the State. And those are good questions to raise. But quite frankly, State Law controls. And our role as County Legislators, or our attempt to tamper, change or alter County law -- I mean, State Law, may not be valid.

So I just point that out to my colleagues. And certainly, one of the reasons these procedures were put in place was to prevent -- I see our blinking light is going to be dealt with. Was to prevent any political interference from any special interests. And I understand Dr. Spencer's concerns, obviously this is a very large parcel, but I hate to tell him I actually rejoice that it's a very large parcel, because I want to see as much as our farmland in the County protected. And I would just emphasize to the Legislature that being included in an Agricultural District is not an automatic tax reduction. You don't have to be in a district. As long as you're using your property for agricultural purposes, you can apply to the assessor of that town or jurisdiction for a reduction because of its agricultural use. In fact, Sandpiper Farm already has done that with the Town of Huntington. So -- and when you're included in an Agricultural District, there's a commitment to farm that land for the next eight years.

I just would point these out to my colleagues. I think it's valid. I think everyone's on board with this, so I'm not going to delay this, but I just wanted to add that for the record. Thank you very much.

D.P.O. HORSLEY:
Legislator Calarco.

LEG. CALARCO:
Thank you. And I hear Legislator D'Amaro's concerns and I agree with him, I think that we should divide it up and take a look at each parcel individually. But to the report, they had issued a report, I have a copy of it here, I received it in my office June 15th, it includes a copy of each resolution and their vote for each property as well as a map of the property that was voted on. So we got a copy of the report and it's just a matter of taking a look at it.

D.P.O. HORSLEY:
Well, that's interesting. Legislator Barraga.

LEG. BARRAGA:
I just want to take a moment to compliment Legislators D'Amaro and Hahn and Calarco for their comments. And I'm hoping, based on what I just heard, that as we do the budget in 2013, we will be able to take up the individual budget resolutions individually, as opposed to clumping them together, which is what we do every year for the last seven or eight years. But I'm optimistic based on their comments. Thank you.

LEG. D'AMARO:
Just if I may. For the record, I've consistently motioned to take them all separately.

LEG. BARRAGA:
I'm with you, kid. I complimented you.

LEG. D'AMARO:
And I'm with you 100%, Legislator Barraga.

D.P.O. HORSLEY:
Okay. All right. I enjoy the congeniality. Legislator Hahn.
LEG. HAHN:
I think we need to work this out before the next cycle of these resolutions, because I would hate to see if there are issues with properties that this Legislature has, I would hate to see us holding up and penalizing the other properties on the list. So we should figure out if we're prohibited from doing so and working that out with the State. If the State allows it, we should make it happen.

But I would like to just give really short support for the Sandpiper Farm property. I'm really excited, there's a real need for equine -- places for equine activities here in Suffolk County. And there were so many reasons listed as to why this particular property should be part of the Agricultural District and I'm really excited that we seem to -- seemingly are going to approve all of these properties today and I really appreciate that.

D.P.O. HORSLEY:
All right. Why don't we get to that, then. All right? Are we good? Okay. I think we have a motion to approve. Mr. Clerk, we don't have anything else, right?

MR. LAUBE:
I heard different voices, but you didn't recognize anyone in particular.

D.P.O. HORSLEY:
I know Kara was in there and --

LEG. HAHN:
I made the motion.

D.P.O. HORSLEY:
Okay.

LEG. HAHN:
And Rob seconded.

D.P.O. HORSLEY:
And Legislator Romaine seconds it.

MR. LAUBE:
Wonderful.

LEG. ROMAINE:
No, Rob.

D.P.O. HORSLEY:
All right. All those -- that's a motion to approve. All those in favor? Opposed? So moved.

Applause

UNKNOWN AUDIENCE MEMBER:
Thank you.

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
And let me add for the record that, Legislator Spencer, you did a great job in crafting a compromise amongst all parties. That was a good move.
LEG. SPENCER:
Thank you.

D.P.O. HORSLEY:
You held your own, that's great.

1657-12 - Amending Adopted Resolution No. 912-2011, in connection with the Pharmaceutical Disposal and Aquifer Protection Initiative (CP 8710.134) (County Executive).

LEG. ANKER:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Anker. Is there a second on the motion?

LEG. CALARCO:
(Nodded head yes).

D.P.O. HORSLEY:
Legislator Calarco, because I think I passed over you the last time. Legislator Calarco seconds the motion. We have a motion to approve. All those in favor? Opposed? So moved. Abstentions? Opposed?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
It passes.

LEG. ROMAINE:
Cosponsor.

LEG. ANKER:
Cosponsor.

D.P.O. HORSLEY:
1677-12 - Appropriating funds for the study and monitoring of Public Health Related Harmful Algal Blooms (CP 8224) (County Executive).

LEG. SCHNEIDERMAN:
Cosponsor the last one.

LEG. GREGORY:
Cosponsor.

LEG. HAHN:
Motion.

D.P.O. HORSLEY:
Legislator Hahn makes the motion. Is there a second on the motion?
LEG. ANKER:
Second.

LEG. ROMAINE:
Second.

D.P.O. HORSLEY:
Second by Legislator Romaine.

LEG. D’AMARO:
On the motion.

D.P.O. HORSLEY:
On the motion. I knew it was coming.

LEG. D’AMARO:
I just want to explain my vote. I’m going to abstain or vote no on this, only because during the committee process -- I mean, I want to support research, I want to support looking into issues that affect our residents, but frankly, I was very disappointed at the committee level when I asked questions about this particular study. What has it cost us so far? Where is it going? What are the conclusions, if any? How much longer will it go on? I mean, there are so many questions that we need to be asking when we just pour money into studies. And frankly, I did not get one answer. And I just don’t think it’s appropriate for me then to cast a vote in favor of this, although I thought it was appropriate and necessary for me to explain my vote before you called it.

D.P.O. HORSLEY:
Very good. All right, we have a motion to approve. All those in favor? Opposed? Abstentions?

LEG. D’AMARO:
I abstain.

LEG. BARRAGA:
Opposed.

MR. LAUBE:

LEG. SCHNEIDERMAN:
Cosponsor.

LEG. ROMAINE:
Cosponsor.

D.P.O. HORSLEY:
Okay. We also have same motion, same second for the pending Bond Resolution (1677A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $25,000 bonds to finance a part of the cost of studies and planning regarding possible future improvements relating to Public Health Related Harmful Algal Blooms (CP 8224.116). Roll call.
(*Roll Called by Mr. Laube - Clerk of the Legislature*)

LEG. HAHN:  
Yes.

LEG. ROMAINE:  
Yes.

LEG. SPENCER:  
Yes.

LEG. D'AMARO:  
No.

LEG. STERN:  
Yes.

LEG. GREGORY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
No.

LEG. CILMI:  
Yes.

LEG. MONTANO:  
(Not present).

LEG. CALARCO:  
Yes.

LEG. ANKER:  
Yes.

LEG. MURATORE:  
No.

LEG. BROWNING:  
(Absent).

LEG. SCHNEIDERMAN:  
Yes.

D.P.O. HORSLEY:  
Yes.
P.O. LINDSAY:
(Absent).

MR. LAUBE:
Twelve.

D.P.O. HORSLEY:
Okay. 1697-12 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Heritage Square Builders at East Moriches, LLC property - Town of Brookhaven - SCTM Nos. 0200-684.00-03.00-009.001 and 0200-684.00-04.00-003.001). (County Executive).

LEG. ANKER:
I make a motion.

D.P.O. HORSLEY:
Motion by Legislator Anker. Second by Legislator Schneiderman. We're good? All those in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fourteen (Not Present: Legislator Montano - Absent: P.O. Lindsay & Legislator Browning).

All right, page eight. 1658-12 - Approving the purchase of vehicles and appropriating funds in connection with the purchase of heavy duty equipment for County Parks (CP 7011)(County Executive).

LEG. SCHNEIDERMAN:
Tim, cosponsor.

LEG. NOWICK:
I'll make a motion.

D.P.O. HORSLEY:
Motion by Legislator Nowick. Seconded by? I'll make the second on that. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:
Opposed.

LEG. CILMI:
Why are you opposing?

MR. LAUBE:
Fifteen (Opposed: Legislator Kennedy - Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Just one is. Don't get excited.

Okay, the motion is approved.
Same motion, same second, *(1658A, Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $200,000 Bonds to finance the cost of the purchase of heavy duty equipment for County Parks (CP 7011.527))*. Same motion, same second. Roll call.

**MR. LAUBE:**
Who was the second on the last bill? I just want to check it.

**D.P.O. HORSLEY:**
I was.

**MR. LAUBE:**
Okay, that's what I thought. Thank you.

**D.P.O. HORSLEY:**
Roll call.

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

**LEG. NOWICK:**
Yes.

**D.P.O. HORSLEY:**
Yes.

**LEG. SPENCER:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. STERN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. KENNEDY:**
No.

**LEG. BARRAGA:**
Yes.

**LEG. CILMI:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. CALARCO:**
Yes.

**LEG. ANKER:**
Yes.
LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
(Absent).

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Fifteen (Opposed: Legislator Kennedy - Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Very good.

Public Safety:

1528-12 - Adopting Local Law No. -2012, A Local Law to ensure advanced planning for emergencies by nursing homes, long-term care facilities and group homes for the disabled ("Prepared To Protect Our Most Vulnerable Citizens Act") (Stern).

LEG. STERN:
Motion.

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:
Motion by Legislator Stern. Is there a --

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:

MR. LAUBE:
Sixteen (Absent - P.O. Lindsay & Legislator Browning).

(**Cosponsors to IR 1528-12 - Legislators Calarco, Spencer & Schneiderman**)  

1665-12 - Approving an increase in the fleet of the Suffolk County Department of Fire, Rescue and Emergency Services funded through the Urban Area Security Initiative (UASI)
**FFY2010 grant (County Executive).**

**LEG. CALARCO:**
Motion.

**D.P.O. HORSLEY:**
Motion by Legislator Calarco. Seconded by?

**LEG. ANKER:**
Second.

**LEG. MURATORE:**
(Raised hand).

**D.P.O. HORSLEY:**
Legislator Anker. All those in favor? Opposed? Abstentions? It's been approved.

**MR. LAUBE:**
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

**D.P.O. HORSLEY:**
**Public Works:**

1643-12 - Appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164)(County Executive).

**LEG. SCHNEIDERMAN:**
Motion.

**D.P.O. HORSLEY:**
Motion by -- I'm sorry, I had missed the motion. Legislator Schneiderman. I'll second the motion. All those in favor? Opposed? Abstentions? Motion has been approved.

**MR. LAUBE:**
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

**D.P.O. HORSLEY:**
1646-12 - Authorizing an Intermunicipal Agreement with the Town of Islip for use of a town recharge basin in the vicinity of CR 7, Wicks Road and Williams Street, Town of Islip (County Executive).

**LEG. MONTANO:**
Motion.

**D.P.O. HORSLEY:**
Legislator Montano makes the motion. Second by Legislator Barraga. All those in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

**D.P.O. HORSLEY:**
We're good.
1666-12 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for a SCADA (Surveillance, Control And Data Acquisition) system for sanitary facilities in Suffolk County Sewer Districts (CP 8165)(County Executive).

LEG. STERN:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Stern. I'll second the motion. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Motion has been approved.

Ways & Means:

1291-12 - Adopting Local Law No. -2012, A Local Law to modify requirements for contract agency funding (Calarco).

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Legislator Calarco makes the motion. Second -- I'm sorry, I didn't hear who seconded it.

LEG. SPENCER:
Spencer.

D.P.O. HORSLEY:
Legislator Spencer. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Very good.

1586-12 - Adopting Local Law No. -2012, A Charter Law to ensure the independence and integrity of the County Ethics Process (Romaine).

LEG. ROMAINE:
Yes. Mr. Chairman, I make a motion to table. My learned colleague, Mr. D'Amaro, made a language suggestion --

D.P.O. HORSLEY:
Got it.

LEG. ROMAINE:
-- that would improve the bill. I'm going to make that change; I think Counsel has been advised of that and he'll draft it. Not that it would substantially change the bill, but it's enough so that I think tabling until the final language is there.
D.P.O. HORSLEY:
Yeah. Well, we all heard that and I think it makes a lot of sense. Legislator D’Amaro, you want to second the motion?

LEG. D’AMARO:
Sure, I’ll second the motion.

D.P.O. HORSLEY:
There you go. Second the motion to table. We have a motion to table on the floor. You got it? All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
It has been tabled.

1601-12 - Adopting Local Law No. -2012, A Local Law to update the County’s Domestic Partnership Registry (Spencer). Legislator Spencer?

LEG. SPENCER:
Motion.

LEG. HAHN:
Second.

D.P.O. HORSLEY:
Second by Legislator -- was that Hahn?

LEG. HAHN:
(Raised hand).

D.P.O. HORSLEY:
Hahn. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

LEG. SPENCER:
Thank you.

D.P.O. HORSLEY:
Very good.

1638-12 - Authorizing an amendment of the Second Ballpark License Management and Operations Agreement between the Long Island Ducks Professional Baseball Club. LLC and the County of Suffolk (County Executive).

LEG. NOWICK:
Motion.

LEG. MONTANO:
Motion.
D.P.O. HORSLEY:
I'm sorry, Legislator Montano makes the motion to approve. Seconded by Legislator Nowick. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
And we told Frank Bolton he didn't have to be here tonight.

LEG. NOWICK:
Imagine if he would have stayed?

D.P.O. HORSLEY:
Can you imagine? I think Quacker Jack would have gotten us.

(*Laughter*)

1652-12 - Sale of County owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven - (SCTM No. 0200-958.00-06.00-004.000)(County Executive).

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy.

LEG. NOWICK:
Second.

LEG. CALARCO:
Second.

D.P.O. HORSLEY:
Second by Legislator Calarco. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Very good.

1653-12 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-921.00-03.00-047.000)(County Executive).

LEG. KENNEDY:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Kennedy. Seconded by?
LEG. CALARCO: Second.

D.P.O. HORSLEY: Calarco? Legislator Calarco. All those in favor? Opposed? Abstentions?

MR. LAUBE: Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY: 1667-12 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Winston S. Watson and Vashti P. Watson, his wife (SCTM No. 0100-056.00-02.00-081.000)(County Executive).

LEG. GREGORY: Motion.

D.P.O. HORSLEY: Motion by Legislator Gregory. Seconded by --

LEG. MONTANO: I'll second it.

D.P.O. HORSLEY: -- Legislator Spencer. All those in favor? Opposed?

LEG. D'AMARO: On the motion.

D.P.O. HORSLEY: On the motion.

LEG. D'AMARO: I just had one question for the Department of Real Estate on this particular bill.

MS. ROSEN-NIKOLOFF: Good evening. Love these night meetings; it's great.

(*Laughter*)

LEG. D'AMARO: I just wanted to ask whether or not this particular parcel was vetted through the Workforce Housing auction process that was put in place by the resolution we passed a few years ago. And if so, what was the outcome and was there an attempt to auction this property? I think it required two attempts.

MS. ROSEN-NIKOLOFF: No, no, no. It's got a huge encumbrance on it. The adjacent property is the owner's garage which is attached to his house; it's well into this lot, so it's completely unbuildable. And the adjacent owner wants it, it's part of his house.

LEG. GREGORY: If I may?
LEG. D'AMARO:
Yeah, go ahead.

D.P.O. HORSLEY:
You may.

LEG. GREGORY:
Mr. Vice-Chair? I want to say 2006, 2005, the owner -- there are two parcels. There was an owner that owned both parcels. Mr. Watson had purchased one parcel, but the garage and I think the cesspool is on the adjoining parcel. So he was under the impression -- and actually, the title company I think made a mistake; they had this property all along as one parcel, then they got a notice that there was a delinquency on the taxes and they're trying to correct that now.

LEG. D'AMARO:
So they thought when they were purchasing they were actually buying the two parcels.

LEG. GREGORY:
They thought they were buying one.

LEG. D'AMARO:
Oh. Why didn't they buy the two?

LEG. GREGORY:
Well, they thought the two were one parcel.

LEG. D'AMARO:
Well, that's what I meant.

LEG. GREGORY:
Right, right, right.

LEG. D'AMARO:
Okay. So in other words -- okay. So the parcel that they ultimately purchased didn't include this parcel, but it's all built -- it's all an extension of the existing parcel.

LEG. GREGORY:
Yes.

LEG. D'AMARO:
Okay, no problem. Thank you. Appreciate it.

D.P.O. HORSLEY:
Okay. We're killing flies over here. Okay, we have a motion to approve and seconded. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Motion's been approved.

LEG. GREGORY:
Tim, cosponsor.
D.P.O. HORSLEY:
All right.  *1694-12 - Enlarging the area of land previously declared surplus pursuant to Resolution No. 298-2011 (County Executive).* I'll make a motion --

LEG. MONTANO:
I'll make a motion.

D.P.O. HORSLEY:
Legislator Montano makes the motion. I'll second the motion.

LEG. ROMAINE:
Why are we declaring this additional land? Now, there was 200 -- let me understand this, and I want to ask some questions. This is the land in Yaphank. There were 230 acres that were declared surplus prior to this. And how many acreage are we adding now and where is this acreage?

LEG. MONTANO:
That's not what's going on.

D.P.O. HORSLEY:
All right. Does the administration want to answer this?

LEG. ROMAINE:
I know it's east, directly east of the northern portion of the property we had just declared surplus.

LEG. MONTANO:
You guys want to answer that?

D.P.O. HORSLEY:
Yeah, they're going to answer it.

LEG. ROMAINE:
Yeah, let them answer it.

MR. BRAUN:
Thank you. Robert Braun, Assistant County Attorney. The parcel that was declared surplus a year or more ago --

LEG. ROMAINE:
Right.

MR. BRAUN:
-- followed the outlines of what had been thought of as Legacy Village, and that carved off one edge, that is to say the eastern edge --

LEG. ROMAINE:
Right.

MR. BRAUN:
-- of a tax lot, lot six point two.

LEG. ROMAINE:
Right.
MR. BRAUN:
This restores that edge to that tax lot so that the whole tax lot can be conveyed in one piece without that artificial line running through from north to south along the eastern edge of that.

MR. ZWIRN:
That's the property adjacent to --

LEG. ROMAINE:
How many acreages is this?

MR. BRAUN:
The difference is about 30 acres of the 240-odd acres that were originally declared surplus, but it's actually part of the same tax lot that was declared surplus by the Legislature last year.

LEG. ROMAINE:
I'm looking at a map that the Planning Director just gave me that outlines in yellow a 38.9 acreage parcel; is that the parcel that you're talking about?

MR. BRAUN:
That's the part we're adding, yes.

LEG. ROMAINE:
That's the part you're adding. Some of that parcel, it seems, takes a parcel of land that was cleared for the jail; is that correct?

MR. BRAUN:
Yes, it was cleared for the jail, that's right.

LEG. ROMAINE:
And does the County have any above or underground utilities on the parcel that you're asking us to declare surplus?

MR. BRAUN:
There is a storm drain that takes surface water runoff in that corner and it conveys it by a pipe into a recharge basin which is to the east and slightly north of that diagonal property line.

LEG. ROMAINE:
So the County does have an underground utility on the parcel that you're asking us to declare surplus.

MR. BRAUN:
It has a storm drain, yes.

LEG. ROMAINE:
Yes. Why would we do this? Why -- what's the necessity of declaring this surplus?

MR. BRAUN:
The -- we're trying to restore the whole tax lot to one piece. We had discussions as late as this morning with engineers from both DPW and the buyer about perhaps moving that storm drain so that there will be no County facilities on the piece being sold. But if not, the contract provides for them to give us an easement to maintain that storm drain.
LEG. ROMAINE:
Right. Right now we don't have a buyer in the sense that this County Legislature has not approved the contract of sale.

MR. BRAUN:
That's correct.

LEG. ROMAINE:
We may have an interested party.

MR. BRAUN:
That's right.

LEG. ROMAINE:
And I don't think this Legislature has vetted whether a directed sale on RFP should be issued for the sale of this property, and I think that's one of the outstanding issues that we have. I'm not so sure this is the meeting that I want to vote to add to this property because I think there's a lot of outstanding questions that were raised tonight about this property. Again, you're assuming that you have a buyer because this Legislature will go along with the directed sale for a price that you've determined without competitive bid or RFP.

MR. BRAUN:
Well, with respect to that portion of the issue, and I acknowledge certainly that there are issues, we're --

LEG. ROMAINE:
Why would I want to add to those issues until they were resolved?

MR. BRAUN:
In terms -- let me address both things that you asked, Legislator Romaine. The County went through a process where it solicited a hundred or more, or it's broker solicited a hundred or more potentially interested parties --

LEG. ROMAINE:
Forgive me if I interrupt you at that point. I just want to say that if a broker solicits prices or interest from people, that's very nice. But this government isn't in the business of using brokers per se, except to facilitate a process that usually is described by law for getting rid of surplus property which is usually by bid or RFP, not by directed sale --

MR. BRAUN:
Well, that's what I want --

LEG. ROMAINE:
-- based on prices that a broker got which is not official or has no official or legal standing.

MR. BRAUN:
We -- the broker, on behalf of the County, established an on-line bidding process with dates for the bids to be submitted and so forth.

LEG. ROMAINE:
That doesn't meet the Municipal Law, you know that.
MR. BRAUN: We got no responses, virtually no responses. And then the proposed purchaser contacted the County and said they would be interested because they were the adjoining landowner to the northwest, and then those discussions began.

In addition, Legislator Romaine, as far as -- we want to straighten out this property line in any event, or make it conform to the tax maps, so that even if it's not this buyer, that we're selling an entire tax map lot, line and not an artificially carved up one. There was no -- I believe, although certainly I can't be certain that if it had been proposed this way initially when it was declared surplus last year, you know, we wouldn't be having this discussion. But in any event, as far as the other issues, the price and so forth, there is an appraisal, we can share it with the Legislature in Executive Session.

LEG. ROMAINE: You have two appraisals for this property.

MR. BRAUN: We have one.

LEG. ROMAINE: You know, I don't mean to be critical, but I know when we buy property as a County, we require two.

MR. BRAUN: Yes.

LEG. ROMAINE: You're telling me we're selling property, which is even more important because we're -- we're selling property and we only have one appraisal. You know, it just seems as if this is a rush. But before I get there, you know what, you're an attorney, let me ask you this and let me draw on your knowledge.

MR. BRAUN: Sure.

LEG. ROMAINE: What does Municipal Law require of a body such as ours, a governing body, to declare land as surplus? What is the criteria? What does the law say we must do in terms of due diligence and standards that we have to meet to declare something surplus; what does the law say? If I open McKinney's, what does the law say?

MR. BRAUN: I'm not sure I understand the question. You're asking --

LEG. ROMAINE: Is there a threshold, is there a requirement or threshold that we have to meet as a legal threshold, as a governing body, before we declare a land surplus and put it for sale? Is there a threshold that we have to meet; and if so, what is that threshold?

MR. BRAUN: Well, if you're asking me how many votes might be required?
LEG. ROMAINE:
No, I'm asking you about legal standards we have to do. Do we have to say that we're never going to use this land? Do we have to say that this land has no municipal purposes? Do we have to say -- declare, make declarations of that sort regarding this land?

MR. BRAUN:
The law as I understand it, and I'm the transactional lawyer here, I'm not the municipal lawyer, but as I understand the law, the law requires that the Legislature deliberate as to whether or not it's likely that the County needs this land.

LEG. ROMAINE:
Okay.

MR. BRAUN:
And if it currently has no need for it and the Legislature determines, in its discretion, that it can be better used for something else or the County can use the proceeds of selling it, then the Legislature has the authority to do that.

LEG. ROMAINE:
Let me ask you, was any of this land that you're proposing to add to the parcel and make it larger, was any of this land originally taken by the County by Eminent Domain?

MR. BRAUN:
I don't believe that side of the parcel was taken by Eminent Domain.

LEG. ROMAINE:
You --

MR. BRAUN:
I believe –

LEG. ROMAINE:
Has the County done a title search on this?

MR. BRAUN:
The County has title work on this, yes. But I couldn't tell you -- and you're right, some of it was taken by Eminent Domain, some was acquired in other ways; which this is I don't know.

LEG. ROMAINE:
What is the standard for the County to sell or declare surplus land that was taken for Eminent Domain purposes?

MR. BRAUN:
I don't believe that this standard is any different.

LEG. ROMAINE:
So in essence, there's no standard. If we felt like, we could surplus any County-owned property we want just because we discussed it briefly and said, "Yeah, okay. Let's do it." There is no standard we have to meet; am I speaking clearly?

MR. BRAUN:
Again, that's not what I've said and I -- and again, I want to beg off on answering that question because it's not my part of this transaction. If you have -- those sort of questions would be better answered by Dennis Brown or someone whose responsibilities are municipal and mine are the
contracts.

**LEG. ROMAINE:**
My suggestion to my colleagues, and everyone should vote as they see fit, would be I think that we definitely should not pass this resolution tonight. That we should invite Mr. Brown back and in between, in the next two weeks, because we have a short period, we should each take a look at if we have concerns, some of us may have no concerns. And if we do, forward a list of questions by e-mail ahead of time to Mr. Brown so we don't catch him, like I'm catching you tonight, unaware and unprepared. And that's -- you know, I understand you're the transactional lawyer and not the municipal lawyer. But nevertheless, I think I'm asking pretty valid questions, pretty standards questions, and I haven't -- I don't have a set position on this, I don't know if I'm going to vote for or against this at this point. But I'm not too happy to add property when there's still outstanding questions regarding the large property and we want to add more to it. I'm not so sure I want to do that tonight.

What I'd like to do is hopefully my colleagues will table this and in the next week or two I can forward questions to Mr. Brown, copy my colleagues and then he can come and answer them here at our next meeting.

**MR. ZWIRN:**
Mr. Chairman, Dennis Brown is on his way and he'll come and answer some of these questions.

**D.P.O. HORSLEY:**
All right. We have a question from Legislator Schneiderman as well, so.

**MR. ZWIRN:**
Yeah. No, but this -- if you look at the parcel that we're adding --

**D.P.O. HORSLEY:**
Where is he coming from?

**MR. ZWIRN:**
-- it's the parcel that is directly adjacent to the jail and directly adjacent to the sewer treatment plant. I mean, it's not -- I mean, you're not talking about --

**D.P.O. HORSLEY:**
We understand. He's not speaking for all of us.

**MR. ZWIRN:**
Well, I understand that. I just want to make sure that the -- if you have a map, you can get to see exactly the parcel that we're talking about.

We also have an appraisal of this property that if the Legislature decides they'd like to see it tonight, we would ask to do it in Executive Session so you can have it. Because, you know, it's still an ongoing process, but I would be -- you know, we'd be glad to share it with Legislators if that will make them more comfortable. We don't have any problem with that.

**LEG. ROMAINE:**
But we're not selling the property tonight, as I understand it, we're just surplussing.

**MR. ZWIRN:**
Not only are you not selling the property tonight, we agreed with the request from the Legislature not to contest the recess tonight of the public hearing. The potential purchasers were here and ready to answer any questions and make a presentation, we thought it would be better if they came
back when Legislator Browning is here because it's in her district.

**LEG. ROMAINE:**
Deputy Presiding Officer, I would suggest that before we declare this surplus, we consider tabling this and allow Legislator Browning to be part of this. This is her district, it's not in my district. I don't know how I'm going to vote, but I certainly have a lot of questions. I think that Legislator Browning should have the opportunity to chime in on this resolution, because otherwise you know, once you declare it surplus, this is going to be a fait accompli.

**D.P.O. HORSLEY:**
But that's not what we're doing tonight, and you know that.

**LEG. ROMAINE:**
I know that, too, but I know where this will lead.

**D.P.O. HORSLEY:**
Come on, Ed. What are you saying? This is putting the piece of property together, and we're squaring off the tax map and nothing more. So, you know, all this rhetoric, it says one thing versus another. Once we're going to sell the property, that's when this is all going to come up. Jay, did you have a comment?

**LEG. SCHNEIDERMAN:**
A, it's important to understand that we're not -- this is not selling the property, only declaring it surplus.

**D.P.O. HORSLEY:**
Right.

**LEG. SCHNEIDERMAN:**
And we -- we have looked at this property in the past and I think, you know, at least I'm not aware of any municipal need on this property that has to be met. So really my questions -- and I want to add one more piece to that. I understand there's some confusion between the meets and bounds versus the tax maps that --

**MR. BRAUN:**
That's right.

**LEG. SCHNEIDERMAN:**
You might say this was already included in the beginning, or perhaps it wasn't included depending upon how you read that earlier resolution. But really my question really pertains to the SEQRA process. Last time when we had Legacy Village, we had a similar thing going on, it went through CEQ. There was a question of if we're declaring it surplus for the intent of a particular development plan, then we really needed to do a full EIS on the development plan. Here we're kind of saying in the resolution that it's for no particular purpose. I actually don't know how CEQ voted, I see Michael is here. So maybe somebody can address that. Do we have a particular purpose of why we're doing this that really needs to be fully vetted at this point before we declare it surplus, or is it really up for grabs in terms of what will be done later on it?

**MR. BRAUN:**
Two things. I mean, it's no secret that it's the intention of the operators of the Brookhaven Rail Terminal to be the purchasers of this piece of what's been declared surplus, that is to say the existing thing plus the little strip along the edge. But at committee they described their purchase as a purchase of opportunity; in other words, while the land is available and they're nearby, they want to lock it up so that they might use it. They might also turn it over in a number of years if they
haven't developed it. They might also find some other use that they might put it to. The chances are very good, I would say, that the purchaser will use it for the expansion and development of their rail terminal, but the contract specifically does not require that.

**LEG. SCHNEIDERMAN:**
We made Legacy Village, you know, jump through a lot of hoops because of that, you know.

**MR. BRAUN:**
Because in Legacy Village we were directing, the County was directing what would be done with the property. Here we're specifically not directing what will be done with the property.

**LEG. SCHNEIDERMAN:**
All right. So when the prospective purchaser goes to develop it, it won't go through our CEQ, it would go through Brookhaven Town Planning at that point, they'll be the lead agency.

**MR. BRAUN:**
Well, yes. And I might also add that if they were to develop it for some purpose other than a rail terminal, then all the local regulations would apply, SEQRA would apply and NEPA. The fact that they are a railroad doesn't mean that they get to do anything they want, only if they use it as a defined rail terminal under the Railway Act.

**LEG. SCHNEIDERMAN:**
They're still subject to DEC permits, right?

**MR. BRAUN:**
Yes. Yes.

**LEG. SCHNEIDERMAN:**
And to EPA.

**MR. BRAUN:**
Yes.

**LEG. SCHNEIDERMAN:**
Michael, did you want to -- did CEQ review this declaration of surplus?

**MR. KAUFMAN:**
Yes, we did, and we found it to be a negative declaration.

To answer your question more fully, Legacy Village received a Pos Dec because it was going to be guided by the municipality, the County of Suffolk. When the municipality tries to run a full development plan as part of a sale, that's when you get into Pos Dec territory. This is simply a sale of surplus land, as the County is characterizing it. As such, the County is not directing what's going on; it's an independent sale, as I understand it, which was analyzed as part of the EIS.

An independent sale without County direction is just that, it's a sale. And there's no -- you can't get a Pos Dec in a situation like that. Frankly, that also dovetails with the fact that CEQ, on behalf of the Legislature, did a full EIS on this project and came to the conclusion that as long as there was adequate mitigation of septic flows and a few other issues, the property could be looked at as surplus and could be sold. We reviewed those issues and the Lindsay bill --

**LEG. SCHNEIDERMAN:**
So the only action for SEQRA purposes is really the changing of ownership, the entity that's owning it. There's no action to review.
MR. KAUFMAN:
Well, there's no action by the County at this point in time. It's more -- you have to look at it as if it's a ministerial action.

LEG. SCHNEIDERMAN:
I understand.

MR. KAUFMAN:
And that's a negative declaration.

LEG. SCHNEIDERMAN:
From that -- from the CEQ perspective or the SEQRA perspective, the action itself is just changing ownership --

MR. KAUFMAN:
That's all it is.

LEG. SCHNEIDERMAN:
-- from municipal to private and there's really nothing to review.

MR. KAUFMAN:
Yeah. And you really can't do two EIS' on this. This property and the adjacent areas were fully looked at as part of an EIS process for this County. As such, we've looked at all of these issues, including the sale of raw land and of surplus land, and Legislator Lindsay's bill accepted that EIS, declared this surplus. And there's no plan attached to it, so that at this point in time we've done the SEQRA, we've done the EIS which is the gold standard, so we're at ministerial stage.

LEG. SCHNEIDERMAN:
The proposed -- Michael, maybe you're not the one to answer this, I don't know, but the proposed sale is not for the full extent of the property that's being or has been declared surplus. It does include this piece we're adding.

MR. KAUFMAN:
The 30 acres, I understand that.

LEG. SCHNEIDERMAN:
But there was originally, within the area declared surplus, additional lands that are not being conveyed, or not being proposed to be conveyed. Can I just get that on the record, too; maybe Ms. Lansdale? There's an additional 78 acres that we've already declared surplus; is that correct?

MR. BRAUN:
That's right.

DIRECTOR LANSDALE:
Yep.

LEG. SCHNEIDERMAN:
That are not part of the proposed sale which is a part of the bill in front of us anyway.

LEG. HAHN:
The Parcel C from Levy, right.

MR. BRAUN:
If you like, we have -- we can show you the map, if you don't have them.
MR. ZWIRN:
We have maps to hand out to the Legislature. And if I might add, that during the committee --

LEG. SCHNEIDERMAN:
Can I just get the answer to that on the record?

D.P.O. HORSLEY:
He's talking about the --

LEG. SCHNEIDERMAN:
No, I'm not talking about the stadium piece. No, the piece along the river? No. I don't think we ever declared that surplus, part of that's in Parks.

MR. KAUFMAN:
If I may? If you're referring to the --

LEG. SCHNEIDERMAN:
There's an additional, I believe, 78 acres of what we've previously declared surplus that is not part of the sale proposal. And of course the sale proposal is not part of this bill. Sarah?

DIRECTOR LANSDALE:
So the maps that are before you now, it's the red area that's in question; that is the proposed sale to Oakland Transportation.

LEG. SCHNEIDERMAN:
Just for the written record, because that's going to be confusing to somebody reading the minutes, so I'll just state it again. So of what has already been declared surplus, plus this additional amount, there is still some property left over. The proposed sale does not include all of the property we're declaring surplus.

DIRECTOR LANSDALE:
That's right.

LEG. SCHNEIDERMAN:
And that difference is about 78 acres.

DIRECTOR LANSDALE:
Yes.

LEG. SCHNEIDERMAN:
Okay.

DIRECTOR LANSDALE:
The original surplus declaration included Police Headquarters, which has been -- which is not shown on this, as well as the soccer field to the west of the property as well, behind the Police Headquarters.

LEG. SCHNEIDERMAN:
And then as well as a 28.8 acre piece?

DIRECTOR LANSDALE:
Yes, yes. So there's an additional -- there's part of three tax maps in blue, that are shaded in blue that would not be sold to Brookhaven Rail Terminal.
Mr. Zwirn:
If I might, Mr. Chairman?

D.P.O. Horsley:
Sure.

Mr. Zwirn:
During the committee process, in the Ways & Means Committee, the prospective purchasers were here, and Chairman Montano and especially Legislator Kennedy, really we had a mini-public hearing, I mean, and they grilled this group very well. I mean, it was really almost a full-blown public hearing, which was a good rehearsal for what is coming down the line. And we said, we have agreed, we have no problem with the recess of the public hearing. There are questions that were raised by residents that will have to -- that need to be addressed and they will be. Legislator Browning wants to have a public hearing --

D.P.O. Horsley:
Exactly.

Mr. Zwirn:
-- in her district; if she wants us to attend, we'll attend, you know, answer all the questions. This will be fully vetted. But we -- this is an important step for us.

D.P.O. Horsley:
We understand that.

Mr. Zwirn:
Ultimately whatever the Legislature decides, they will make their vote based on the merits. But this is a step that we would like to get closed tonight, if possible.

D.P.O. Horsley:
Legislator Schneiderman, are you done?

Leg. Schneiderman:
Yes. Thank you.

D.P.O. Horsley:
Okay. Legislator D'Amaro.

Leg. D'Amaro:
What section on the map we're looking at is the -- is included in the bill; the red area?

Mr. Braun:
The red area is what’s proposed -- in the other bill is what’s proposed to be sold. The portion that we're proposing to add to what was already declared surplus is not separately outlined on this map, but it’s the narrow strip along the southwest -- southeast portion of the lot, six point two, which includes that corner of the cleared area around the jail construction.

Leg. D'Amaro:
The narrow --

Mr. Braun:
In other words, the --

(Director Lansdale handed Legislator D'Amaro a piece of paper)
LEG. D'AMARO:
Oh. Okay, that's perfect. Okay, so the only issue we're voting on here this evening is whether or not that outlined area is surplus to the County?

MR. BRAUN:
That's correct.

LEG. D'AMARO:
Okay. So why is it surplus?

MR. BRAUN:
Well, it abuts the existing sewage treatment plant and the jail; it doesn't have any need for continued operation in its present form; and it makes the tax lot whole which has already been declared surplus, the part to the west of that. So that it's configured in a way that it already exists in terms of the County's maps and the town's maps.

LEG. D'AMARO:
This should have been included in the original declaration of surplus?

MR. BRAUN:
In my opinion, yes.

LEG. D'AMARO:
Okay.

MR. BRAUN:
But I believe it wasn't because it --

LEG. D'AMARO:
Why wasn't it included?

MR. BRAUN:
I believe that's because it was not included in an area, I believe, that was area C on the map of Legacy Village.

LEG. D'AMARO:
I see. So --

MR. BRAUN:
Because we were going to -- there was going to be residences and so forth over there and we wanted to keep it further away from the jail. So we weren't going to sell it as part of Legacy Village.

LEG. D'AMARO:
Okay. And the other comment I had was the SEQRA process. So I understand -- so we're not -- we're not in contract to sell this property right now?

MR. BRAUN:
No, that's -- that other resolution that you considered earlier during public hearings and was -- the public hearing was continued to await Legislator Browning's return from Ireland.

LEG. D'AMARO:
Okay. So the bill has been laid on the table, the public hearing has been recessed to consider the sale of the entire --
MR. BRAUN:
What's shown in red.

LEG. D'AMARO:
-- red parcel, including what we're voting on tonight.

MR. BRAUN:
Yes.

LEG. D'AMARO:
I see. And -- so there's a bill laid on the table to sell this property to a railway operator? I'm not familiar with who the potential buyer is, but I'm just curious -- so if we know the intended purpose, why are we not triggering SEQRA review?

MR. BRAUN:
Well, because, again, they're not required to do anything. In particular, we don't know whether they're going to put up only office space, only warehousing space, put in rail sidings or do any one of a number of other things if they retain it. And they're also not required to retain it, they're free to do whatever they like with it once they're the owner.

LEG. D'AMARO:
So we're just selling vacant, surplus property to a buyer --

MR. BRAUN:
Yes.

LEG. D'AMARO:
-- who then would have to develop it according to whatever rules and regulations apply as opposed to making part of the contract the requirement of how the property is developed.

MR. BRAUN:
Exactly right.

LEG. D'AMARO:
And because of that, you have a different SEQRA determination.

MR. BRAUN:
Yes, because we're not directing the future or further development of what we're selling.

LEG. D'AMARO:
Could we -- okay, I'll leave it at that. Thank you.

D.P.O. HORSLEY:
You're welcome. Legislator Hahn.

LEG. HAHN:
I think I know the answer to this. This vote is just about adding the blue to the red.

MR. BRAUN:
No.

LEG. ROMAINE:
(Laughter).
MR. BRAUN:  
It's making what's shown in red whole as you see it. It's adding the western -- excuse me, the eastern portion of the right-hand lot to what's already been declared surplus. Director Lansdale has a map for you to clarify that.

LEG. D'AMARO:  
Okay, surplus away.

(*Laughter*)

LEG. HAHN:  
Oh, it's a different map. Oh. And what was I looking at? (Laughter). Okay. I wasn't here as a Legislator when we declared the other surplus.

MR. BRAUN:  
Right.

LEG. HAHN:  
I was here behind the scenes, but I don't know that I ever really got a full understanding. So my questions are sort of along the lines of what Legislator Romaine was asking in terms of what did the County do to determine that these lands are indeed surplus to the County? We won't need them in the near future for other kinds of services and, you know, consolidation of properties and etcetera.

MR. ZWIRN:  
We discussed this, Legislator Hahn, with DPW, and there are no plans. The jail has been expanded, the sewage treatment plant is right there, this is the additional property. We have been through the surplus procedure previously when they were going to do Legacy Village and I think that's --

LEG. HAHN:  
Yeah, no, I recognize that and that's why I kind of prefaced this with I wasn't a Legislator there, so I don't recall the details of what goes into deciding that we're a County, we're a government, it's going to be an operation, you know --

MR. ZWIRN:  
We have --

LEG. HAHN:  
-- forever (laughter).

MR. ZWIRN:  
Municipalities often have property that they're not using and can be sold to be put back on the tax rolls, create jobs. And with the presentation that was made at the Ways & Means Committee by the potential purchaser, their plans were to build refrigerator warehouses, bring products in from out of state, from eastern Long Island and to distribute it across --

LEG. HAHN:  
Have you rated this property for, like, what it would rate as an open space?

DIRECTOR LANSDALE:  
Yes. We actually did an evaluation of this parcel. We have not been able to walk it, but we have done -- we've looked at all of the data basis that we normally look at for open space, and all told, the parcel rated a 12 out of 100.
LEG. HAHN:
Okay.

LEG. ROMAINE:
You've got to get John Turner to walk that (laughter).

LEG. HAHN:
Thank you.

D.P.O. HORSLEY:
All right. Yes, Mr. Romaine.

LEG. ROMAINE:
One question, and this is to Counsel.

D.P.O. HORSLEY:
All right, to Counsel.

LEG. ROMAINE:
When we had public hearings, we took up 1695, that was to authorize the County Executive to execute agreements for the sale of the land in red; is that not correct, Counselor?

MR. NOLAN:
You're talking about the sale?

LEG. ROMAINE:
Yes.

MR. NOLAN:
Yeah.

LEG. ROMAINE:
Okay. Now we're being told that part of this parcel in red is not surplus.

LEG. MONTANO:
That's two questions.

LEG. ROMAINE:
So here's my question.

LEG. MONTANO:
Oh, he didn't get to the question (laughter).

LEG. ROMAINE:
How can we have a public hearing to sell land that we have yet to declare surplus? Was that public hearing, in fact, legitimate? Since part of this land in the red we haven't declared surplus, it would seem as if we could not have a public hearing. That public hearing was invalid because part of the land we had the public hearing on we have yet to declare surplus.

MR. NOLAN:
The public hearing is legitimate. I mean, they filed a Local Law, we have to have a public hearing. Obviously we're not going to be able to approve the sale until it's declared surplus, but it really doesn't mean that we couldn't have a public hearing which, incidentally, was recessed tonight, so it's still open. But it's legitimate.
LEG. ROMAINE:
I just thought I would mention that, because we really need -- and this is kind of a message -- for everyone to get their ducks in a row so when they come to the Legislature, there's a minimal of questions. Thank you.

D.P.O. HORSLEY:
And I do appreciate your comments. And I know when the tone gets louder, we're about finalizing. So everybody good? What do I got, a motion to approve, right; that's all I got, right?

MR. LAUBE:
You've got a motion and a second.

D.P.O. HORSLEY:
Motion and a second. All those -- well, where's Doc Spen -- everybody. Motion to approve. Let's do a roll call. Let's do it.

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

LEG. MONTANO:
Yes.

D.P.O. HORSLEY:
Yes.

LEG. SPENCER:
Yes.

LEG. D'AMARO:
This is to declare surplus? Absolutely.

LEG. MONTANO:
What was that

D.P.O. HORSLEY:
That's an absolutely, yes.

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

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.
LEG. CILMI:
Yes.

LEG. CALARCO:
Yes.

LEG. ANKER:
Yes.

LEG. HAHN:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
(Absent).

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Abstain.

P.O. LINDSAY:
(Absent).

MR. LAUBE:
Fifteen (Abstention: Legislator Romaine - Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
All right, let's go to the manila folder, we have two Procedural Resolutions.

All right. We have Procedural Resolution No. 12-2012 - To set a public hearing regarding the authorization of the alteration of rates for Sayville Ferry Service, Inc. (Presiding Officer Lindsay). I'll make the motion.

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
Seconded by Legislator Muratore. All those in favor? Opposed? Abstain?

MR. LAUBE:
Sixteen (Absent - P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
Procedural Motion No. 13-2012 - Setting public hearings for proposed sale of the John J. Foley Skilled Nursing Facility (Presiding Officer).

LEG. D’AMARO:
Motion.
**D.P.O. HORSLEY:**
I'll make -- who said that? Lou, and I'll second the motion. All those in favor? Opposed?

**LEG. KENNEDY:**
Hold on, Mr. Chair. On the motion.

**D.P.O. HORSLEY:**
On the motion. I knew we wouldn't get away with that.

**LEG. KENNEDY:**
No, no, you're right. Is this -- I'm looking at this as a procedural; is this being held in the context of our regular Legislative meetings?

**MR. NOLAN:**
No.

**LEG. KENNEDY:**
Why isn't it in the context of our regular Legislative meetings?

**MR. NOLAN:**
I didn't pick the dates, but they don't have to be in the context of a regular Legislative meeting.

**D.P.O. HORSLEY:**
And there's a public hearing --

**LEG. KENNEDY:**
When we had -- when we did this process with Rozenberg, though, my recollection is that we did the Legislative hearings -- the Legislative hearings under (a)9-6, under the Hibberd Law, in the context of our General Legislative Meetings.

**MR. NOLAN:**
I don't remember if we did it that way, I honestly don't.

**LEG. KENNEDY:**
We didn't do them that way, Terry?

**MR. NOLAN:**
But we don't have to.

**LEG. D'AMARO:**
I think we did.

**LEG. KENNEDY:**
And who is going to constitute -- so it's all 18 of us that are going to be convened to hear this?

**MR. NOLAN:**
No, you --

**D.P.O. HORSLEY:**
Well -- go ahead.

**MR. NOLAN:**
It's a hearing of the public of the County Legislature for the purposes of those types of public hearings. You know, everybody will be invited and can appear at the hearing of the public of the
County Legislature, but not all Legislators have to be there.

**LEG. KENNEDY:**
Well, when we hold a public hearing here, quite often we're asked to attend because if we have less than a quorum, it's not a valid public hearing.

**MR. NOLAN:**
Under our law, to be a valid public hearing there only has to be two County Legislators. Hopefully there will be more County Legislators at these hearings, but there only has to be two. Not everybody has to appear, the public is given the opportunity to be heard, but that's -- those are the rules.

**LEG. KENNEDY:**
Then why do we go through that process of requesting that Legislators come back into the chamber here if we only need two of us?

**MR. NOLAN:**
You're talking about local -- hearings on Local Laws.

**LEG. KENNEDY:**
Yes.

**MR. NOLAN:**
This is not a hearing on a Local Law. This is hearings that are required under (a)9-6, public hearings of the Legislature; we don't have to have ten Legislators present for that.

**LEG. KENNEDY:**
But it doesn't say that in (a)9-6; where are you getting that interpretation from?

**MR. NOLAN:**
It's actually from another part of the Charter, the Administrative Code which I can provide you.

**LEG. KENNEDY:**
Look, the hour is late, we sat through a lot of stuff. I disagree with it and I'll just -- I'll vote accordingly. Thank you.

**LEG. MONTANO:**
If I may?

**D.P.O. HORSLEY:**
Do we have a motion on this?

**LEG. MONTANO:**
I'm just noticing, the public hearing is set for Friday, a Friday at 4 PM?

**D.P.O. HORSLEY:**
That's correct.

**LEG. MONTANO:**
Who's going to --

**LEG. ANKER:**
Why at 4?
LEG. ROMAINE:
Who’s going to come at that time?

LEG. MONTANO:
Who’s going to show up at -- a Friday night at 4 PM? Who’s going to show up for that?

LEG. KENNEDY:
That doesn’t sound like public notice to me.

LEG. MONTANO:
No, it's public notice, but who’s going to show up is what I’m asking rhetorically.

D.P.O. HORSLEY:
Well, just so everyone knows that there are four public hearings; there are two that are from the Legislature and two from the County Executive's side, and there will be a public hearing here at the Legislature for the bill itself. So the reason why it probably ended up at four o'clock was trying to accommodate people's schedules. Doc Spencer is going to facilitate the meeting, and I know that Legislator D’Amaro has been asked to help join him, I will be there and I am hopeful that Mr. Cilmi will be there, and everybody else has been asked.

LEG. MONTANO:
A Friday night?

LEG. CILMI:
I have a question.

D.P.O. HORSLEY:
Legislator Cilmi.

LEG. CILMI:
So my question is although legally we may not be required to hold these meetings at our regular meetings, or hearings at our regular meetings, why would we not want to have the hearings at our regular meetings where we have lots of people here, all of us are, you know, pretty much here? The media is always here, everybody is here; why wouldn't we want to do that?

MR. NOLAN:
Well, I do know there was some discussion about holding one of these (a)9-6 hearings at our next meeting in Riverhead. But in discussing it with Legislator Spencer's office and with Legislator Horsley, we're having a public hearing on the law regarding the sale, so it seemed nonsensical to have that hearing and one of the (a)9-6 hearings on the same day. Doing it this way actually gives people more opportunity to speak, they can come to the next meeting and speak on the law and they can also come to these two additional hearings and they can go to the two County Executive hearings as well.

LEG. CILMI:
Well, it doesn't really give them more opportunity to speak. They could speak twice at a General Meeting and they'd already be here and they wouldn't have to make a separate trip, take time off from work, whatever else they would have to do in order to speak at a subsequent hearing.

MR. NOLAN:
Well, just having, you know, three separate dates maybe increased the pool of people who can make one of those dates. Maybe they can't make it to the next meeting of the Legislature, you know.
LEG. CILMI:
Was that the only reason that we would want to have these on separate dates?

MR. NOLAN:
Apart from the regular Legislative meetings?

LEG. CILMI:
Yeah.

MR. NOLAN:
That was a consideration for the next Riverhead meeting. Beyond that, I was not really involved in picking.

LEG. CILMI:
Maybe the Deputy Presiding Officer can share.

D.P.O. HORSLEY:
Well, the way we looked at it, it was we're having four opportunities around different hours, different times. We didn't want to put them on the same dates because we thought that was redundant. And the County Executive was putting his on the same day, I believe, having one in the morning, one in the afternoon in different sections of the County. I thought we were trying to be more transparent and more open, because we're going to have a public hearing on the bill itself right here. And so it gives opportunities galore for people to come and express their opinion.

LEG. GREGORY:
Opportunities galore? I like that (laughter).

LEG. CILMI:
All right. That answers my question. Thank you.

D.P.O. HORSLEY:
I think Dr. Spencer is next.

LEG. SPENCER:
You made my point, but that's one of the things. Having even a Friday at four, considering those that work and someone that could be at Riverhead, they could comment during the Legislative session, but then they would have a whole nother (sic) date for those that couldn't make it to come out. So, ditto.

D.P.O. HORSLEY:
Legislator D'Amaro.

LEG. D'AMARO:
I just want to agree with you, that I think we're trying to -- you know, this is a case of damned if you do and damned if you don't, if I may say. You know, there are -- there is an argument to be made to have the hearings right here, but I think that this is actually. I agree with the Deputy Presiding Officer, giving more opportunity and more access. I think one of the hearings is scheduled for 5:30, if I'm not mistaken; is that correct?

D.P.O. HORSLEY:
Right, Tuesday.
LEG. D'AMARO:
Yeah, at 5:30. The other one is at four o'clock, so it's later in the day. And one is in Riverhead and one is here.

D.P.O. HORSLEY:
Uh-huh.

LEG. D'AMARO:
So, you know, I just don't see it -- I think it's accommodating. I think it's more accommodating than just limiting it to perhaps nine or ten o'clock in the morning here. I think this is a better way to go.

D.P.O. HORSLEY:
And I'm hopeful that everyone will be there. Okay?

All right. We have a motion to approve. All those in favor? Opposed? Abstentions?

LEG. KENNEDY:
Opposed.

LEG. MONTANO:
Opposed.

LEG. ROMAINE:
Roll call.

D.P.O. HORSLEY:
I will certainly oblige to a roll call, that's fine.

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

LEG. D'AMARO:
Yes.

D.P.O. HORSLEY:
Yes.

LEG. SPENCER:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
No.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.
**Leg. Cilmi:**
I don't know; pass.

**Leg. Montano:**
No.

**Leg. Calarco:**
Yes.

**Leg. Anker:**
Yes.

**Leg. Hahn:**
Yes.

**Leg. Muratore:**
No.

**Leg. Browning:**
(Absent).

**Leg. Schneiderman:**
Yes.

**Leg. Romaine:**
Recuse.

**P.O. Lindsay:**
(Absent).

**Leg. Cilmi:**
No.

**Mr. Laube:**

**Leg. Barraga:**
Opportunities galore.

**D.P.O. Horsley:**
Boy, you never know what's going to come out of my mouth.

(*Laughter*)

**Leg. Kennedy:**
Can we go now?

**D.P.O. Horsley:**
All right, just be quiet.

**Leg. Montano:**
Just be quiet? We're back in class, right?
D.P.O. HORSLEY:
All right. Yes, exactly (laughter).

Okay, Certificates of Necessity:

1751-12 - Accepting and appropriating a grant award amendment from the State Education Department, the University of the State of New York, for a Liberty Partnerships Program (LPP) 100% reimbursed by State funds at Suffolk County Community College (County Executive).

LEG. GREGORY:
Motion.

D.P.O. HORSLEY:
Motion -- I'm sorry, who said it? Legislator DWI.

LEG. D'AMARO:
Second.

D.P.O. HORSLEY:

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:
1785-12 - Accepting and appropriating $50,000 of an $80,000 grant from the State of New York Governor’s Traffic Safety Committee passed through the STOP-DWI Foundation for the Suffolk County STOP-DWI Program to fund DWI Enforcement-related high visibility road check patrols with 78.63% support (County Executive).

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Legislator Calarco makes a motion, because I heard him over there.

LEG. MURATORE:
(Raised hand).

D.P.O. HORSLEY:
And Legislator Muratore seconds it. All those in favor? Opposed? Abstentions? So moved.

LEG. HAHN:
Cosponsor.

D.P.O. HORSLEY:
Cosponsor. All right.

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).
D.P.O. HORSLEY:
1833-12 - Authorizing the use of County premises located at 150 West Main Street, Patchogue, New York, for use by the Village of Patchogue for the temporary relocation of the Carnegie Library.

LEG. CALARCO:
Motion.

D.P.O. HORSLEY:
Motion by Legislator Calarco.

LEG. ANKER:
Second.

D.P.O. HORSLEY:
Seconded by Legislator Anker. All those in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

LEG. CALARCO:
Tim, cosponsor.

D.P.O. HORSLEY:
Okay, 1837-12 - Adopting Local Law No. -2012, A Charter Law to add efficiencies for the newly created Board of Ethics (County Executive). Does Mr. Montano want to make the motion to send it to committee?

LEG. MONTANO:
Yes.

LEG. ANKER:
We did that.

LEG. MONTANO:
No, that was -- yes.

LEG. CILMI:
We just closed it.

D.P.O. HORSLEY:
We just closed it, right. Okay, seconded by --

LEG. CILMI:
I'll second it.

D.P.O. HORSLEY:
By Legislator Cilmi.

MR. LAUBE:
What's the motion?

D.P.O. HORSLEY:
To commit.
LEG. MONTANO:  
Right, we closed the public hearing.

D.P.O. HORSLEY:  
Right, exactly.

LEG. MONTANO:  
Not the bill itself.

D.P.O. HORSLEY:  
All those in favor?

LEG. MONTANO:  
What committee?

D.P.O. HORSLEY:  
Oh, I’m sorry. Ways & Means, right?

MR. NOLAN:  
Yes.

D.P.O. HORSLEY:  
All those in favor?  Opposed?  Abstentions?

MR. LAUBE:  
Sixteen (Absent: P.O. Lindsay & Legislator Browning).

D.P.O. HORSLEY:  
The yellow folder (*Late Starters*):

I'll make a motion to waive the rules and lay on the table the following resolutions.  Seconded by Legislator Barraga.  All those in favor?  Opposed?

MR. NOLAN:  
No, no, you’ve got to read the resolutions.

D.P.O. HORSLEY:  
Oh, I've got to read them, I'm sorry.

LEG. ROMAINE:  
The numbers, just read the numbers.

D.P.O. HORSLEY:  

MR. NOLAN:  
1838.
D.P.O. HORSLEY:
Ooh, I've got one more; 1838, Public Works. That's it.

LEG. MONTANO:
We have a motion?

MR. NOLAN:
Get a motion and a second.

D.P.O. HORSLEY:
Motion by Legislator Barraga. We're good. All those in favor? Opposed? Abstentions? We're good. We're adjourned.

(*The meeting was adjourned at 11:15 PM*)

{   } - Denotes Spelled Phonetically