SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

SEVENTEENTH DAY

DECEMBER 6, 2011

VERBATIM TRANSCRIPT

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

Verbatim Minutes Taken & Transcribed by:
Diana Flesher & Alison Mahoney - Court Reporters
P.O. LINDSAY:
Can I have all Legislators to the horseshoe? Mr. Clerk, you want to call the roll, please?

MR. LAUBE:
Yes, sir.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMANN:
Present.

LEG. BROWNING:
Here.

LEG. MURATORE:
Here.

LEG. ANKER:
Here.

LEG. EDDINGTON:
Here.

LEG. MONTANO:
(Absent)

LEG. CILMI:
Here.

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not present)

LEG. NOWICK:
(Not present)

LEG. HORSLEY:
Here.

LEG. GREGORY:
(Not present)
LEG. STERN:
(Not present)

LEG. D’AMARO:
Here.

LEG. COOPER:
(Not present)

D.P.O. VIRORIA-FISHER:
Present.

P.O. LINDSAY:
Here.

MR. LAUBE:
Twelve.

P.O. LINDSAY:
Okay, if everyone could rise for the salute to the flag led by Legislator Viloria-Fisher.

SALUTATION

Normally we have visiting clergy start our day with prayer, but he's not arrived yet so we'll probably do that a little later in the program. But I did want to have, while we're standing, have a moment of silence for John Paul DiBernardo, Jr., who was one of the six FDNY firefighters trapped in the fatal Black Sunday Fire in 2005. He died November 22nd at his Miller Place home at the age of 40 as a member of the Setauket Fire Department. Joe was instrumental in helping to form the Department’s Technical Rescue Team.

And as always let us remember all those men and women who put themselves in harm’s way everyday to protect our country.

(MOMENT OF SILENCE OBSERVED)

Okay. Please be seated.

(PROCLAMATIONS)

Okay, we have a few proclamations. First, Legislator Schneiderman, I’d like to call on him for the purpose of a proclamation.

LEG. SCHNEIDERMAN:
Good morning, Legislature. I’m bringing up a fine young swimmer from the Town of East Hampton, Marina Preiss. She’s a sophomore at East Hampton High School who qualified for the 2011 State Meet. She placed 12th there in both the 50 and the hundred yard free style races. Marina first qualified for the State Championship in 8th grade making her the first swimmer in East Hampton to ever qualify for the state meet. She also volunteers every Wednesday for the past five years with East Hampton Special Olympic Team and volunteers with the Adapted Aquatics Program at the Y.

I also wanted to mention that, you know, locally before she went to the State Meet she won the 50 freestyle and placed second in the hundred free style in the Eastern Zone Meet representing the Metropolitan Region. So she really is an extraordinary athlete and I want to present her with a proclamation on behalf of myself and the County Legislature recognizing her great accomplishments.
Thank you.

(APPLAUSE)

LEG. SCHNEIDERMANN:
Very proud of you.

P.O. LINDSAY:
Thank you, Jay.

Next up is Legislator Anker. Okay, not -- the recipient isn't here yet. Next up is Legislator Romaine.

LEG. ROMAINE:
Thank you, Presiding Officer. Today I'm being joined by the Mattituck Girls Volleyball Team and their Coach Frank Massa. I don't know if Assistant Coach Kelly is here. There she is, Kelly Pickering. We're looking at the Mattituck Girls Volleyball team, which is the Class C Long Island Championship for volleyball this year. And I want you to take a look at these young ladies because they pulled this off for the second time in a row, despite the fact -- this is the second year in a row that they're the Long Island champions, despite the fact that ten of their seniors graduated.

Last month there was a championship match for the Long Island Champion at St. Joseph's College. They faced East Rockaway. And at the beginning of that game they were down and they came from behind and they won that game, and once again, became Long Island champions. They're great athletes. They have a great coach and assistant coach. They also learned the most valuable lesson that I think anyone can learn in life, that of all the characteristics in life, the key to success is persistence. They persisted and they prevailed. And I'm here to present a proclamation to the coach on behalf of the team where we've named in the First Legislative District Mattituck Girls Volleyball Team as today in Suffolk County.

Coach, I'm going to give this to you.

(APPLAUSE)

And I have certificates for each members of the team Cassie, Kelly, Kelly, Alie, Alexa. I'm going to give them to you outside. I'm not going that fast. Sara, Dominika, Courtney, Shannon, Jaclyn, Jackie, Clare and Laurel. So I will present these outside, but I just wanted to introduce these champions to you. They're our Long Island champions for the second year in a row. Congratulations to you ladies and to Mattituck High School. Thanks.

(APPLAUSE)

P.O. LINDSAY:
Okay. We're going to go back a little bit because our visiting Clergy has arrived. There was an accident on the Expressway and she was delayed, as I'm sure other people are. So, again, I would ask everybody to rise.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair. My Minister, the Reverend Margaret Haynes Allen, is a consulting minister at the Unitarian Universalist Fellowship at Stony Brook, of which I am a member. And I have to say she's been with us for two years as a consulting minister. It has been such a joy to have her as our minister as well as having her family be great members of our congregation. Her wife, Linda Anderson, and her son, Matthew, are wonderful members of our congregation. Margie was born and raised in Southwest Virginia on the campus of Hollins University where her father taught English. And she was a major in Greek. I didn't know that, at Bryn Mawr. Margie attended the -- I'm trying
to see -- I threw myself off -- the seminary was the --

**MS. ALLEN:**
Meadville Lombard Theological School in Chicago.

**D.P.O. VILORIA-FISHER:**
Okay. Because I can't find it here, I'm going too quickly. Anyway, I have to say that when I attend services and listen to Margie's sermons on Sunday morning, it's like an oasis when you're thirsting for a place of serenity and spirituality. And I am very, very pleased to welcome her here today, Reverend Margaret Allen.

**MS. ALLEN:**
Thank you, Vivian. It's funny to be introduced as a dignitary when I feel like I'm here to honor her on her last day among you. I'm very honored to be here. Thank you for inviting me. And I speak with gratitude in particular for her years of work with you and among us, and also in gratitude for all of the work of the Legislature.

Let us join in prayer together. Thank you strong pulse of life for nourishing and sustaining us and bringing us together again at the edge of winter on our beautiful Long Island home. May our holiday celebrations at the table of your bounty and love be graced with your presence.

We thank you strong pulse of life for creating and sustaining these fragile frames of bone and tissue and spirit and determination, the vehicle of our human lives. Help us use these brains and bodies to serve faithfully and well the inter-dependent web of existence we are uniquely equipped to understand and support. May your justice be the process that frees us from habits and attitudes that promote suffering that opens us to one another, clears the spaces between us and teaches us to be worthy conduits of your love.

May no failure on our part today impede the free movement of your life giving energy through the web of our relationships with others and with this earth. God of justice and compassion awaken and empower in us this morning we pray our collective vision of beloved community. Help us as we work together today to listen well, to consider carefully, to speak clearly, to accomplish with impeccable integrity the sacred ends to which we are all in our own ways called. Amen and blessings.

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

**MS. ALLEN:**
Thank you.

**P.O. LINDSAY:**
Okay, back to our proclamations. We have Legislator Anker for the purpose of a proclamation.

**LEG. ANKER:**
I have here Judith Fortunato. She's with -- she's a wonderful breast cancer advocate from Mather Hospital. She's promoted so much awareness in our community and throughout Long Island. And I just feel that Judith is a shining star when it comes to people who really care about an issue, and especially something so important as breast cancer and cancer in general that have affected our areas so greatly. So, again, I'm going to -- I shall let Vivian say a few words, too, because I know Judith is your constituent. And, again, it's my honor to have Judith here today to present her this proclamation for community service. So, yes, come on.
Thank you, Sarah. You know, there's an incredible coincidence that's going on here today. Judith, come over here. When the Fortunato Breast Center opened back in 1999 -- well in 1999 we opened the bigger area. I went there to cut the ribbon, the pink ribbon, with Judy. And because of that, I got here late. It was the first time that I ever had to drive to the Center -- to the Riverhead County Center. And I got here late and I missed the Consent Calendar vote because I was racing out from this. I think Terry was still my Chief of Staff, Terry Pearsall. And he was in a panic over here. And I couldn't find a place to park. And I said "run out and just get my car. I have to get in there."

But it's been -- we've had a very close relationship for these 13 years. This is the last time I'm going to be in Riverhead as a Legislator so it's a really great kind of parenthesis to have you here today. I think I've been to every event that Fortunato Breast Cancer Center has had. You've done so much with so many women. We've been a part of Victory Day together every year. I've ridden the train with the women and you really have made a difference. And that's your legacy, the big, big impact you've had. And I'm surprised you're not wearing pink. Usually when I see you, you're in your pink suit. So congratulations and thank you for everything.

(APPLAUSE)

P.O. LINDSAY:
That concludes our proclamations. We have a presentation this morning but the presenter is not here yet as well. I noticed -- so I'm going to go into Public Portion. And we have with us our Supervisor from the Town of Brookhaven. He was here. Oh, there you are. Mark Lesko. Mark, if you would come forward.

(PUBLIC PORTION)

SUPERVISOR LESKO:
Thank you, Presiding Officer. I appreciate the opportunity to speak this morning. I'm speaking on behalf of the Supervisors Association for Suffolk County. And I'm here today in support of IR 1997. And I thank Legislator Romaine for sponsoring that legislation. First and foremost, though, I'd like to wish you happy holidays. Have a safe and happy holiday season.

And I'll be brief. I just want to make four points about this legislation. First, and we all know that this legislation addresses the out-of-county community college tuition, which the County Executive in the holiday season decided to foist upon the Towns. And I should make one threshold point that I think is rather obvious, but it should not go overlooked, and that is that this has nothing to do with the Towns. This is not a Town function. This is a quintessential County function, the tuition for County community colleges. It has never before been passed onto the Towns. And we urge this body to support Legislator Romaine's legislation and not have this cost be passed onto the Towns.

The other thing that the Supervisors, and we're all unanimous in Suffolk County on this point, is that this is nothing more than an unfunded mandate. The County Executive has spent a career railing against unfunded mandates; yet at the eleventh hour in his Swan Song, he tosses an $11 million unfunded mandate into the laps of the Towns that results in nothing more than a tax increase. Because if he had been intellectually honest, he would have decreased the County portion of the tax levy. He didn't do that. He just simply foisted this upon the Towns resulting in an increase in the town tax levy and we think this is nothing more than a sleight of hand, a shell game and an attempt to pass on an unfunded mandate onto the Towns.

The other point I'd like to make is this has significant implications whether it be for the Town or the County with respect to our tax cap. Now, we think -- we're confident, although we're not absolutely sure that this won't implicate the Towns' tax cap; in other words, cause us to pierce our tax caps.
We've characterized this as a pass-through. We have to do that because of some guidance we received by the GFOA so that it doesn't implicate our tax cuts. It may, in fact, and I'll leave this to Counsel and your wise consideration, implicate the County’s tax cap. I don't know if that's something that the County has considered, but I'll leave that to your judgement. But I want to leave on a fairly positive note, I think. We do support strongly all ten Towns Legislator Romaine's legislation.

Also, we have been in contact with our state representatives. I think the ultimate answer here is state relief. And I believe we're working with Senator LaValle primarily on trying to craft some sort of Legislative relief at the state level. Because, as you know, and as we know, the major problem here lies with the Fashion Institute of Technology and the tuition for FIT. And we think that at a minimum if we have some state relief for that tuition, that that would be helpful. Thank you for the time.

(TM E R SOUNDED)

I appreciate it. And happy holidays again.

P.O. LINDSAY:
It's always a pleasure, Supervisor Lesko. Thank you.

SUPERVISOR LESKO:
Bye bye.

P.O. LINDSAY:
Next is Elaine Kahl.

MS. KAHL:
Good morning everyone. I'm here today to follow up on the status of 1477 and 1478, which is the E-verify law. I am here representing my group. The question came up at one of our meetings. And I came here today for your answer. Where are we going with this? Are we going to have smoke and mirrors again? Are we going to return Suffolk County to the rule of law? We have, and I have, come up here and pleaded with you regarding this issue.

As you know, unemployment is at an all time high rate. We're still dealing with an underground workforce. We're still supporting it. Our schools have become increased, particularly in Hampton Bays we're at a 60 to 70 percent foreign children in the school, and we have to provide translators. We have to do all these things; yet we're looking for the rule of law to find out who can work and who can't. This is not against any one in particular. This is about the right and the wrong of it.

So I plead with all of you. It's not a recrimination, but we're looking for your direction, your help and for truth and negotiations. We would like all of you to come together with all of us because what you're doing now is dividing the entire community of Suffolk County because people are looking at each other saying "are you here legally? Are you here illegally?"

I embrace all. I would like to say that we have a lawful society. But at the rate we're going, we're ignoring our problems. I'm implore you in the new year to help us help you. Merry Christmas and a healthy New Year. Thank you.

(APPLAUSE)

P.O. LINDSAY:
Next Greg Fischer.
MR. FISCHER:
Hi, I'm Greg Fischer. I live about three miles over my right shoulder from here. I'm here to speak in support of IR 1624 introduced by Legislator Romaine. This is to define child concealment in Suffolk County.

I am -- there has been some opposition to this bill. And, yes, we do need federal -- more federal legislation to level the playing field because, states, and yes we do need more state legislation on child concealment to make it a felony so that there is -- so that the person abducting the child leaving the state would have fugitive felon status and not be granted any rights in foreign states. So there are other areas to legislate with regard to child concealment and parental abduction. However, there are things we can do here and things we should do here. I'm going to present for the record a case people v. Overtons.

P.O. LINDSAY:
Give it to the Clerk.

MR. FISCHER:
And that's handled a little bit of ambiguity in the law. And it says that if a child actually misses school while they're concealed, it is clearly custodial interference. However, that leaves lots of other holes. What if the child is not school age? What if it's a summer vacation and there is no school? Those are just two holes.

So we have other -- we can pass legislation to add specificity to this law. And we should have a "shall" condition or a "must" condition for arrest as Legislator Barraga did present in prior session. However, that would be a separate and different piece of legislation and we do need that legislation because the police are not at all enforcing or charging anybody with custodial interference in this County even if it is the felony. And the felony custodial interference is where you take the child out of state with intent not no return them. They say, well, where's the intent? Or in my case after 25 months the police still couldn't find intent.

Last time I was here, my children were abducted to Arizona. I go through two abductions a month on the average. They were taken for a week. They, of course, come back saying, "oh, Arizona's fantastic. I don't want to live in New York anymore." So pointing towards the harm to the child, concealment and abduction, and you notice the room starts to get quiet when I talk about what happens to the children, it starts out with lying to the children and why they're taken. The brainwashing starts instantly. It's harm to the children. It's proven statistically that there's lot of dysfunction to children that are concealed or abducted. It doesn't get better. It's not something you do for the benefit of the child.

I'm urging the passage of this legislation as is. And I will ask for a "shall" and "must" piece of legislation in the new year, but I'm also going to ask the sponsor to table for today because I'm still lobbying the individual Legislators and I would ask for a vote next session in Hauppauge thumbs up or down on this. This is necessary legislation. I have a pile of domestic service reports.

(TIMER SOUNDED)

It's huge, it's huge. It's costing the County a fortune. I would like to see this issue resolved. You heard other testimony from other parents and it's needed legislation. Thank you very much.

P.O. LINDSAY:
Next is Carol Fitzsimmons.
MS. FITZSIMMONS:
Thank you Presiding Officer and Legislators. I really appreciate -- I really appreciate your taking the
time to listen to me. I have a couple of complaints. Number one, is I'm a registered nurse and I am
a Medicaid provider. I understand the Legislators just took 2% of my income as a provider from
April of 2011 until today retroactively and they're taking 2% of my income from now until 2013. We
as registered nurses make almost nothing for Medicaid providers taking care of critically ill people on
a vent nurse (sic). It takes us eight to ten weeks to ever see a paycheck. That's just the beginning.
It's affecting the hospitals, it's affecting everyone.

Our police didn't get downgraded. We didn't take some of their money away. The teachers didn't
get downgraded. We didn't take part of their money away. But the people that save your life, when
you have the auto accidents on the road and the nurse jumps out of her car and saves your life, we
don't get on the front page of the newspaper like the police or the teachers do. We actually save
people's life on a daily basis. And I would like someone to look into why we as registered nurses
and Medicaid providers are losing 2% of our income.

We also were promised in 2007 that there was a special -- a rate that was being given to nurses for
children, 30 percent. It was supposed to in 2008 be given also to adults, which we have not gotten.
We have not had a raise in ten years. Did your police and your teachers get no raises also? That
was my number one issue.

My number two issue, unfortunately goes to the presiding president. Fortunately I have a major
problem. I have had a problem with Terry Pearsall for 20 years. He was Nora Bredes' Chief of Staff
and then he was Vivian Fisher's Chief of Staff. Vivian Fisher has some women in her office that were
spectacular. I have to commend them and I have nothing against Vivian Fisher at all. My problem
is that I made a telephone call in reference to some of these issues that I was just talking about.
And Terry Pearsall got on the phone and he said, "oh, I know your voice. You're Carol Fitzsimmons.
You're Carol {Congeleski}." And then went about demeaning me, ripping me apart. Unfortunately I
was trying to deal with 20 years ago police brutality in this Town, Internal Affairs and I'm still getting
it. I have been getting police brutality. My son has been abused for 20 solid years since he was 16.

I had a police officer remark just recently who told my daughter -- he gave her a ticket for
something that she didn't do. And then he talked to a police officer Frank, who was a friend of my
son's and said "I'm going to continue harassing Robert as long as I can get away with harassing
him."

I've gone to Internal Affairs for 20 years. I've stopped making telephone calls because they do
nothing. I've gone to Vivian Fisher. I've gone to Nora Bredes. Nora Bredes actually accomplished
absolutely nothing.

(TIMER SOUNDED)

She was useless. Could someone look into the situation and get back to me? I'd very much
appreciate it. I thank you so much and you have a good holiday.

D.P.O. VILORIA-FISHER:
Richard Meyer.

MR. MEYER:
Thank you and good morning, members of the Legislature. I'm Richard Meyer. And I'm here today
representing the Suffolk County Association of Municipal Employees. AME supports IR 1954, the
repealed of the gas sales tax cap as a necessary recurring revenue restorer. We note that
Onondaga County in Syracuse repealed its gas tax cap back in mid-2008. And that only -- today
only three other counties in the State uses a tax cap on the gas sale.
We also note that some will say that New York State has a sales tax cap on its gasoline and it's had such a cap since 2007. And that is a true statement. However, when acknowledging this, it should also be highlighted that during this very same time period, the state has raised its petroleum business tax by 7%. This County doesn't have that kind of option. And since gasoline is an inelastic commodity, if you don't collect it on the gasoline, you're not making it up anywhere else. This revenue is really essential. It especially could be essential to this County if as predicted gasoline rises to the price of $4 per gallon this spring. The revenue is essential.

However, we do feel strongly that the repeal of the gas tax cap should be directly tied to at least a six-month restoration of the 88 filled jobs that were eliminated in the 2012 budget. After several years of job attrition AME notes that each and every position abolished results in less service to the residents of Suffolk County. There are no more foot soldiers left to do more with less. That ended.

Furthermore, each job eliminated represents a human story, a story of real pain. And some of you have heard those stories these past two weeks. AME is committed to work with the new administration and with this Legislature on behalf of those whose jobs have been eliminated and to preserve the very real and necessary services that the people of Suffolk County deserve and desire.

We hope that this Legislature will as one body, with one voice appeal to the County Executive elect to provide legislation to tap $3.5 million from the tax stabilization fund to fund those 88 jobs in question for the first six months of 2012; to do this while all parties seek to address the fiscal challenges that Suffolk County is facing. The additional revenue realized from the March implementation of IR 1964 could be used to defray some of the $3.5 million cost and thus restore some of this money to the tax stabilization fund. Thank you.

(TIMER SOUNDED)

P.O. LINDSAY:
Lance Reinheimer.

MR. REINHEIMER:
Thank you very much. Good morning. I'm Lance Reinheimer. I'm here today as the Director of the Vanderbilt Museum and I'm here to speak on two resolutions IR 1971 and IR 2048.

IR 1971 authorizes or allows the museum to purchase gas at County facilities for our new 37-foot traveling classroom exhibit that we just received from the Museum of Natural History. The reason for this request is where our current gas pump is, this vehicle is too large to get gas at that facility. So we can't get gas on our campus. Allowing us to get gas at various County facilities enables us to purchase gas at wholesale prices rather than paying retail. We would reimburse the County, of course, for our gas consumption.

This vehicle, we're in the process of developing curriculum. It's called Discovering the Universe. It's a real exciting program. We're using this for outreach at the various schools. We're developing a curriculum to tie it to our planetarium and it also gets our name out there in the public. And I expect to have it re-badged and on the road by January and so it's critical that we have this pass so that we can purchase gas through the County at reasonable prices without having to pay retail prices.

More importantly, 2048 -- I apologize for not being at the committee meeting the other day and there were some questions. This is the resolution to lease Normandy Manor. It's a two-year lease starting March 1st. The impact for the museum is $140,000 over the two-year period. This is new revenue. It also prepares the house for use in the future. If the museum gets a Director from outside the area and wants to use this for the Director's home, it's an ideal home for a family and for
a Director from the outside area.

This is surplus based. We're not using it for the museum. As most of you know, it's across the street from the museum. It's not practical to use it for museum purposes. And since we had the show house, that gave us a springboard to get this facility in shape for our family as the designers that were in there put about 150,000 to $200,000 worth of improvements. There were questions about insurance and the lease. The County Attorney's Office is preparing the license agreement. It's in accordance with other license agreements that the County Attorney has prepared.

The residents, these are -- part-time family. It's a couple, no pets, their children are grown. They have houses in several other areas so it's low impact for us because they will be part-time residents for the two years that they're in the home. They will be required to have renter's insurance for their possessions, liability insurance. They will name Suffolk County and the Suffolk County Vanderbilt Museum as "other insured". Thank you very much.

(TIMER SOUNDED)

P.O. LINDSAY:
Thank you, Lance. That's all the cards I have. Is there anyone else in the audience that would like to speak? Seeing none, I'll accept a motion to close the public portion by Legislator Eddington, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
Okay. Yeah, I'm still waiting for Mr. Tortora. I don't see him yet. I should mention to everyone that there's going to be an executive session at 12 noon today to discuss the OTB Chapter Nine bankruptcy litigation.

CONSENT CALENDAR

Go to the agenda, turn to page four of the Consent Calendar. I'll accept a motion.

LEG. CILMI:
Motion.

P.O. LINDSAY:
Motion by Legislator Cilmi, second by Legislator Barraga. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Sixteen.

LEG. ROMAINE:
I'm in the room. I'm here, Tim.

MS. ORTIZ:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Turn to page seven, resolutions tabled to December 6th, 1289, Adopting Local Law No. -2011, A Charter Law to ensure transparency in the County budget process (Cilmi)
LEG. CILMI:
Motion to approve.

P.O. LINDSAY:
Motion to approve, second by Legislator Romaine. Motion to table by Legislator Gregory, second by Legislator Stern. The tabling goes first. Why don't we start off with a roll call.

(ROLL CALL BY MS. ORTIZ, CHIEF DEPUTY CLERK)

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
No.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes, to table.

LEG. KENNEDY:
No, to table.

LEG. BARRAGA:
No.

LEG. CILMI:
No.

LEG. MONTANO:
(Absent)

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes, to table.
LEG. ROMAINE:
No, to table.

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

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Eleven.

P.O. LINDSAY:
1491, Authorizing a custodial license agreement with Independent Group Home Living Program Foundation for TWA Flight 800 Memorial, Smith Point Beach County Park, Shirley. (Co. Exec.)

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Browning, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1556, Adopting Local Law No. -2011, A Local Law in relation to disposition of auction properties (Co. Exec.)

LEG. COOPER:
Motion to table.

P.O. LINDSAY:
Motion to table. Is there a --

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1624, Defining child concealment in Suffolk County (Romaine).

LEG. ROMAINE:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Romaine. I'll second that. All in favor? Opposed? Abstentions?
MS. ORTIZ: Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY: IR 1713, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property) Town of Riverhead (SCTM No. 0600-021.00-01.00-001.004). (Romaine)

LEG. ROMAINE: Motion to approve.

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

P.O. LINDSAY: Motion to approve, seconded by Legislator Viloria-Fisher.

LEG. ROMAINE: We have a representative from the Parks Department, if you wish.

P.O. LINDSAY: Yeah, I think that would be very helpful.

LEG. ROMAINE: That would be helpful to many of the Legislators.

P.O. LINDSAY: Good morning.

MR. GIBBONS: Good morning. Nick Gibbons from the Suffolk County Parks Department. I'm here to speak about the North Fork Preserve Farm County Parks proposal. I have a visual aid here that I think would help to explain the property. I understand there was some question at the last meeting about the acquisition.

LEG. ROMAINE: Presiding Officer, if I may, I believe the issue was we had acquired the North Fork Preserve, which the northern half is going to be preserved property, the southern half is going to become campgrounds and an active park. And to the very west of this is a 50-acre parcel over here on the western boundary that the County had bought the development rights to about 20 years ago, but it hasn't been actively farmed during that time. And there is a proposal, and Mr. Gibbons accompanied Mrs. Bellone to my office to talk about, the desire of the County Parks Department to add that 50 acres to the existing North Fork Preserve.

That 50 acres would then -- one of the plans that was put forward was a potential equestrian center, which we used to have at Southaven. We don't have any longer. And they thought that this would complement the park, add to it. Right now the resolution before us is a planning steps resolution, not an acquisition resolution. And all we would be acquiring is the underlying fee simple title. We've already paid for most of this property because we've purchased the development rights. And at that I'm going to give it to Mr. Gibbons to explain what Parks is proposing for this 50 acres.
D.P.O. VILORIA-FISHER:
Nick, I'm going to interrupt you, too. I'm sorry. Because there's some concern about alienation of development rights. And that's been clarified that that's not a problem and there was presentation at the Environment Committee regarding the -- that interpretation. Because the use will continue to be equestrian, and that is a farm use as designated by the state, this does not trigger any alienation issues and so I want to make that very clear because I know that I've heard that some people are concerned about that. So that's no longer a concern. It was something that had been brought up by Counsel. It was fully vetted and it's not an issue in this case.

MR. GIBBONS:
Okay. So with that, I just want to explain a couple of things that relate to the parks proposal. As Legislator Romaine had pointed out, the 300-acre acquisition I'm pleased to report that was closed on the day before Thanksgiving so the County's moving forward with an ultimate transfer of that property over to the Parks Department jurisdiction. The 50-acre parcel to the immediate west of the park itself, the property development rights were acquired by the County many years ago. We're looking to acquire the remaining fee simple on the property. The concept would be for the establishment of an equestrian facility and a horse boarding operation. It would serve two functions. One would be for tenants of the property, other concessionaires, clients for day-to-day use of their own privately owned horses as well as our concept would be to add a equestrian opportunity for those using our parks.

As has been pointed out we had that at one time at Southaven County Park and at Sears Bellows County Park in Flanders. We still have those facilities at West Hills County Park in Huntington and at Theodore Roosevelt County Park in Montauk. The 50 acres is -- it achieves a lot of things that we can't in our other parks. It gives -- the site is previously disturbed and cleared. It was a former agricultural use but has been fallow for many years. However, we think that we can accommodate a lot of the features that are necessary to operate a successful equestrian facility on this site including an indoor arena, several corral areas, turnout areas and a boarding stable.

All of this would be subject to Chapter Eight of the Suffolk County Code. I just want to point out a couple of things that are particularly relevant to our proposal. One would be special events. The code only allows for one special event per calendar year. That event can be no longer than two days. The other aspect of the code that's most important to us is maximum lot coverage. The cutoff unfortunately is 50 acres in size. So during a planning steps process we'll determine whether or not we'll actually have 50 acres exact, above or below that threshold. At 50 acres -- or up to 50 acres, 12.5% of the parcel can be developed or covered. And that's six and one quarter acres. However, if it's greater than 50 acres in size, only 10% of five acres of the site could be in a covered condition. So that would speak to the indoor arena and the stable areas, but not the outdoor corrals. We don't believe that's the coverage area.

So the code certainly would be -- I should also explain that the entire process would go through our RFP process for public bid. The County and the Parks Department specifically would receive proposals from the public interested in operating this facility. They would know at the outset that they are subject to those rules and regulations among all the others in Chapter Eight as well and are subject to New York State Ag and Markets Law. Those would be the conditions placed upon the operating concessionaire as they proposed on the project. So given those ground rules, the County and the Parks Department would review the proposals, award a contract and then move forward towards development of the equestrian facility.

P.O. LINDSAY:
Yes, Legislator Romaine.

LEG. ROMAINE:
Yes. I just want to point out that this is not an acquisition. This is a planning steps. We have a
rating sheet. I think you're familiar with the rating. This received a 44 rating on the rating sheet. I want to point that out because the incorrect rating sheet was distributed by Planning at the last meeting. It received a 44. It was presented to our Committee, which Legislator Fisher is Chairperson. And, I think, it's worthy for us at least approve today the planning steps so we can move forward. And then when we get to acquisition, if we're at that point, Parks Department can come in, once again, and answer any other questions that we would have. But as a preliminary, I certainly think that this merits approval as a planning steps for us to go forward on this. Thank you.

P.O. LINDSAY:
Legislator D’Amaro.

LEG. D’AMARO:
Okay, thank you, and good morning.

MR. GIBBONS:
Good morning.

LEG. D’AMARO:
Assuming we go ahead with the planning steps, and it looks like a good acquisition and I understand that the rating is high and, Legislator Romaine, I appreciate you bringing that to our attention because the prior rating was much lower, much lower. Okay. But what I wanted to ask you is what's the -- how do you envision going forward if we should acquire the fee to this property? Is this an equestrian center that would be developed and run by the County? Is this something that we would bring in an outside company to do? And at whose expense?

MR. GIBBONS:
Right. We would bring in an outside concessionaire. That's what Parks is thinking at this point in time. We've done that at West Hills with great success as well as at Montauk, and as I mentioned the two previous sites as well. Both Southaven and Sears Bellows County Park are within the core preservation area of the Central Pine Barrens and so there's significant limitations on what could and could not be developed and what activities could take place on those properties.

LEG. D’AMARO:
All right. And -- so running the facility, you would envision at this point it being an outside contractor.

MR. GIBBONS:
Concessionaire.

LEG. D’AMARO:
Concessionaire. Okay. And what about development of this site as an equestrian center, would that be a County responsibility, a capital project or would the concessionaire also be responsible for that?

MR. GIBBONS:
The concessionaire would be responsible for all improvements proposed on the site.

LEG. D’AMARO:
Is that the way it is at West Hills?

MR. GIBBONS:
It is currently, yes, it is.

LEG. D’AMARO:
So we would just be providing the land. And then I guess through an RFP process, or however that
would be done, we find a concessionaire that would develop the site and run the site.

**MR. GIBBONS:**
That's right. The West Hills is an example; some of those buildings were inherited by the current concessionaire.

**LEG. D'AMARO:**
Right, okay, good. Now, when we purchase -- if we purchase the fee interest to the property, is there any Town participation in that?

**MR. GIBBONS:**
It does require a partnership, either a maintenance or management agreement with the local town which in this case is the Town of Riverhead.

**LEG. D'AMARO:**
What requires the partnership? The funding program?

**MR. GIBBONS:**
Correct.

**LEG. D'AMARO:**
All right. And what would it be? Is it a 50/50 requirement?

**MR. GIBBONS:**
No, there's no specific mention of that.

**LEG. D'AMARO:**
Okay. And do we have a commitment from the Town of Riverhead?

**MR. GIBBONS:**
I'll defer to Legislator Romaine on that.

**LEG. D'AMARO:**
Okay.

**MR. GIBBONS:**
With respect to the partnership with the Town of Riverhead for a management or maintenance agreement.

**LEG. ROMAINE:**
We're working to get an agreement out of the Town of Riverhead. They're having a board meeting later this month and we're hoping to get some authorization from them at that time. We've had that discussion. I've had the discussions with Supervisor Walter and he's bringing it to the Board.

**LEG. D'AMARO:**
Okay. So normally at planning steps, do we look for that commitment? I don't think so.

**LEG. ROMAINE:**
No, that is not a commitment, as you know, when we look at the planning steps.

**LEG. D'AMARO:**
Right.
LEG. ROMAINE:
We're looking at that commitment when we come back with an acquisition resolution, which we're probably, you know, at least six months away from it --

LEG. D'AMARO:
Right.

LEG. ROMAINE:
Maybe sooner, depending on who the County Attorney is, who Real Estate is and all the other things that they have to do, the appraisals, and all the other things that go through that. So I would say about six months from now, probably in the spring or summer, we'd be looking at an acquisition. And at that point the Town of Riverhead would have to in some way present a partnership agreement with the County.

LEG. D'AMARO:
Okay. Thank you.

P.O. LINDSAY:
I'm a little bit confused about the development rights portion. We've owned the development rights for 20 years, but it's never been farmed. Isn't that a violation of that agreement?

LEG. ROMAINE:
What they do on that, in the beginning they were growing corn, which is used for wildlife because that was a hunting preserve at one time. But it's not actively being farmed now because the North Fork Preserve as a corporation is beginning to cease operations, which is one of the reasons that we were able to make the acquisition of the larger parcel. And what they would like to do, the North Fork Preserve as a cooperation, is liquidate all of their properties. And that's why this opportunity presented itself and the Parks Department has come forward with, I think, a plan that helps enhance Parks. We all have campers. We all know that there's a long, long, long waiting list to get camping space for trailers and things of that in our parks. This is going to provide more of that. It's also going to provide space for tents and cabins. And as one of the activities to entice people to the park besides fishing and hiking and things of that nature, I think, there's going to be tennis courts, maybe ballfields, this would be another activity.

It would also go along with many of the recommendations that Legislator Eddington was able to put forward with the Equestrian Task Force. And one of their recommendations was for an equestrian center, if I'm not mistaken, Legislator Eddington. And I'll let him speak to that later. So this is an outgrowth of not only the Parks Department, but of the Equestrian Task Force recommendation. It was presented to me by our Deputy Parks Commissioner with Nick there that day. And I thought it was an intriguing concept. I had read Jack's report on this and I thought this was a potentially good use. And I certainly am very supportive of planning steps. This is planning steps. A more thorough vetting of this would be back before us again when we're ready to do acquisitions.

P.O. LINDSAY:
I think I asked you that question. Your answer was so long I forgot what the question was.

LEG. ROMAINE:
That was the whole purpose.

P.O. LINDSAY:
The only thing, Legislator Romaine, I'm willing to support this resolution. That doesn't necessarily mean I will support the acquisition. The report that we got recently, you know, our revenue is diminishing rapidly in our land preservation fund so when this comes back, we'll have to see where we are.
LEG. ROMAINE:
I understand.

P.O. LINDSAY:
Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Sixteen. (Absent: Legislator Montano. Legislator Kennedy not present)

P.O. LINDSAY:
I'm going to skip over 1715 for a minute because I got to get some information. **1785, Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to campgrounds (CP 7009).** (Romaine)

LEG. ROMAINE:
Motion to approve.

P.O. LINDSAY:
I have a motion to approve. Is there a second?

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator -- on the motion, Legislator D'Amaro.

LEG. D'AMARO:
Yeah, on the motion I believe this was tabled. I had some questions about it and I think we were asking again if someone from the Parks Department could come down and speak to it.

LEG. ROMAINE:
I think we have someone from the Parks Department to speak to this. This involves the Indian Island Park at the very, I guess, you would say eastern terminus of the park as it juts out into Peconic Bay near where Meeting House Creek flows into the Bay. You have a number of, I guess you would say, sandy cliffs, maybe 30, 40 feet and -- 50 feet in height. These cliffs have been eroding. This is an area rich in Indian artifacts, which we fear that we would lose that. This is an area that for the last couple of years to deal with the erosion, we've been dumping sand. We've been backing up to the cliffs and dumping sand. And when I ask Public Works, the term they use was "surrender sand", because all that sand washes out, which is another concern because it's clogging, some people would say, the channel. But essentially what this program would do is provide a permanent -- somewhat permanent, semi-permanent fix to this problem. And I'm going to let the Parks Department explain what the fix is and how it's involved because they're more technically knowledgeable than I am.

MR. MACCARRONE:
Good morning again. Terry Maccarrone from Suffolk County Parks and Nick's back up here as well. As Legislator Romaine mentioned, this is an area where we have a DEC permit in place. We do place sand there as necessary. There is ongoing erosion. I would disagree, we don't believe that the sand is clogging the creek. Although Larry would disagree, we think Larry's wrong; there are other County departments that think Larry is wrong as well. However we do want to be a good neighbor so we've looked into a more permanent solution, which would include the hardening to some extent of this bluff. This legislation would give us monies so that we can go out to RFP to get a consultant to actually plan what we want to do there. And that is the purpose of this legislation at the moment.
But I might be -- there might be specific questions?

LEG. D'AMARO:
Okay. Well, my specific question is, first of all, is this an existing capital project?

MR. MACCARRONE:
Well, we're going to take it out of an existing capital project.

LEG. D'AMARO:
So this is not -- the hardening of this bluff is not an existing capital project.

MR. MACCARRONE:
It's not specifically, no.

LEG. D'AMARO:
It's not something that was contemplated when we put together the Capital Budget?

MR. MACCARRONE:
Correct.

LEG. D'AMARO:
All right. So we're creating a new capital project by this legislation?

MR. MACCARRONE:
No. It's going to be within an existing capital project program, but it's -- it's not money that we had previously planned. We didn't have this project on our radar quite so soon.

LEG. D'AMARO:
Well, the existing capital project that's coming out of it is capital project 7009; is that correct?

MR. MACCARRONE:
Yes, improvements to campgrounds.

LEG. D'AMARO:
All right. And that's a more generalized program?

MR. MACCARRONE:
Exactly.

LEG. D'AMARO:
Right.

MR. MACCARRONE:
So this would be a subset of that.

LEG. D'AMARO:
Okay. So how much funding is provided right now before this $40,000 transfer in the capital project 7009?

MR. MACCARRONE:
DPW believes that $150,000 would be about right for doing the planning steps here.

LEG. D'AMARO:
Okay.
MR. MACCARRONE:
And if you have some monies available in 7009, which again is improvements to campgrounds, so this $40,000 would be a supplement to that to give us the 150 that DPW thinks we need.

LEG. D'AMARO:
All right. Well -- so you need another 40,000. Does that mean that all of the -- what's the authorizing amount in capital project 7009?

MR. MACCARRONE:
The adopted amount?

LEG. D'AMARO:
Well, in other words, why -- why do we need to amend the budget and put $40,000 more in here when there's already funding in there, we could appropriate what's there?

MR. MACCARRONE:
There are some restrictions on some of the existing monies if I'm not mistaken as far as sometimes when money is appropriated --

LEG. D'AMARO:
Right.

MR. MACCARRONE:
It's appropriated to specific areas, specific projects.

LEG. D'AMARO:
Right.

MR. MACCARRONE:
So there was $110,000 that we believe that we can already use. And Legislator Romaine was kind enough to put in --

LEG. D'AMARO:
Well, let me ask question you on that a little bit. So within the capital project itself, you're saying that the dollar amounts in there may be already attached to specific projects?

MR. MACCARRONE:
Well not specifically, no. We have, you know, the improvements to campgrounds is a very generalized program, which we use at quite a few of our sites. We have, you know, ideas at various locations what we want to do.

LEG. D'AMARO:
Right.

MR. MACCARRONE:
But in this particular case because of the erosion, we're kind of re-programming, for lack of a better term --

LEG. D'AMARO:
Right.

MR. MACCARRONE:
-- what our priorities are.
**LEG. D'AMARO:**
Okay. So who's the -- what's the -- do you know the balance in capital project 7009, what's available to be appropriated?

**MR. MACCARRONE:**
Well, we have a number of different lines in 7009 that we can use. There's one line point 114 that has $117,000 in it; another line point 115 has 174 --

**LEG. D'AMARO:**
Right.

**MR. MACCARRONE:**
And another with 20,000 in it. But --

**LEG. D'AMARO:**
Now the project's funded by those lines, are they all moving forward?

**MR. MACCARRONE:**
Not necessarily at this time.

**LEG. D'AMARO:**
Okay. So then why can't we just appropriate from within the capital project as opposed to amending and taking it from another area?

**MR. MACCARRONE:**
Again, sometimes when money is appropriated, it might say specifically for sanitary improvements. Okay. So if it's --

**LEG. D'AMARO:**
Yeah, but I don't -- I don't think that we're bound by that. I don't know who's earmarking these funds to these specific projects, but I don't think that's done at the capital budget level. That may be something that's being done internally by Department of Public Works, but if those projects -- or by Parks, if those projects are not moving forward --

**MR. MACCARRONE:**
When the -- my understanding is that when the resolutions are passed, they're general specific in the language of the resolution as to what that can be used for.

**LEG. D'AMARO:**
Well, let me ask about that. Let me ask the Budget Office. Gail, are we bound by the -- I don't know, the description of how funding is to be used line by line in the Capital Budget or can we appropriate from one line to the other within the capital project?

**MS. VIZZINI:**
Oh, you have some discretion, but that discretion would be through a resolution.

**LEG. D'AMARO:**
Right. So you don't necessarily have to go outside to another capital project. You could appropriate from within the capital project, right?

**MS. VIZZINI:**
If I understand you correctly, yes.
LEG. D’AMARO:
Right. So -- well, just to respond to Terry, it just seems to me that there's adequate funding within
this capital project; yes, there are other projects that we'd like to go forward with but are not going
forward anyway, so why are we pulling from another -- we're not bound by the specific line items
you're referring to in that capital project?

MR. MACCARRONE:
My understanding, and maybe Gail can speak to it, is that when the resolution appropriates the
money, if it's specified within the resolution that X number of dollars is going to a specific
improvement, then we can't arbitrarily take that money and spend it on a different improvement
unless it's enumerated in the --

LEG. D’AMARO:
So then why don't you come forward with a resolution that appropriates funding and kind of undoes
what the prior resolution did and appropriate from within the capital project if the other projects are
not moving forward anyway?

MR. MACCARRONE:
That question's above my pay grade.

LEG. D’AMARO:
Okay. So who's the sponsor of this bill?

MR. MACCARRONE:
Ed.

LEG. ROMAINE:
I am the sponsor of this bill.

LEG. D’AMARO:
Ed, would you consider -- if there -- you have an -- through the Chair, if you have an existing capital
project, the funding's not being used -- some of the funding's not being used anyway, why not just
appropriate from within the capital project as opposed to going to an outside source?

LEG. ROMAINE:
I'll tell you why. You and I now sit as Legislators. I had an opportunity for sixteen years to do
something other than be a Legislator. I was a department head. As a department head, we had
capital projects in the County Clerk's Office, I would sequester funds for specific projects. And I
would understand that they were there for that purpose. Now, fortunately I didn't have anyone
coming around changing those designations because once the capital program was adopted, I knew
that within a general project, this money was for that, this money was for that, this money was for
that; so as it moved ahead it would get done.

They came to me with this proposal. I think it was the right proposal to shore up the cliffs where we
have Indian artifacts that we're losing, to shore up the cliffs what has become a continue process of
erosion. And I didn't say, you know, what do you have that we can do because they indicated to
me, as was indicated here, they have these designations to get things done in the parks project.
And they said what we really need, we can find, you know, about 100, 110, 120,000 within our
budget now, but we need about $40,000 more.

I said, "okay, I'm happy to sponsor that resolution." I mean I'm not looking to void other projects
that they're doing for this project. For 40,000 I thought that was a reasonable request that they
were able to find enough money within their budget without cancelling other projects that they had
set aside money for.
LEG. D'AMARO:
All right. Well, let me speak to that. I agree with the project. I agree with what you're trying to do. But I think the way you're thinking about it is more of the, you know, style that perhaps we were accustomed to, but times have changed. Now, we've heard testimony here today that many of those projects, or some of those projects, within the Capital Program, within this capital project are not going forward. So rather than appropriating even more and ballooning more our capital project, why not just move the money within the capital project? These are new times, you know, to keep adding and adding to a specific capital program when there's funding available -- and we know based on the testimony that the projects are not going forward, why not just do it within the fund itself?

That's my thinking. And I'm not opposed to funding the project certainly, but I don't think that -- I think we should get out of the habit or custom or whatever you want to call it of every time we need more funding, just to look for an offset from somewhere else in the budget when there's money within that capital program itself and we know that's not going forward. It's great for Planning to know that the funding lines are intact and that those projects could go forward, but the reality is they're simply not. They're just not going forward. So, again, I would support the project. I would support putting funding for the project, but I think that funding should come from within that particular capital project and not from an outside project.

LEG. ROMAINE:
I don't know if those projects are not going forward. I don't know that definitively and maybe I can ask one of the two gentlemen up here from Parks to tell me that those projects are not going forward definitively. Obviously they felt it was. That's why they asked for the resolution.

MR. MACCARRONE:
Well, if I may, Legislator D'Amaro, I just want to clarify, as you know, DPW generally acts as our GC on capital projects. So our agenda to do improvements is pretty much dependent on their ability to carry that out. So sometimes we have to kind of re-prioritize where we're going based on their ability to do a project. So we do have, you know, basically a list of improvements that we want to do at campgrounds. In fact, we're starting to do some check-in stations now that we're working with DPW on. But because we are dependent upon them, if they're stuck doing other projects that have a higher priority right now, then we have to kind of push ourselves down the line a little bit. And that's kind of where we are right now this year. To your point --

LEG. D'AMARO:
Well, that's exactly my point. If you're pushing -- you're delaying projects, just a matter of prioritization from DPW. And it seems to me that if you're doing that, then it's more efficient to use the funding that's within that capital project.

MR. MACCARRONE:
Well, I would agree that that's more efficient if we know that that funding's going to be available to us in the future, but we don't necessarily know that if we take this money and we appropriate it, that we might lose that money.

LEG. D'AMARO:
Well, that's exactly my point, you know. In a perfect world, it would be nice to have every line funded so you know it's just sitting there and available for the future. But I think we're living in a different world right now. I think, you know, more about living within the means and what's already been authorized within that capital project is what we need to live within.

MR. MACCARRONE:
Okay.
LEG. D’AMARO:
That's my point.

MR. MACCARRONE:
Understood.

LEG. D’AMARO:
Okay. So again with that said, I would support this bill if -- and one other point I want to make is, you come up with $150,000 cost and you need 40,000 more to get there from outside the capital project. Well, why not see if we can do it for 110 or at least start the process at 110?

MR. MACCARRONE:
Well, again -- well, I don't believe that DPW -- and I'm not speaking for DPW, this is my belief, that they want to go out to RFP without full funding. So if they -- they can't go out to RFP with $110,000 if they think that it's going to come back at a hundred --

LEG. D’AMARO:
Well, again that's within, you know, in the old style again, I think, because in my mind if you have 110 out of 150 and you go to RFP, who knows, maybe it comes in for less than the 150.

MR. MACCARRONE:
And that's certainly possible.

LEG. D’AMARO:
Right. So instead of, you know, erring on the side of let's fully fund this project of what we think it may cost, if you have 80% of the funding available, and you have funding within that capital project for projects that are not moving forward anyway as a fallback, you know again, this is -- this is the type of budgeting that I need -- I think we need to get away from where we're just funding everything fully. And if it happens, it happens.

MR. MACCARRONE:
I don't know that DPW would issue the RFP without full funding. I don't know if someone's here --

LEG. D’AMARO:
Well, they need to change that policy. That's above your pay grade again.

MR. MACCARRONE:
Not my decision.

LEG. D’AMARO:
So anyway I think I've made my points. I don't want to belabor it. I don't think that there's a need at this point for this particular project, which is a worthy project, I don't think there's a need to amend our capital budget at this point. And at a minimum I think if there's going to be some amendment, I think the funding source should just come from within that project, even if that requires legislation, I would support that type of legislation. Thanks, Terry.

P.O. LINDSAY:
I know you want to speak, Legislator Romaine, but Legislator Anker's been waiting and I'll go back to you.

LEG. ANKER:
Hi, Terry. What is the time table of those projects? You know, because like Legislator -- Lou had said that we need to have a better understanding of where we are before we spend the money. And
if we had a better understanding of what that time table is and if there's projects are actually going to go forward, it would make our decisions more productive.

MR. MACCARRONE:
Again, you know, we are somewhat dependent -- actually we're very dependent on DPW and their ability, and as all departments are, their staff is as strained as everyone else's. So I can't speak to DPW's ability to say, "hey, we're going to jump on projects A, B and C next week." It's our hope and belief that over the course of the coming year, we'll be able to move forward with a lot. And we have been able to do some things pretty well the last six or nine months with projects and we do have some improvements to campgrounds, projects going forward now. I'm going to mention check-in stations. We're looking to do some electrical improvements, some lighting improvements at various locations. So there are -- and those are some items that we can do through annual contractors so that helps us get some of this money -- get some of these projects moving without having to bother DPW, but I can't give you a specific timetable, but they basically are improvements on cue, shall we say. But as far as how long it's going to take to get that, I can't tell you.

P.O. LINDSAY:
Nick.

MR. GIBBONS:
I just wanted to add also that a lot of these projects are subject to approvals outside of the County. So permitting delays also factor heavily in the timeframe for these projects. And a permit from out of the State of New York or from the federal government, in some cases, and I'm sure not sure about the specifics, I can go through -- Terry had them, I could tell you whether or not they were subject to outside permit approvals. But those can add many months to over a year to some of these projects. The timing of getting all that money in line through the Capital Program and having the permits come in place, awarding a contract and actually going to construction, that is a very hard line to walk. And it takes the better part of 12 or 18 months to pull all that together.

LEG. ANKER:
And, now do you have an idea of what that structure's going to look like to create the -- to prevent the -- more erosion? And is it a solid structure that's costing some, you know, it's quite expensive, it looks like the -- the actual structure. Something with erosion normally you put grass or you, you know, to create more of a natural barrier for erosion.

MR. GIBBONS:
That I can speak to. I know this property very well and this project specifically. This site, we have tried some of those -- softer armoring of that coastline. I should say that in generally speaking hardening of shoreline within the Peconic Estuary is frowned upon; however, we have had some preliminary discussions with New York State DEC and some representatives from the federal government as well. And they see that do to the unique circumstances at this particular site that they could support some type of hardening there.

We have tried for several years now, I think it was mentioned earlier, we have a maintenance permit for sacrificial sand to be placed at the point. That's really a Band-Aid and it's barely that, to be honest with you. The sand is lost very soon after placement. We do have to plant it, as you suggested. It's required in the permit. Unfortunately in my opinion that's just throwing more good money after bad because we're losing that sand. The vegetation doesn't have time enough to establish itself and hold that in place. We've lost many, many feet at this point over the past -- the ten years I've been working on it.

LEG. ANKER:
And just two more questions. Have you -- do you know what the status is with FEMA? Have you received additional funding or any funding for this project?
MR. GIBBONS:
That's back to Terry, then, on the funding.

LEG. ANKER:
While you're focussing on the structure, have you looked into new technologies that other municipalities are using? Because in my district we have Rocky Point, we have a horrible problem of erosion. Is this -- are you looking into new technologies to resolve this problem?

MR. GIBBONS:
Even if we weren't, the state requires that we do. So over the years we have every type of structure that you can imagine for shoreline hardening in any one of our parks. We have sheathing pounded 60 feet into the ground at Smith Point. We have gabion wall over at Timber Point in Great River. We have boulders out at Smith Point to stabilize the inlet. All of these things have shortcomings. The most recent was the bio logs. They're basically a canvas tube filled with -- geo-tube filled with sand. That has limitations as well. We feel the best, and again, this is all preliminary, and subject to further approval by New York State DEC, we feel the best solution at Indian Island County Park, and this site in particular, will be large boulders placed on filter fabric. It will allow natural vegetation to colonize the voids between those boulders. And we hope to continue to hold that line and not lose any more ground at this otherwise sensitive site.

LEG. ANKER:
Yeah, it's hard to fight Mother Nature.

MR. GIBBONS:
Sure.

LEG. ANKER:
But I appreciate, you know, you doing the research and looking into this. Thank you.

MR. GIBBONS:
Sure.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Very quickly. I would just simply say, and I think the Parks Department made an excellent point that many of these projects are waiting not because of funding, because they try to sequester that funding, but for DEC permits, for other permits that they have to get to do the work that they have to do.

I would also say for those lines in which the money is not spent, there is no problem. It simply reduces our debt because we don't encumber them and we don't spend them. It's not -- a new reality of the world we're in, is projects that don't move forward, that debt is canceled. That debt is canceled. And that's a point that I think we should make. I mean it's not as if, oh, that's just staying out there forever. At some point that just goes back to ensure that we don't go into debt, that we may have put this in the Capital Program. It doesn't mean that we're floating bonds for these projects. That money is saved in the sense of that we're not encumbering debt.

So if something is waiting to get done and it's not getting done, it isn't that we're spending the money or we've incurring debt to do that. In fact, at some point those projects expire and the debt is not encumbered and the capital project is thus reduced. Thank you.
**P.O. LINDSAY:**
Yes, Legislator D’Amaro.

**LEG. D’AMARO:**
Thank you. Just one more point. I appreciate, we're all for lowering debt. But if you take the money from somewhere else and spend it, incur the debt, it kind of -- it's a wash in my mind. But my whole point is that we talk about government living within its means. We enacted a Capital Budget that appropriated a certain dollar funding to capital project 7009. I think what we should be doing is when we see a worthy project, but we know other worthy projects are not moving forward and there's sufficient funding within that capital project, that's where this funding source should come from. Instead of returning to the well, amending the Capital Budget and taking it out of other areas. That's my point.

I mean if we're going to change the mindset in a difficult economy and we're going to live within our means, then, I think we should stay within the capital project. And I think it would be a little more challenging for Parks or DPW to come up with the extra 40,000 -- we're not talking about a substantial amount of money in terms of -- or relative to the entire Capital Budget, but I think it makes the point, that it's very easy to just go back and keep appropriating from other areas when we don't have the money. We just don't have it. And I think that it would not be too much of a challenge, or I don't think I'm asking too much for DPW or the Department of Parks to say within the existing capital project we can find the appropriate funding. I think that would be the right way to fund this worthy project. That's my point.

**P.O. LINDSAY:**
Anybody else? No? If you guys -- we're in the window towards the end of the year where all capital projects are in the Capital Budget. If the money isn't appropriated, it dies at the end of the year. What Legislator D’Amaro is advocating, can you's do that by the next meeting?

**MR. MACCARRONE:**
I know DPW is ready to issue the RFP now. I don't know that we can still consider any change by the next meeting. I'm not sure how it would -- the time frame is for the Legislature itself.

**P.O. LINDSAY:**
I missed the last part of that, Terry.

**MR. MACCARRONE:**
I said I'm not sure what the time frame is for the Legislature itself so I don't know that we can --

**P.O. LINDSAY:**
Well, we meet again in two weeks in our last meeting of the year. And -- and --

**MR. MACCARRONE:**
Yes.

**P.O. LINDSAY:**
And, you know, whether -- if there's money in this existing project that's unappropriated, if -- I think what Legislator D’Amaro is advocating for, if that was appropriated, he wouldn't object to it, right?

**LEG. D’AMARO:**
Right.

**P.O. LINDSAY:**
Rather than take it from another project. And I don't -- I can't -- I don't know, Legislator Romaine, do you think that's workable?
LEG. ROMAINE:
If I thought it was workable, I would not have this resolution before us. I think Parks made a compelling case to me. DPW is ready to go with the RFP. They were able to secure after many months a DEC permit.

P.O. LINDSAY:
But I don't think either one of them would be jeopardized in two weeks.

LEG. ROMAINE:
No. I mean if your request to me is to table this to allow Parks to come back in two weeks and make a fuller explanation of whether they can get the money from within house without moving it from -- we're not adding to the budget, we're not doing -- we're -- this is an offset that we're using. So the budget is not being added to. I want to emphasize this. We're not putting more money on the table. We're just moving money from point A to point B because we need it at point B and we don't need it at point A. So that's what this offset is about.

I don't know any budget that's perfect. Anyone that runs a department knows that when you plan, you're planning 18 months out. And as you're living that budget, occasionally you need to move it. You know, as it turns out I really don't need it at point B, I need it at point A. And that's what this is all about. So that's why I put this resolution in. But if your recommendation, sir, is for me to table this for two weeks to allow Parks to analyze and come back and see if they can do it in-house, I'm more than willing to oblige. But I think it would be good for us to cast a vote today, but I'm willing to, of course, secede to the wishes of the Presiding Officer and our majority.

P.O. LINDSAY:
You're so cooperative, Legislator Romaine. It just astounds me. You know, just to put it as clearly as possible, I believe that this project has to go forward. I think it's not only a worthwhile project, I think it's -- it's something that we have to do to protect one of our really beautiful parks. If you guys look at it and it -- let me say this, Legislator Romaine, if it can't be done within the project, I'm willing to support this one.

LEG. ROMAINE:
Based on that, Presiding Officer Lindsay, I will table this for two weeks, then, sir.

P.O. LINDSAY:
Thank you.

LEG. ROMAINE:
I make a motion to table.

P.O. LINDSAY:
Thank you. We have a motion to table.

LEG. D'AMARO:
I'll second the motion. And also just make the same point that if -- if Parks or DPW comes back and says that all of the existing line items are all moving forward and the funding is all going to be used, then I would support the bill as well, but we just don't know that sitting here today. And I think -- I would implore you guys, you, the County Parks Department and DPW, to take a good hard look at that. Because going forward, it's my intention to work within these capital projects, because I know at the end of the year, as the Presiding Officer said, much of this just expires anyway. And I understand the value of having the full funding lines in place for planning purposes. But we have to live a little more within reality and say, you know, what's really moving forward and what's not. And I think this would be a good way to start doing that.
The last point I want to make is that it's interesting that the RFP is ready to go without full funding available, which seems to be a little contrary to what we were talking about before, but it doesn't matter, it just makes my point that I'm happy to hear that, that DPW would go forward perhaps thinking that if this bill didn't pass, the funding is available within that capital project.

**MR. MACCARRONE:**
They prepared the RFP. They haven't issued the RFP.

**LEG. D'AMARO:**
Okay, well, whatever.

**P.O. LINDSAY:**
Thank you fellows. Thank you for your knowledge of this subject. I'm going to break now because -- did we vote on that? No. We have a motion to table and a second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Sixteen.

**D.P.O. VILORIA-FISHER:**
I'm over here.

**MS. ORTIZ:**
I know. (Vote: Absent: Legislator Montano. Legislator Kennedy not present)

**P.O. LINDSAY:**
We have been joined by Mr. Tortora. If you would come forward, Rich, and if you could make room for him at the table would be -- thank you, ladies.

**MR. TORTORA:**
Good morning. I'm Richard Tortora, President of Capital Markets Advisors. We serve as the financial advisors to both the Suffolk of County and to STASC the Tobacco Securitization Corporation.

I'm here this morning to talk a little bit about the proposed financing of the balance of the County’s tobacco settlement receipts which it presently receives under the Master Settlement Agreement.

Some of you will recall that in 2008 the County securitized a large portion of its tobacco settlement receipts that it received under the Master Settlement Agreement. At that time the County issued 233 million bonds to -- to provide monies to defease existing County general obligation bonds. So what that means is, the County was receiving a revenue stream under this Settlement Agreement. The County securitized initially 36% of the revenue stream in the years '08 -- excuse me -- '09, '10, '11 and '12. And then 75% of the secured -- of the revenue stream in the years thereafter, resulting in a payment of $233 million. They used that money to defease general obligation bonds of the County that were due to mature in the years 2009 through 2013.

This new transaction would be the County going out and securitizing the balance of that revenue stream, the 25% that we had not securitized with the first transaction. What that would involve is STASC going into the market in the next perhaps 60 to 90 days and issuing the bonds to purchase the balance of those -- of that revenue stream. This transaction would be approximately $37 million. While the initial transaction was sold at interest rates at about 6.7%, market conditions have improved somewhat since then. And the structure that we're using on this new issue is different, so we expect the new cost of capital will be about 6%.
Once again, the County would take the proceeds from the sale of these bonds, approximately $37 million, and they would use approximately 20 million in 2012 to defease debt service on County general obligation bonds, just as they did in 2008, and then the balance of the proceeds would be used in 2013 to defease ten million plus in additional bonds. What that does, of course, it provides monies that are in the budget that would otherwise have to be budgeted for debt service can now be paid for with these tobacco bond proceeds, which reduces your budgetary obligation with regard to debt service in 2012 by approximately $20 million.

We've begun the process working with STASC. We've begun the process of assembling the team to work on this transaction, but obviously we're subject to your approval, your selling your asset, that 25% revenue stream. So that's why we're before you today.

P.O. LINDSAY:
Legislator Kennedy, you have some questions?

LEG. KENNEDY:
Yes, I do and thank you, Mr. Chair.

Richard, thank you for being here before us. Can you tell me a little bit -- give me a little bit more of the broader scale about the total amount of debt that we have there and the defeasement that we looked at with this 37 million.

MR. TORTORA:
Sure.

LEG. KENNEDY:
Twenty million issued and 20 million defeased. We're not necessarily a one on one correlation here as far as total debt. That's all almost just a --

MR. TORTORA:
Sure. Let me explain how this will work. So we're going to go out and sell these bonds and we think we'll end up with about $37 million in proceeds. Of course, there are cost of issuance associated with selling the bonds and there are reserve funds that have to be funded with the proceeds. So while you're selling $37 million, the actual amount of County general obligation bonds that will be defeased is probably something closer to $32 million, with the balance of the proceeds funding reserve funds and cost of issuance.

The $20 million in bonds that we're going to defease, existing County general obligation bonds in -- that impact General Fund and other targeted funds that we've talked to with Gail and her office and other County officials. So the monies will come in when it closes this issue, say in the first quarter of 2012, the monies will come in. They'll be invested in US Treasury securities or similarly highly rated very secure securities, and then they'll be used to pay debt service that occurs, 20 million of which will occur in 2012 that would otherwise have to be paid for from budgeted funds of the County. So it replaces those budgeted monies with tobacco proceeds. So approximately 20 million in 2012. And that was as much debt as we can identify as being attractive and giving you the relief in the funds that you're looking for in 2012. And then the balance of it, ten million plus, and we don't know the exact number until we sell the debt, will be used to defease general obligation bonds. Debt service comes due in 2013, both principal and interest.

It's important to note that when you do a tobacco securitization, certainly the credit rating agencies look at that. But the use of these proceeds is one of the more favored uses of the proceeds. Just as was the case when you did this issue in 2008, when you defeased bonds that were maturing in '09 through '13, that was looked upon to be a good use. Rather than using all the money upfront as,
say, did Nassau County or Monroe or Erie County for working capital, like to plug a hole in the budget. So it's perceived to be a favorable or better use of the proceeds.

LEG. KENNEDY:
Now, that -- once this issue is put out there, that exhausts that full revenue stream?

MR. TORTORA:
What it does, this issue, as contrasted with the original issue, the '08 issue was done with what's called a turbo structure, which means you had a defined amortization schedule for the bonds that were going to be paid with these tobacco proceeds. But to the extent that the revenue stream exceeded what was needed for debt service for principal and interest, that excess revenue stream was used to accelerate the repayment of those tobacco bonds. That was a turbo structure.

This new structure is called a residual structure. And it looks much more like a traditional revenue bond issue where we have a defined revenue stream, being 25% of the tobacco settlement receipts. That revenue stream is such that it more -- we know right from the start, the revenue stream's about 5.2 million. We know that debt service, we anticipate it's going to be something north of $3 million. So if 5.2 million comes in, and three million is needed for debt service, the residual amount, approximately two, two-and-a-half -- 2.2 million will immediately come to the County for your use. So the residual structure gets the debt service on the bonds paid. The bonds are going to be structured with a 30-year repayment period. But any excess revenues that come in will go to the County under this new structure.

LEG. KENNEDY:
And just one other thing, you touched briefly on the rating agencies. You know, much has been made about that very recently, this budget which has been horrendous, quite frankly. We've heard -- there has been some talk from some of the credit agencies. What does this action do in light of some of what we've seen most recently from the agencies?

MR. TORTORA:
Sure. Fortunately we just went through a review process with Moody's, S & P and Fitch, and the County's rating are holding up rather nicely considering the economic conditions we're dealing with. We're at double A two with Moody's. We're at double A minus with Fitch. And we're double A minus with S & P. Fitch just assigned a negative outlook, meaning they have concerns about, you know, the County's finances and going forward. But at a double A credit rating, the County is certainly in good shape.

The impact of this issue. Most -- the vast majority of entities in the United States and the territories that have been able to securitize tobacco, certainly has. Suffolk was very late in the game actually. Your deal, which closed in August of 2008, was the last deal done before the market collapsed in the fall of 2008. Had our deal -- had your deal not closed when it did, you would not have had market access 30, 60 days later. So you got in at six seventy. Had you tried to do it six months later or a month or two later, nine percent, if even -- if you even could have done it.

Now, since that time a couple of deals have been done, but the rating agencies expect counties to do tobacco securitization in New York State as they do in California, and the use of the proceeds are what's important. And your use is deemed to be probably credit neutral. It gets you a revenue, but it's probably credit neutral the way you're using it. Certainly I don't think it's deemed as a credit negative.

LEG. KENNEDY:
Okay. Thank you. Thank you, Mr. Chair.
P.O. LINDSAY:
Legislator Horsley.

LEG. HORSLEY:
Hi, Rich. That’s good to hear. And, of course, the 2008 issue was because of good management, right?

MR. TORTORA:
Great timing, good management.

LEG. HORSLEY:
There are you go.

MR. TORTORA:
You did very well.

LEG. HORSLEY:
We’ll accept that as a Legislature. My question is, you know, I’ve been hearing over the last couple of months that the whole tobacco securitization process, if we took this and ran it out into the future, that it may not be as solid as it is now. And that they may not be able to get your returns -- go out -- if we just normally took this out into the future. Is that true? I mean, I want to put that on the record --

MR. TORTORA:
Sure.

LEG. HORSLEY:
You know, what your feelings are about that.

MR. TORTORA:
What’s happening in the tobacco industry is very interesting. Back in ’08 we paid for a report, a consumption report, from a firm called Global Insights. And they projected what they anticipated the decline in tobacco consumption would be going forward. And they were way off. As a result, going forward with this new transaction, we’re not going to go and pay Global Insights for a report. Consumption dropped dramatically over the last several years. I think in one or two years it was seven, eight, nine percent even; whereas the expectation was that it would be maybe closer to 3%. That seems to have stabilized now. But the model that’s being used for this transaction is such that it’s done like a revenue bond issue. We’re securitizing what we can with a very strong coverage ratio of the revenues no less than 1.5 times, as much as four times coverage, depending on how the interest rates come in. And we think it’s going to be well received by the market.

Standard and Poor’s, we’re going to look to get one rating on this issue, and we think this structure will get us a rating of A minus. The same structure was used in -- what they call the Rail Splitter Deal in Illinois in December. And a similar structure was just employed by the State of Minnesota, which is one of the few states that isn’t party to the Master Settlement Agreement. They have a different arrangement with tobacco companies. They used the same residual structure and it was well received.

LEG. HORSLEY:
So what you’re saying is that by dealing with the securitization issue now upfront is we’re getting it while the getting is good; would you categorize it as that?

MR. TORTORA:
Sure. I mean, as the -- if -- the two things that are affecting these payments are certainly
consumption decline, but also there's this adjustment that you make for non-participating manufacturers, companies that were not signatories to the original Master Settlement Agreement, and as a result there's a disputed payments account. But very simply, you're correct. I mean, the timing to get this done now is the right thing to do. There's a good market for it, the interest rates are attractive.

LEG. HORSLEY:
Thank you. Getting it while the getting is good.

MR. TORTORA:
Fine management.

LEG. HORSLEY:
There you go, fine management.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Chair. I just want to thank you for -- Rich, right here.

MR. TORTORA:
Sorry.

LEG. GREGORY:
Thank you for coming in again. You came to the Budget and Finance Committee meeting. I just want you to reiterate what you stated with this structure, the residual structure, there's an opportunity there that the turbo structure doesn't provide, and that's surplus income, if I can use that, or funds. Can you go over that?

MR. TORTORA:
It's interesting. The -- one of the goals of the turbo structure -- so both of the structures get you proceeds that you need, which is important, certainly. What the turbo structure really does, it totally transfers the risk of non-receipt of those monies from you, the County, which had been receiving them, to the investor. And the investor fully understands that risk and is compensated for taking that risk by getting a higher rate of return.

This new structure, the residual structure, preserves -- the investor gets very high coverage ratio. So for every dollar of debt service there's significantly more than a dollar available, so the investor likes that. The credit rating agencies like it. They give it a good rating. But you also get the residual, which we anticipate's going to be in excess of $2 million at least initially. So it's a good structure.

LEG. GREGORY:
Great. So we'll pay -- we'll defease bonds, 30 million over two years.

MR. TORTORA:
Correct.

LEG. GREGORY:
We expect. And potentially at least $2 million in funds to the General Fund.

MR. TORTORA:
That's correct. And then this structure is -- it's a 30 year issue. And just as the turbo, when --
when the bonds are paid off, then whatever -- whatever revenue stream still exists is once again 100% the County's. Once the turbo bonds are paid off, the '08's, and once these '12 bonds, 2012 bonds are paid off, that revenue stream is still there from the tobacco company, then it's yours again.

LEG. GREGORY:
Great. And just one last question. You had mentioned that the defeasement of bonds is one of the more favorable uses of the funds. What other -- what are some of the other uses?

MR. TORTORA:
Sure. Another favorable use is a one time cost. If you were building a hospital, a one time expense used with a one time revenue stream, those types of things are deemed to be favorable. What they don't like is that it's a one time working capital infusion, so you get this big slug of money, in this case 30 million plus, you get it one year and then it's gone. Or a couple of years ago you got 233 million, you use it to plug the budget and it's gone, that's what they don't like, is a one shot.

LEG. D'AMARO:
I just -- maybe you went over this already, but I just wanted to ask you again about any impact this would have on the County's bond rating.

MR. TORTORA:
Sure. Again, what I had said earlier is most jurisdictions in the United States and the territories have securitized their revenue streams. The way that the tobacco settlements work, only two states pass the money down to the counties on a per capita basis, and that's New York State and California. Most -- we represent eight counties in New York State. I think seven of them have securitized, and they did it -- some of them have done it two and three times already. So there's an expectation that this revenue stream -- I think there's an expectation by the rating agencies that it will be securitized by the County because it has been by everyone else. You know, New York City has done a multiple of deals, the State has done a number of deals.
Accordingly, we're of the impression based on our conversations with the rating agencies, because we speak to them with the County probably four or five times a year, as recently as a week or so ago. We're going to speak with them again next week. They see this as a reasonable use of the proceeds, a good use of the proceeds, you know, defeasing debt. And we think, if anything, it's probably -- excuse me -- it's credit neutral, which means it has no impact on the credit rating.

LEG. D'AMARO:
All right, no impact. Because -- I think you did mention there was a recent downgrade or outlook downgrade to a negative outlook.

MR. TORTORA:
Correct. Fitch assigned a negative outlook.

LEG. D'AMARO:
Could this -- was this something that was considered --

MR. TORTORA:
It certainly wasn't anything that was mentioned. They're concerned with other things. I mean, you know, we've been in this economic condition, this tough economic situation, for several years now. And a jurisdiction like the County that's heavily reliant on sales taxes and gets State aid, you know, the State's slowing down its revenue stream, the Federal government is slowing down its payments, sales taxes, I don't think, have quite yet rebounded to '07 levels. And so it's just -- time is passing and reserves are getting used up and you're certainly not alone. You're in significantly better shape than a lot of other jurisdictions that we represent. But, no, this was certainly not something they mentioned in assigning the negative outlook.

LEG. D'AMARO:
And what's the discount? What's -- you know, I know there's a --

MR. TORTORA:
Sure.

LEG. D'AMARO:
-- a cost of getting money up front.

MR. TORTORA:
Yeah.

LEG. D'AMARO:
What are we talking about?

MR. TORTORA:
Well, it's really hard to say in this deal because of the way it's structured. Because, again, it's a residual deal, which means if $5.2 million is scheduled to come in and we're only borrowing so much so that we're going to pay, say, three million and change in annual debt service, I mean, I know -- I think there was -- maybe it Legislator Kennedy who really focused on the discount on the '08 deal, it's just hard to say. Like, you're not getting dollar for dollar. You're certainly not getting dollar for dollar, but it's -- but this deal, it will -- it looks like a better deal for the County than the '08 deal, which at the time was a stellar deal.

LEG. D'AMARO:
Right, that was my question. So it looks like we may do better this time.
MR. TORTORA:
You will. Right now, again, cost of capital in '08 was about 6.7. We expect cost of capital on this issue -- as of yesterday it was probably just at or below 6%.

LEG. D’AMARO:
Very good.

MR. TORTORA:
With the cheaper cost of capital.

LEG. D’AMARO:
I’d be interested, not in this forum, to explore with you a little bit more about the reasons for that negative outlook.

MR. TORTORA:
Sure.

LEG. D’AMARO:
It’s very disconcerting.

MR. TORTORA:
I’d be happy to do that. And we can -- we can look at -- you know, they release a rating’s report, a letter, that tells us what their rationale was for assigning a negative outlook. We can share that with you, certainly.

LEG. D’AMARO:
Yeah. Maybe perhaps if I spoke to Legislator Gregory as Chair of the Budget Committee, that might be a good forum.

MR. TORTORA:
I’d be happy to share that.

LEG. D’AMARO:
Good. All right. Thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Perfect segue to my question because what I know about the negative outlook is only what I had read in the paper. And I thought it was based on an overstating of what our revenue would be in the recommended budget. I thought that was part of it, that that was overstated.

MR. TORTORA:
It’s a number of things.

D.P.O. VILORIA-FISHER:
The inability to have a stable, you know, tax that would come in. We haven’t increased our General Fund in a decade and we’re so reliant on sales tax.

MR. TORTORA:
If you read the report, and we have reports from all three of the rating agencies, there’s a number of concerns they express. One of the ones, certainly is what I mentioned earlier, which is we’ve been in this recession for a number of years, and your primary revenue stream, the sales taxes,
just haven't rebounded yet. But, of course, this six-month budget is -- you know, that's something they haven't seen before so that -- any time we inject a little bit of uncertainty or doubt, you know, the red flags go up.

So they're concerned about this six-month budget. They're certainly going to give, you know, Mr. Bellone the benefit of the doubt and hope that he gets a team in here and moves things in the direction that makes them more comfortable and makes investors more comfortable. But there was a number of things. The, you know, the slow receipt of State aid certainly is a concern. We know investment earnings are way down for everyone. We know sales tax receipts are slow. There's concern about the six-month budget. There's a change in senior management. There's a whole host of things that they can point to as being cause for concern.

D.P.O. VILORIA-FISHER:
But you didn't mention the one I mentioned, which is what I thought I read in the paper, that there had been an overly optimistic projection of sales tax revenue.

MR. TORTORA:
It's interesting. I've been working --

D.P.O. VILORIA-FISHER:
And then, by the way, that was a problem that we found --

MR. TORTORA:
Yeah.

D.P.O. VILORIA-FISHER:
-- when we were working with the recommended budget, that it was overstated --

MR. TORTORA:
Yeah.

D.P.O. VILORIA-FISHER:
-- by quite a bit so it made a hole.

MR. TORTORA:
Well, I've been working with the County for a number of years. And the County is generally good at projecting receipts. They're generally --

D.P.O. VILORIA-FISHER:
Our Budget Revenue Office is.

MR. TORTORA:
-- pretty spot on. The County's position that we present to the rating agencies is usually pretty spot on. Yeah, they might have concern; maybe you're a little over optimistic this time around and they're concerned about that. So it's a negative outlook. So what that means is they're going to keep a closer watch on us. We'll speak to them again, as I said, next week in conjunction with the large annual TAN borrowing that we do later this month, and then we'll speak to them again in the spring when you do your first capital borrowing. So we're in touch with the rating agencies regularly. They keep a close eye on the County.

D.P.O. VILORIA-FISHER:
And just to follow up, again, you're going to bring us their report and help to translate it for us at the Budget meeting?
MR. TORTORA:
If you’d like, certainly, sure.

D.P.O. VILORIA-FISHER:
Because it would be good to go --

MR. TORTORA:
Sure.

D.P.O. VILORIA-FISHER:
-- to the -- to the document itself --

MR. TORTORA:
It's a public document.

D.P.O. VILORIA-FISHER:
-- rather than just what we read in the newspapers.

MR. TORTORA:
Okay. Sure.

D.P.O. VILORIA-FISHER:
Thank you.

P.O. LINDSAY:
Legislator Stern.

LEG. STERN:
Good morning. The annual -- the residual amount coming in annually, what's the time period that that's expected to come, and what is the approximate dollar amount and what could be the expectations --

MR. TORTORA:
Sure.

LEG. STERN:
-- to what that dollar amount might be? And where's the play in that, where's the swing in that? And how might we be able to budget using that number going forward?

MR. TORTORA:
The revenue -- the 25% that has not been securitized, that you're going to be receiving next year, is about $5.2 million. That number, of course, is what you get under the Master Settlement Agreement from the tobacco companies that are signatories to the Master Settlement Agreement. As I said before, the intention of the Master Settlement Agreement is that this revenue stream pretty much exists in perpetuity, that it just keeps coming; as long as there's tobacco products being sold in the United States you should still be getting this revenue stream. But the revenue stream, the payments from the participating tobacco companies are affected by primarily consumption, you know, the amount of tobacco products shipped in the United States; and by the market share of the participating manufacturers who signed the document.

So as more non-participating members are picking up market share, the payments that would otherwise pass through to the counties and to the States, etcetera, some of them are going into this disputed payments account. So that's been a bit of an issue because there's billions of dollars sitting in a disputed payments account right now. You could expect the 5.2 next year, but the expectation
is as consumption declines, if indeed it does, and the expectation is that it will, and as the non-participating manufacturers take up a bigger share of the tobacco market, that payment will come down.

So right now even after debt service it's anticipated you'll get something in excess of $2 million a year. If it declines by, you know, a certain percentage -- you know, do we think it'll evaporate at some point? The thought is people are always going to smoke so there'll always be some revenue stream. We just don't know what that'll be in the future.

**LEG. STERN:**
And just to stick with that for a moment, if it's approximately $2 million and the projection was a 3% decline but it ends up being a 9% decline, as you point out, what impact might that have on this $2 million a year?

**MR. TORTORA:**
Well, it certainly would be less, sure. If the rate of consumption accelerates, then the amount of the residual, the amount of the payments coming to the County under the Master Settlement Agreement will be less. The amount -- what's needed for debt service will be constant. Once we sell these bonds we'll know what that is. And so the residual, what's left over, will reduce over time.

**LEG. STERN:**
And just as a practical matter, at what point during the year do we know what that number is?

**MR. TORTORA:**
I think April; you get your payments once a year in April. So every April you get a payment, then you know where you are. That money in the disputed payments account remains a big issue because there's a lot of money there and we're waiting for that to come out. And that's subject to litigation and a whole host of other issues.

**LEG. STERN:**
Thank you.

**MR. TORTORA:**
You're welcome.

**P.O. LINDSAY:**
Legislator Barraga.

**LEG. BARRAGA:**
Good morning.

**MR. TORTORA:**
Good morning.

**LEG. BARRAGA:**
Let me ask you a question. In 2008 when we did the 75% securitization, I seem to recall a figure of something like $260 million being generated. And the question I have, would we have been better off doing a complete securitization in 2008 versus, you know, what we're going to do now, which I'm supporting, but if you take a look at 25% of 260, that's about $66 million; yet this securitization for the remaining 25% is only 37 million. I would have thought that it would have been higher than that.
MR. TORTORA:
The issue in '08 was 233 million.

LEG. BARRAGA:
Okay.

MR. TORTORA:
You know, hindsight is 20/20. I, frankly, think the way you did it was terrific. You securitized a significant portion of the revenue stream. And, again, as I said, one of the goals of tobacco securitization is to transfer the risk that that revenue stream is going to diminish very quickly, or go away, is to transfer the risk which you had been burdened with to the investor, who understands what the risk is and is compensated for taking that risk. So you certainly accomplished that goal. And in doing so you initially -- you securitized 36% of the revenue stream and then it jumps to 75% of the revenue stream. So in doing so, you kind of saved something for a rainy day. You saved 25% of the revenue stream, which you could continue to receive, you know, on a dollar for dollar basis as it comes in, or you can securitize it again and get another slug of money upfront.

LEG. BARRAGA:
But I thought there might be more sunshine than 37 million.

MR. TORTORA:
Well, if you think about it, it certainly could be more, because right now the structure that we're using gives you a residual of $2 million. If we -- we need that residual to make the bonds marketable. But if we wanted, we being -- if the bankers wanted to be more aggressive, and said we can do it on slight -- lesser coverage ratios. So let's say that right now the coverage ratio for every dollar you're spending on debt service you get a dollar and a half, or two dollars in. If they thought they could sell these bonds and be a little bit more aggressive rather than getting, say, $37 million in proceeds, maybe you can get $45 million in proceeds; it's just a function of how they structure the issue.

LEG. BARRAGA:
At what point would we know that, if the bank is going to be a lot more aggressive and another 8 or 10 million were generated?

MR. TORTORA:
The key is we have to make sure they can sell an issue that's marketable. That's the key. So it's a little bit of a balancing act. We -- we know how much debt service we can defease in the targeted accounts in 2012 and 2013. So they almost backed into a number, if you will. They probably could be a bit more aggressive and get you more proceeds, but then, of course, you'd give up that residual. You give up a portion of the residual. It's a little bit of a balancing act.

LEG. BARRAGA:
Okay. Thank you.

MR. TORTORA:
You're welcome.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yes. Question, I guess, for Budget Review. Could you just remind us how we dealt with this in next year's Operating Budget?
MR. LIPP:
We've already recognized the 20 million that Rich is talking about. So that if you don't have pass this, there's a $20 million hole in the budget.

LEG. CILMI:
And of our total debt service due and payable in 2012, what percentage is that 20 million?

MR. LIPP:
Well, it's almost a quarter of the General Fund portion. It's maybe -- it's less -- it's less than a fifth, though, of all funds.

LEG. CILMI:
Okay.

MR. LIPP:
It's significant.

LEG. CILMI:
Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Richard, actually this is just a process question. In some of the discussion before, you talked about the presentation with the rating agencies and the fact that there is going to be another conversation with them soon.

MR. TORTORA:
Next week.

LEG. KENNEDY:
Okay. Who's going to be a part of that conversation?

MR. TORTORA:
This is a cash flow borrowing, the $200 million cash flow borrowing. Typically it involves representatives from the Comptroller's Office, and from the County Executive's Office, the Budget Director, Deputy County Attorney -- excuse me -- the Chief Deputy County Executive for Finance, the Comptroller's Office, the folks who actually put together the cash flow.

LEG. KENNEDY:
One of the things that you had mentioned that I guess the rating agencies look at a wide range of things when they're coming to these determinations. The cash flow, not that it's phenomenal, but I believe has changed significantly from where we were probably only about three or four weeks ago, and partly as a result of some of the actions of the Presiding Officer and myself. Is there -- how do you expect that's going to be presented to the rating agency now as far as where we're at now and what the prospects are going forward?

MR. TORTORA:
Sure. When we do a cash flow review at the rating agencies we've already done the fundamental credit review where they look at management and debt, economics and demographics and financial performance. So we think this calls -- really just going to be focused on the cash flow.

I think today we'll deliver the cash flow to them -- actually, I think we might even have a call as
soon as tomorrow, actually, with the rating agencies. We're going to just do two rating calls. What we do is we walk through the actual year-to-date cash flow starting with the ending balance from December 31st, 2010. We walk through all of 2011. And then we walk through the projected cash flow through 2012. And they'll look for things like, you know, what the -- the reason why the cash flow is a little bit late is we had to wait for the budget to be ready before we could plug in all the data. So the Comptroller's Office is doing that as we speak.

We'll walk through and they'll look at what our cash position is on a month-to-month basis. They'll look at any significant variances in revenues and expenditures. I don't think there's going to be any significant surprises. Again, there's the concern about this six-month budget, certainly, because that's a little bit of a wildcard. But they understand that there's a transition going on. And the rating agencies have been -- have certainly been fair with us and I think they've kind of understood what's going on in the County, and we don't anticipate any problems.

LEG. KENNEDY:
Okay. This is actually a question for BRO now, but somewhat with you, Richard. Gail, is BRO traditionally part of this conversation that happens with the rating agencies?

MS. VIZZINI:
Actually not. I do represent the Presiding Officer at the annual sit-down, the annual, you know, the face-to-face in April. The last rating agency call, the County Executive's Budget Office reached out to me as did the Comptroller, and I was on that call.

LEG. KENNEDY:
Have you had any contact about this next one, this most imminent one, whether it's tomorrow or a week from now, whatever?

MS. VIZZINI:
Well, typically you send out those contacts, yeah.

MR. TORTORA:
Again --

LEG. KENNEDY:
Okay. Let me -- I'll stop it now. I'm going to ask, if possible, that BRO be a part of that. And I'm going to make that same request to the County Executive's Office today as well. But as our agent who advises us and handles this interaction with the agencies, I'm asking if BRO can be a part of it.

MR. TORTORA:
And I certainly wouldn't object to that, of course.

LEG. KENNEDY:
Good, good. Thank you. Thank you.

P.O. LINDSAY:
Anybody else? I just want to follow up on Legislator Barraga's questioning, but from a different perspective. In 2008, Rich, there was a lot of discussion here about whether to securitize or not, that -- that it would discount it so much we would have been better off just keeping the asset, which was a prior discussion early in my tenure. Back in the early part of the decade we had considered it and rejected it. If we didn't securitize in '08 and we still had the full asset and we wanted to do it now, give me a guesstimate what that $230 million would be worth?

MR. TORTORA:
Very tough question.
P.O. LINDSAY:
Ballpark.

MR. TORTORA:
The reason being that issue was, you know, with this turbo structure. The turbo structure just
doesn't sell anymore. There really isn't a market for it. So now it would be structured as a residual
transaction. I think you'd have less proceeds. Even though the interest rate would be lower, the
credit rating would be higher, I think you'd end up with less proceeds if you were securitizing now
than if you securitized then because of the change in the structure.

P.O. LINDSAY:
Early on in this process, when we first started looking at this when we were working with the
budget, we were in a meeting with the Comptroller, I think you might have been there, and it was
portrayed to us that the value of that 2008 sale could be worth maybe half if we did it today?

MR. TORTORA:
It's very hard to say. I don't think half, but I certainly think you'd have less proceeds if you were to
be doing it for the first time now than when you did it back then.

P.O. LINDSAY:
My point to my colleagues is, besides this being an integral part of our budget in '12, it's time to get
out of this product, because consumption is dropping so rapidly that the value of the product on an
annualized basis by holding it is diminishing rapidly. So now's the time to get out.

I'm sorry you didn't give me the answer that I was looking for, but in that initial meeting, and it was
a few months back, it was portrayed that the value of the '08 sale could be as much as half of what
we got for it, so -- if we did it today.

All right, thank you very much. Anybody else have any other questions for Rich? Thank you very
much, Richard.

MR. TORTORA:
You're welcome.

P.O. LINDSAY:
It's a very complicated subject and I thank you for your being here to help us through these
troubled waters.

MR. TORTORA:
You're very welcome.

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

P.O. LINDSAY:
Okay, back to the agenda. I'm going to go back to 1715-11 - Confirming appointment of
County Director of Probation (County Executive), I'm going to make a motion to table.

LEG. COOPER:
Second.
P.O. LINDSAY:
Second by Legislator Cooper. All in favor? Opposed?

LEG. CILMI:
Opposed.

LEG. BARRAGA:
Opposed.

MS. ORTIZ:
Can all the oppositions hold their hand up, please? Twelve (Opposed: Legislators Romaine, Muratore, Eddington, Cilmi & Barraga - Absent: Legislator Montano).

P.O. LINDSAY:
Okay, 1894-11 - Approving an increase of one vehicle in the fleet for the Suffolk County Sheriff’s Office through the Federal Asset Forfeiture Program (County Executive).

LEG. COOPER:
Motion to table.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion to table by Legislator Cooper. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. ROMAINE:
Opposed.

LEG. CILMI:
Opposed.

LEG. MURATORE:
Opposed.

MS. ORTIZ:
Thirteen (Absent: Legislator Montano).

P.O. LINDSAY:
1920-11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements to County Golf Courses – Indian Island (CP 7166). Do I have a motion?

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine. I'll second it.
LEG. D'AMARO:
Just on the motion one more time.

P.O. LINDSAY:
On the motion, Legislator D'Amaro.

LEG. D'AMARO:
Thank you. Mr. Presiding Officer, I have really the same line of inquiry and questions that we had on that prior bill.

P.O. LINDSAY:
Fine, please pursue them.

LEG. D'AMARO:
And if someone is here from --

P.O. LINDSAY:
Terry Maccarrone is coming up right now.

LEG. D'AMARO:
Again, I believe that this -- again, a much needed project and improvement to save the golf course and keep it playable and make sure we don't breach our agreement with the concessionaire. But I question whether or not or why there's not sufficient funding within the existing Capital Project that was targeted for this type of work as opposed to taking it from an outside Capital Project. Again, I'm looking to see that we do the same review on this project to see whether or not we can live within the means of that existing project. Terry, any comment on that?

MR. MACCARRONE:
Yeah, it's a little bit different than the last time, Legislator. In this particular case, the monies that are funded -- that were adopted and appropriated into 7166, which is improvements to golf courses, is designated for -- or are designated for a project at West Sayville Golf Course. We're improving the irrigation system there, that is a project that is in progress and all the funds that we have there are going toward that. This was a project that, while on our radar, wasn't really scheduled to kind of come through this quickly over Indian Island, but there's an existing gabion wall there that protects hole number five and it's really not doing well, it's starting to fail. So we had inspected it with Nick Gibbons from Environmental and people from Waterways at DPW and they, in fact -- I believe there was an RFP waiver that was established and we're ready to go out with that as well, but we needed to get the funding for that because it was not on the radar when we put the Capital Program together initially.

LEG. D'AMARO:
Right. And I appreciate the fact the County needs to be able to react quickly when something unforeseen, damaged, physical damage comes up to one our facilities and that all makes sense. So what you're saying is Capital Project 7166 has "X" amount of funding in it, but that is all targeted to be used, that project is going forward with the -- what did you say, irrigation system?

MR. MACCARRONE:
Yeah, there's a current project for irrigation system improvements at West Sayville.

LEG. D'AMARO:
Okay. And so what we're doing is expanding Capital Project 7166 to now include repair to this golf course as well.
MR. MACCARRONE:
For this year’s, yes.

LEG. D’AMARO:
Yeah. Okay, I’m going to take it at that, that the funds are all spoken for and, in fact, will be used in the existing Capital Project.
Okay.

P.O. LINDSAY:
Legislator Cilmi.

LEG. CILMI:
Yeah. Could you just talk to us about project 7162 and why that money is available to be used for this other project?

MR. MACCARRONE:
Yes. Actually, we -- 7162 is improvements to Smith Point Campground -- excuse me, Smith Point County Park, and we actually have a pretty good amount of money in that project line. We are in the process of doing improvements there now as part of our master plan that we have. But again, because there are issues with DPW, we don't do all of our projects right away. So we felt that given the balance that we have in 7162, that transferring this money to 7166 was not going to negatively impact us.

And also, we had planned when we scheduled that money for this year to have it in hand in case we needed to do beach nourishment there, because we've had several storms come through in the last several years, there have been several disaster declarations from FEMA. We do have some projects pending with FEMA waiting on approval to come through; in fact, there's one project for $11.6 million that we're anxiously awaiting on. So we needed to have -- we were planning, when developing the Capital Program, to have that money in hand in case we needed to nourish in the meantime.

LEG. CILMI:
So what was the total amount of money that was budgeted for for that other project, the project that we're taking the money out of?

MR. MACCARRONE:
The adopted monies for 7162, give me one second.

LEG. CILMI:
And if you could elaborate a little bit about exactly what those adopted monies were to be used for.

MR. MACCARRONE:
In the Capital Program in 7162 in 2011, there was $1.15 million that was to be appropriated, which has not been. Again, we have a master plan that was developed for Smith Point County Park, there's any number of issues in there, I can get you a copy of the plan if you'd like to look at it, but they would -- right now we're doing electrical improvements to all the campsites there, we just brought in three-phase electric to the park itself. There are plans -- within the master plan, there are projects for putting together a maintenance facility there for storage of vehicles and the appropriate equipment that we use there. The parking lot is in need of resurfacing, there's going to be reconfiguration of the parking lot as per the master plan, so there are quite a few items there.

LEG. CILMI:
So are you confident -- I mean, it looks like you're taking about almost 15% out of that -- out of the value of that project. Are you confident that you'll be able to accomplish the goals of that project
with lesser money?

**MR. MACCARRONE:**
Again, it is long-term, the master plan, so we do have some time to do that. If it was a short-term item, then I'd be a little bit more loathe to take the money out of there. But given the balance that we have and given the delay in pressing projects because of the staffing shortages at the various departments, yes, I wouldn't have a problem with it.

**LEG. CILMI:**
Okay. Thank you.

**P.O. LINDSAY:**
Anybody else? No? Thank you, fellas.

**MR. MACCARRONE:**
Thank you.

**P.O. LINDSAY:**
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. BROWNING:**
Put me as opposed.

**MS. ORTIZ:**
Sixteen.

**LEG. BARRAGA:**
Opposed.

**MS. ORTIZ:**
Fifteen (Opposed: Legislators Browning & Barraga - Absent: Legislator Montano).

**P.O. LINDSAY:**
Same motion, same second on the accompanying Bond Resolution, **1920A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $150,000 bonds to finance the cost of planning for improvements to the Indian Island Golf Course (CP7166.114)).** Roll call.

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

**LEG. ROMAINE:**
Yes.

**P.O. LINDSAY:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**MS. ORTIZ:**
Oh, I'm sorry, I was supposed to start over there.
Leg. Cooper: Yes.

Leg. D’Amaro: Yes.

Leg. Stern: Yes.

Leg. Gregory: Yes.

Leg. Horsley: Yes.

Leg. Nowick: Yes.

Leg. Kennedy: Yes.

Leg. Barraga: No.

Leg. Cilmi: Yes.

Leg. Montano: (Absent).

Leg. Eddington: Yes.

Leg. Anker: Yes.

Leg. Muratore: Yes.

Leg. Browning: No.

Leg. Schneiderman: Yes, again.

D.P.O. Viloria-Fisher: Yes.

Ms. Ortiz: Fifteen.

P.O. Lindsay: Okay. There was a Tabled Resolution that was left off the agenda, it’s been distributed to everybody, it’s IR 1841-11 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007
- Boyle Road property - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000) (Muratore).

LEG. MURATORE:
Motion to approve.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Motion to approve. Seconded by Legislator Romaine. Legislator Anker?

LEG. ANKER:
Did we find out if that property was donated?

LEG. MURATORE:
We just came from the Clerk's Office; it was purchased in 1962, the entire 21-acres, for less than $70,000. We're looking to take 15, the school is going to keep six, so it's --

P.O. LINDSAY:
I'll make a motion to table.

LEG. ANKER:
I'll second.

P.O. LINDSAY:
Second by Legislator Anker. Any discussion? Tabling goes first. I'll call the roll.

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

P.O. LINDSAY:
Yes to table.

LEG. ANKER:
Yes.

LEG. COOPER:
Yes to table.

LEG. D'AMARO:
No.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.
LEG. NOWICK:  
No.

LEG. KENNEDY:  
No.

LEG. BARRAGA:  
No.

LEG. CILMI:  
No.

LEG. MONTANO:  
(Absent).

LEG. EDDINGTON:  
Yes.

LEG. MURATORE:  
No.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
No to table.

LEG. ROMAINE:  
No to table.

D.P.O. VILORIA-FISHER:  
No.

MS. ORTIZ:  
Eight.

P.O. LINDSAY:  
Okay, the tabling fails. To approve? Roll call.

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

LEG. MURATORE:  
Yes.

LEG. ROMAINE:  
Yes.

LEG. COOPER:  
Yes.

LEG. D’AMARO:  
Yes.
LEG. STERN: 
Yes.

LEG. GREGORY: 
Yes.

LEG. HORSLEY: 
Yes.

LEG. NOWICK: 
Yes.

LEG. KENNEDY: 
Yes.

LEG. BARRAGA: 
Yes.

LEG. CILMI: 
Yes.

LEG. MONTANO: 
(Absent).

LEG. EDDINGTON: 
Yes.

LEG. ANKER: 
No.

LEG. BROWNING: 
Yes.

LEG. SCHNEIDERMAN: 
Yes.

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

P.O. LINDSAY: 
No.

MS. ORTIZ: 
Fifteen.

Budget & Finance, Information Technology:

P.O. LINDSAY: 
Okay, 1963-11 - Adopting Local Law No. -2011, A Local Law authorizing the sale of the County's ownership interest in the Residual Trust established under the declaration and agreement of trust by and between the Wilmington Trust Company and Suffolk Tobacco Asset Securitization Corporation (Presiding Officer Lindsay). I'll make a motion.
LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy. Any further discussion on this subject? Okay, all in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1964-11 - Of the Legislature of the County of Suffolk, repealing its cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, thus restoring its percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York (Presiding Officer Lindsay). I've had a request to skip over it, there's some discussions going on that we'd like to explore.

1999-11 - Authorizing transfer of surplus County monitors and laptops to RSVP (Kennedy). Legislator Kennedy?

LEG. KENNEDY:
Motion to approve.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion to approve, seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

Economic Development, Higher Education & Energy:

P.O. LINDSAY:
1976-11 - Appropriating funds in connection with security notification – College Wide (CP 2140)(County Executive).

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley.

LEG. COOPER:
Second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).
P.O. LINDSAY:
On the accompanying Bond Resolution, 1976A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $100,000 bonds to finance a part of the cost of the acquisition of security notification equipment for Suffolk County College - College Wide (CP 2140.510), same motion, same second. Roll call.

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

LEG. HORSLEY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent).

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1977-11 - Authorizing Capital Project 6418.310 to close; amending the 2011 Capital Budget and Program, and reappropriating funds in connection with Downtown Beautification and Renewal of Huntington Station (CP 6418.317)(County Executive).

LEG. D’AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D’Amaro.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper.

LEG. KENNEDY:
On the motion, Mr. Chair.

P.O. LINDSAY:
On the motion, Legislator Kennedy.

LEG. KENNEDY:
This is just repurposing or redirecting existing funding that had already been committed? To Counsel or to anybody.

P.O. LINDSAY:
I think we have an answer coming up from Carolyn Fahey.

LEG. KENNEDY:
Okay.

MS. FAHEY:
There's no button to hold anymore. Yes, exactly, there were funds that were appropriated and granted to Huntington Station through the Town of Huntington. They had difficulty with LIRR and the New York State DOT in getting the plans approved and it's just reallocating it back to them.

LEG. KENNEDY:
All right. Thank you.
P.O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

**Environment, Planning & Agriculture:**

P.O. LINDSAY:
IR 1966-11 - Making a SEQRA determination in connection with the proposed LIRR Ronkonkoma Station Parking Lot Expansion, Town of Islip (Presiding Officer Lindsay). I'll make a motion to approve.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1981-11 - Amending the 2011 Capital Budget and Program and appropriating PAYGO funds in connection with the Suffolk County ¼% New Drinking Water Protection Program for environmental protection for land acquisitions (CP 8714.210).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. D'AMARO:
Second.

P.O. LINDSAY:

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

**Health & Human Services:**

P.O. LINDSAY:
1943-11 - Amending the 2011 Adopted Operating Budget to transfer funds from Alternatives Counseling Center, Inc. Alternatives for Youth Program to the Project Outreach Alternatives for Youth Program (County Executive).

LEG. BROWNING:
Motion.
P.O. LINDSAY:
Motion by Legislator Browning.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1960-11 - Declaring October “Bullying Prevention Awareness Month” in Suffolk County (Cooper).

LEG. COOPER:
Motion to approve.

LEG. CILMI:
Second.

P.O. LINDSAY:
Motion by Legislator Cooper. Second by Legislator Cilmi.

LEG. ROMAINE:
Too much too late.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1967-11 - To amend the composition of the Sober Home Oversight Board (Browning).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. MURATORE:
Second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1974-11 - Appropriating funds for the purchase and installation of generators for full
power supply at County owned health centers (CP 4008) (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
On the accompanying Bond Resolution, 1974A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $228,000 bonds to finance the cost of the purchase and installation of generators for full power supply at County owned health centers (CP 4008), same motion, same second. Roll call.

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

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D’AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yep.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.
LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent).

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
*IR 1975-11 - Appropriating funds in connection with the purchase of equipment for health centers (CP 4055)(County Executive).*

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.  Legislator Cilmi?

LEG. CILMI:
Yeah, just a question.  I had some dialogue via e-mail with Dr. Tomarken on this, but maybe somebody here could elaborate even further with regard to this equipment.  Is it replacing existing equipment, is it new equipment?  You know, we're talking about doing some things maybe with our health centers going forward, do we need to make this purchase now?  Those are the questions I have.  I don't know if there's anybody here who could answer.
LEG. BROWNING:
I believe it is some replacement equipment, I believe some of it was examination beds and stuff like that. Gail, do you have specifics on it?

MS. VIZZINI:
Where are we? Could somebody help me.

D.P.O. VILORIA-FISHER:
1974. 75, sorry.

LEG. BROWNING:
Plus, I don't think it's going to change what we're doing with our health centers.

P.O. LINDSAY:
Gail, do you feel comfortable answering that or would you like us to skip over it and we'll get an answer from the Health Department?

MS. VIZZINI:
Well, are they here?

P.O. LINDSAY:
No, they're not here, but I have to get --

MS. VIZZINI:
Okay. Basically my notes tell me that the bulk of the purchase are for 18 power examination tables, so it's basically replacement examination tables where the patients are examined. Don't forget, it's for all of the health centers.

LEG. CILMI:
I would just like to have some comment from the Health Department on the condition of our existing examination tables before we approve this. If we can get somebody from the County Executive's Office here to talk about it, that would be great.

LEG. BROWNING:
Bill, at the Health Committee they did say that they needed them.

LEG. CILMI:
Well, we need a lot of things.

LEG. BROWNING:
Well, yeah.

LEG. CILMI:
It's just a matter of how badly do we need them is the question, I guess, for me.

MS. VIZZINI:
We typically address these ongoing Capital Projects in our Capital review and generally speaking, we don't replace anything unless it's at the end of its useful life, usually broken or malfunctioning. And this particular Capital Project is specifically for equipment in our health delivery system that falls under that type of category.

D.P.O. VILORIA-FISHER:
You don't want people falling off the tables.
**MS. VIZZINI:**
It is money that is approved in the adopted Capital Program specific to that type of expenditure.

**LEG. CILMI:**
Okay.

**P.O. LINDSAY:**
Okay, where are we? Do we have a motion on this?

**LEG. BROWNING:**
Yes, I made the motion.

**P.O. LINDSAY:**
Motion and a second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Seventeen (Absent: Legislator Montano).

**P.O. LINDSAY:**
On the accompanying Bond Resolution, 1975A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $187,750 bonds to finance the cost of the purchase of equipment for Health Centers (CP 4055.530), same motion, same second. Roll call.

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

**LEG. BROWNING:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. COOPER:**
Yes.

**LEG. D'AMARO:**
Yes.

**LEG. STERN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.
LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. ANKER:
Yes.

LEG. MONTANO:
(Absent).

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. MURATORE:
Second.

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

LEG. BARRAGA:
Opposed.

MS. ORTIZ:
Sixteen (Opposed: Legislator Barraga - Absent: Legislator Montano).
**Labor, Housing & Consumer Protection:**

**P.O. LINDSAY:**
*IR 1896-11 - Adopting Local Law No. -2011, A Local Law to clarify the regulation of secondhand dealers and precious metals dealers in the County of Suffolk (Romaine).*

**LEG. ROMAINE:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Romaine. Do I have a second?

**LEG. KENNEDY:**
Second.

**P.O. LINDSAY:**
Second by Legislator Kennedy. Just quickly to save us looking this up, what is the changes here, Legislator Romaine?

**LEG. ROMAINE:**
Right now the County doesn't regulate businesses which make short-term loans to individuals based on the value of personal property used as collateral, better known as pawn brokers. This makes it difficult for our Police Department to monitor for stolen property that may be sold by criminals, much like is done by first-hand dealers and second-hand dealers of precious metals and gems now in the Suffolk County Code. This would extend that to pawn brokers.

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

**LEG. ROMAINE:**
And this was done -- I mean, I'm not clairvoyant about this, this was brought to me by the Department of Consumer Affairs.

**P.O. LINDSAY:**
Okay. See, I didn't realize that the pawn brokers weren't covered.

**LEG. ROMAINE:**
They are not covered currently under Suffolk County Law, that's what this does.

**P.O. LINDSAY:**
Okay. We have a motion. Do we have a second. Yeah, a second. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Seventeen (Absent: Legislator Montano).

**P.O. LINDSAY:**
*1991-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM No. 0200-974.50-02.00-021.000) (County Executive).*

**LEG. BROWNING:**
Motion.
P.O. LINDSAY:  
Motion by Legislator Browning.

LEG. COOPER:  
Second.

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

MS. ORTIZ:  
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:  
1993-11 - Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for Affordable Housing purposes (SCTM No. 0200-453.00-01.00-008.000) (County Executive). How about same motion, same second, same vote, all right?

LEG. NOWICK:  
Yes.

MS. ORTIZ:  
Seventeen (Absent: Legislator Montano).

Parks & Recreation:

P.O. LINDSAY:  
IR 1935-11 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Town of Southampton to install beach markers on County beaches (Schneiderman).

LEG. SCHNEIDERMAN:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Schneiderman.

LEG. ROMAINE:  
Second.

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

MS. ORTIZ:  
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:  
1971-11 - Authorizing the Suffolk County Vanderbilt Museum and Planetarium to use County fueling stations for its traveling exhibit, “Discovering The Universe” (Cooper).

LEG. COOPER:  
Motion.
P.O. LINDSAY:
Motion by Legislator Nowick, second by Legislator Cooper.  
All in favor?  Opposed?  Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1972-11 - Amending the 2011 Capital Budget and Program by accepting Federal and State  
Aid and appropriating funds in connection with reconstruction of spillways in County  
Parks – Dam No. 720, Cranberry Bog Preserve County Park, Riverhead (CP 7099)(County  
Executive).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. MURATORE:
Second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

LEG. ROMAINE:
Would the Clerk please list me as a cosponsor?

MS. ORTIZ:
Yes, sir.

P.O. LINDSAY:
IR 1973 -11 - Amending the 2011 Capital Budget and Program and appropriating funds in connection with improvements at County Golf Courses – West Sayville, Indian Island and Timber Point (CP 7166) (County Executive).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Motion by Legislator Nowick.

LEG. CILMI:
Second.

P.O. LINDSAY:
Second by Legislator, was it Cilmi?  Cilmi.  All in favor?  Opposed?  Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).
P.O. LINDSAY:
On the accompanying Bond Resolution, 1973A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $1,200,000 bonds to finance the cost of improvements at County Golf Courses – West Sayville, Indian Island and Timber Point (CP 7166.115 and .315), same motion, same second. Roll call.

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

LEG. NOWICK:
Yes.

LEG. CILMI:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
(Absent).

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
IR 2001-11 - Authorizing support for the submission of a grant application to the New York State Office of Parks, Recreation and Historic Preservation by the Heritage Trust, Inc. (Anker). Motion by Legislator Anker. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
2039-11 - Increasing the Vehicle Use Fees at County Parks. (Presiding Officer Lindsay). I'll make a motion.

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. On the motion, Legislator Romaine.

LEG. ROMAINE:
Yeah, a brief explanation of the new fees, what is it going -- what were they, what are they going to be?

P.O. LINDSAY:
Are you familiar with them?

LEG. ROMAINE:
I'm not on the Parks Committee, so I don't have the --

LEG. NOWICK:
You know, I'm not sure about the exact fees, but it had to do with Smiths Point and the -- I believe it was the vehicles that go on to the beach. George, you have that there?

MR. NOLAN:
It increases the parking fee, I think at all the parks, by $3.

LEG. ROMAINE:
The parking fee.

MR. NOLAN:
Right, the parking fee, beaches, parks.
LEG. ROMAINE:
Okay.

MR. NOLAN:
This is in line with what was put in the Operating Budget revenue that we're anticipating, so this is the second part of that.

LEG. HORSLEY:
But it's less than State parks, right?

LEG. NOWICK:
Yes.

LEG. EDDINGTON:
On the motion?

P.O. LINDSAY:
On the motion, Legislator Eddington.

LEG. EDDINGTON:
Yeah, could I just get -- what is -- to go to Smith Point Park, what does it cost right now and what will it be this coming year?

LEG. BROWNING:
I got it up here, it says $5.

LEG. CILMI:
It's $5 now, it will be eight.

LEG. BROWNING:
Eight dollars.

LEG. EDDINGTON:
I thought it was eight or $10, no?

LEG. BROWNING:
Green key, $5.

LEG. EDDINGTON:
Okay, so you don't have a green key; how much does it cost me to go on?

LEG. BROWNING:
Too much.

LEG. EDDINGTON:
Is there any -- Budget Review, do you guys have that?

LEG. MURATORE:
Three dollars (inaudible).

LEG. CILMI:
It's $5, Jack.
LEG. EDDINGTON:
Okay.

LEG. CILMI:
Five dollars and it goes up to eight; with the green key, it's less.

LEG. EDDINGTON:
Okay. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second, Mr. Clerk?

MS. ORTIZ:
Yes, we do.

P.O. LINDSAY:
Okay. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Opposed.

LEG. MURATORE:
Opposed.

LEG. EDDINGTON:
Opposed.

LEG. BARRAGA:
Opposed.

LEG. D'AMARO:
Opposed.

MS. ORTIZ:
Fourteen. Thirteen. No, that would be twelve, Montano is out.
I'm sorry (Absent: Legislator Montano).

P.O. LINDSAY:
Okay, 2048-11 - Approving a License Agreement for Z. Richard Mecik and Marina Mecik to reside at Normandy Manor, Centerport, New York (Presiding Officer Lindsay). And I'll make a motion.

LEG. COOPER:
I'll second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Okay. We're at twelve o'clock, but I'm not sure if anybody from OTB is here yet.
LEG. GREGORY:
Yeah, they’re here. They’re outside.

P.O. LINDSAY:
Not as yet, okay. Then I’m going to keep going with the agenda until they arrive.

Public Safety:

1843-11 - Adopting Local Law No. -2011, A Local Law to increase the time animal abuse offenders must remain on the County’s Animal Abuse Offenders Registry (Cooper).

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Cooper, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
1940-11 - Accepting and appropriating a grant in the amount of $68,500 from the New York State Division of Criminal Justice Services, to provide enhanced defense representation for cases referred to the Legal Aid Society of Suffolk County by the Sex Offender Court with 100% support (County Executive). Do I have a motion?

LEG. COOPER:
Motion.

P.O. LINDSAY:
Motion by Legislator Cooper. Do I have a second?

LEG. D’AMARO:
Second.

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

LEG. BROWNING:
Opposed.

MS. ORTIZ:
Sixteen (Opposed: Legislator Browning - Absent: Legislator Montano).

D.P.O. VILORIA-FISHER:
George, why wasn't that on the Consent Calendar?

MR. NOLAN:
Browning was against it. Browning was opposed so we couldn't put it on the Consent.

D.P.O. VILORIA-FISHER:
But she didn't oppose it now.
MR. NOLAN:
She just did.

D.P.O. VILORIA-FISHER:
Oh, did she?

MR. NOLAN:
Yes.

P.O. LINDSAY:
Okay, I’m going to stop the agenda now because I see the people from OTB have arrived. And so I need a motion to go into Executive Session by Legislator Cilmi.

LEG. GREGORY:
Second.

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

MS. ORTIZ:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
We are in Executive Session. And I ask that the microphones be turned off and that the auditorium be vacated, except for Legislators and our Counsel.

(*Executive Session: 11:57 AM - 12:52 PM*)

P.O. LINDSAY:
Okay, I’m going to make a motion to come out of Executive Session.

LEG. CILMI:
Second.

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

LEG. ROMAINE:
Motion to recess for lunch.

P.O. LINDSAY:
Motion to recess until 2:30. I'll second that. Motion by Legislator Romaine, I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

(*The meeting was recessed at 12:52 PM*)

(*The meeting was reconvened at 2:27 PM*)

P.O. LINDSAY:
Okay. Mr. Clerk, could you call the roll, please?
(*Roll Called by Ms. Ortiz - Chief Deputy Clerk*)

LEG. ROMAINE:  
(Not present).

LEG. SCHNEIDERMAN:  
Here.

LEG. BROWNING:  
Here.

LEG. MURATORE:  
Here.

LEG. ANKER:  
(Not present).

LEG. EDDINGTON:  
Here.

LEG. MONTANO:  
(Absent).

LEG. CILMI:  
Here.

LEG. BARRAGA:  
Here.

LEG. KENNEDY:  
(Not present).

LEG. NOWICK:  
Here.

LEG. HORSLEY:  
Here.

LEG. GREGORY:  
(Not present).

LEG. STERN:  
Here.

LEG. D'AMARO:  
Here.

LEG. COOPER:  
(Not present).

D.P.O. VILORIA-FISHER:  
Here.
MS. ORTIZ: Twelve. Thirteen.

P.O. LINDSAY: We need cards.

MS. ACEVEDO: They're bringing in the cards now.

LEG. GREGORY: I'm here, Mr. Clerk.

P.O. LINDSAY: Okay, the first Public Hearing is on IR 1605, a Local Law to extend Prompt Payment Policy to attorneys providing services pursuant to Article 18-B of New York County Law. I don't have any cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, I will make a motion to recess.

LEG. CILMI: Second.

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


P.O. LINDSAY: (Public Hearing) IR 1704-11 - Adopting Local Law No. -2011, A Local Law to prohibit elected officials from publishing or allowing the publication of their names in advertisements for any County funded or sponsored program or event (County Executive). I have no cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none, I'll make a motion to recess.

LEG. BROWNING: Second.

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


P.O. LINDSAY: (Public Hearing) IR 1716-11 - Adopting Local Law No. -2011, A Local Law to reduce the use of disposable bags by retail stores (Viloria-Fisher). I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject? Seeing none --
D.P.O. VILORIA-FISHER:
Motion to close.

P.O. LINDSAY:
Motion to close by Legislator Viloria-Fisher. Do I have a second?
Do I have a second?

LEG. GREGORY:
Second.

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

MS. ORTIZ:
Fifteen (Not Present: Legislators Romaine & Kennedy - Absent: Legislator Montano).

P.O. LINDSAY:
(Public Hearing) 1729-11 - Adopting Local Law No. -2011, A Charter Law to amend the Drinking Water Protection Program to fund remediation of contaminated commercial sites (Cilmi).

LEG. CILMI:
Motion to close.

P.O. LINDSAY:
Wait a minute, I've got a whole bunch of cards.

(*Laughter*)

LEG. CILMI:
Oh, sorry.

P.O. LINDSAY:
I have a number of cards. Kevin McAllister is the first up.

MR. McALLISTER:
Good afternoon, everyone. My name is Kevin McAllister, I'm your Peconic Baykeeper. Reading this resolution, I think there's some merit to it, certainly with respect to investigation and testing. And I want to applaud Suffolk County for doing a great job, the Health Department in particular for their investigations relative to ground water. And as we are seeing from the Comprehensive Water Resource Management Plan, that's a reason to certainly expand the monitoring program with respect to contamination, principally nitrogen contamination of our ground water.

I guess where I'm at a loss, you know, certainly, again, identifying these contaminant sites is extremely important. But ultimately, the way this reads, it suggests that the remediation would actually be drawn from Quarter Percent funds. And if we're dealing with private, commercial, industrial sites, I guess I subscribe to the notion that the polluters should really pay. So as a matter of, I guess, clarification, you know, that's a looming question for me.

I do know with respect to the Clean Water Act -- and granted, this is not the same when we're dealing with ground water issues, but ultimately when polluters are identified that are violating discharge permits and there are, you know, again contamination coming out from these sources, they are the responsible parties. So I would ask the Legislature to give some pause to this bill. Again, I know the merits of it, there's certainly some merit to it but, you know, ultimately at the end
of the day, there needs to be a mechanism for recouping fees if, in fact, the County were to go into these sites, private properties again, and effect clean-up.

So I don't know if it's a possibility of taking title to these sites or not but, you know, that really has to be considered. Because again, if it's a private polluter, the polluter should pay. Thank you very much.

P.O. LINDSAY:
Thank you. Next is John Nicholson.

MR. NICHOLSON:
Hello. My name is John Nicholson, President of the Citizens Committee for Restructured Government. We basically -- there are going to be a lot of people here today to discuss the issue of chem-trails, and basically what I would like to say is for people out there, if they want a solution as opposed to just exposing, because we all have this program where we think all we have to do is talk about a problem and the morality police are going to come out of the woodwork and fix it.

I would like everybody here to know today that the Citizens Committee for Restructured Government, CCRG.info, Charlie, Charlie, Romeo, golf dot info is the website, it will explain more specifically the issue that I'm about to present. But there is no doubt about it, the Department of Defense is involved. We will also send anybody that requests it a copy of a Department of Defense briefing that took place regarding utilizing chem-trails to spray certain viral matter into our environment, which would be absorbed by people, to manipulate certain parts of proper functioning of the brain.

There are also record numbers of respiratory and health-related issues out there. I'm sure somebody in this room knows somebody that's having some type of sinusitis, bronchitis; it is a reaction to the allergic -- an allergic reaction to what's being done to us. They are spraying, there is no doubt about it, DOD is involved. And as I mentioned, I can't stress enough to contact us and request a copy of the Department of Defense briefing, that basically they admit flat out some very interesting things, as well as I believe there was an assassin present during that briefing who asks a very interesting question which is also, again, depicted in the video.

Also, a lot people here are familiar with something called Project HARP, High Altitude Auroral Research Project. These same scientists, Dr. Bernard Eastland who has certain patent involvement with HARP, also has patent involvement with the elements that are being sprayed in the chem-trails. Also, my question is for people to ponder is who has the kind of power to allow jet fuel to be infused with Aluminum, Barium and other toxic elements and authorized to refuel airplanes with this toxic substance and spray them systematically all over the world. The two countries that are not being hit are Sub-Sahara Africa and China, what a coincidence, is not receiving the amount of chem-trail exposure that the rest of the world is. But is it a fact? Yes. Is it happening? Yes. Are people going to get up here today and present all this evidence and information and how it's being done and all these other things? Yes. But I want people to remember that when you want a solution to not just the chem-trail issue, we have a way of taking our country off of oil. We can reverse many illnesses through techniques that are not being discussed by the AMA.

If anybody here is on Fluoride, please look up a case, Dr. William Marcus v. The EPA; Chief Toxicologist of the EPA was fired from his job in '96 for exposing that Fluoride is toxic. So if anybody wants legal proof that Fluoride is toxic, there's the copy of the lawsuit, Dr. William Marcus v. The EPA. Fluoride has been approved in our drinking water and various other substances, our toothpaste, so this is one atrocity that, again, ties into the same entities that are not only authorizing Fluoride and other chemical biological, any electronic manipulations of our reality and health, but it's the legal documentation that backs it all up. And everybody wants proof, proof, proof; we got all the proof you can imagine. A lot of people here are going to present proof. But
when you want solution, I want people to think CCRG.info. Thank you. God bless.

**Applause**

**P.O. LINDSAY:**
That's all the cards I have on 1729. Is there anyone in the audience that would like to address us on 1729, a Charter Law to amend Drinking Water Program to fund remediation of contaminated commercial sites? Seeing none --

**LEG. CILMI:**
Motion to close.

**P.O. LINDSAY:**
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

**MS. ORTIZ:**
Fifteen (Actual Vote: Sixteen (Not Present: Legislator Kennedy - Absent: Legislator Montano).

**P.O. LINDSAY:**
Next, (Public Hearing) IR 1922-11 - Adopting Local Law No. -2011, A Local Law to ensure the integrity and legibility of prescription labels in Suffolk County (Cooper). And I have one card, Patricia Brodhagen.

**MS. BRODHAGEN:**
Good afternoon. I am Pat Brodhagen, the Vice-President of Public Affairs for the Food Industry Alliance of New York State. When you see me, you probably don't think pharmacy, but we're called that. A lot of the members of mine, Pathmark and Waldbaum's and Stop & Shop and Shop-Rite and King Kullen all do have pharmacies, and so I'm not here on behalf of drug stores. But I am here on behalf of my members and the pharmacies that are in them on this particular bill, and there's really just three things I want to say.

The first is to thank the sponsor, Legislator Cooper, for incorporating in this bill the concepts that we have discussed with him previously during consideration of a prior iteration of this proposed legislation, and it seems to be reflective of ongoing conversations that we've had and we appreciate that.

The second is, though, that I do want to propose an amendment, and what that amendment would say is in Section 3, the requirement section, "Pharmacies in Suffolk County must use high quality prescription labels which must strongly adhere to the label to the container the prescription is dispensed in and maintain the integrity and legibility of the label." Then in the bill it goes on to say, "For the life of the prescription." We would delete that phrase and replace it with, "Under normal conditions of use for the duration of the supply dispensed." I have a copy if you want it.

**LEG. COOPER:**
Can you just repeat that, please?

**MS. BRODHAGEN:**
I can give it to you. Can I do that?

**LEG. COOPER:**
Yes, please. Thank you.

**MS. BRODHAGEN:**
That's really just to clarify normal conditions of use. Something interesting that one of our
pharmacists pointed out to me is that a degraded label, if it occurred because it was, you know, fell off your boat into the water or was exposed to high sun or heat or temperature, would actually, when brought back to the pharmacist, would be a clue to the pharmacist that the medicine itself may have degraded. And so they don't want to -- you know, if they want it to say "conditions of normal use," that would be one thing, but those kind of conditions would actually be a red flag. And duration of supply which is, I think, what life of the prescription means, but it could be that people think prescription life is a year if they got recurring -- yeah, okay.

The third thing I do want to say -- and I know, again, that the sponsor is well aware of this, but I just want to raise it with everyone else so that you are aware of the fact that pharmacy is a regulated profession. And it is pharmacies and pharmacists are licensed in New York, registered and otherwise regulated under the Education Law. So they fall under the State Board of Regents; and it's Article 37 of the Education Law and then various regulations of the Commission of Education and rules of Board of Regents. Labeling, then, has been addressed in State Law. Section 6810 of the Education Law deals with all of the things that must be contained on a label, and Section 29.7A, Sub 1 of the rules requires that prescriptions be legible.

So I raise that because in our view, we've talked about this too, that that field of what a label -- how a label is regulated has been occupied by the State, and so we think that there is a jurisdictional problem. That's for your consideration, but I wanted to put it out there so that you would be aware of it. That's it. Thank you.

LEG. COOPER:
Thank you, Pat.

P.O. LINDSAY:
Okay, I don't have any other cards on 1922. Is there anyone in the audience that would like to speak on 1922? Seeing none, Legislator Cooper, what's your pleasure?

LEG. COOPER:
I really had a question for George as to whether the change in wording -- Sarah, maybe you know. A slight change in wording would be problematic if I closed the public hearing today, or would I be better off recessing this until -- oh, no, actually I’d have to close the public hearing today.

MS. SIMPSON:
To move it, you would need to close the public hearing today.

LEG. COOPER:
But if I made that change adding the word "under normal conditions of use", is that a major change?

MS. SIMPSON:
I don't think it's a major change.

LEG. COOPER:
Okay. Anyway, I have no choice. I'll make a motion to close, please.

P.O. LINDSAY:
I'll second it. All in favor? Opposed? Abstentions?

MS. ORTIZ:

P.O. LINDSAY:
*Public Hearing on IR No. 1923-11 - Adopting Local Law No. -2011, A Charter Law to
authorize the use of development rights for smart growth, community development and job creation (Presiding Officer Lindsay). I have a card, Karen Blumer?

MS. BLUMER:
Members of the Legislature, good afternoon. I'm Karen Blumer, I'm representing the Open Space Council, talking about Resolution 1923. I'll be brief.

We feel that this, in certainly appearance and possibly reality, is a violation of the public trust in terms of this resolution will commit TDR transfer of development rights portion of open space to activities that may be counterproductive to the intent of our open space of designation which is to protect us -- to protect our drinking water and protect us. So before you vote on this or move it forward, I know it has to go back to committee, I would really like -- we need -- this raises more questions than we have answers for and some of those, I would like to just list four categories.

First, we appeared before Vivian's committee about a week and a half ago asking questions that were not answered by the committee or by Sarah Lansdale; she said that she would get us answers. But first, we really want to know how many TDR's would this resolution produce? Is it one, ten, a thousand; what are we looking at in terms of development.

Second -- well, also along with that, how many TDR's exist now? We're told in this resolution that very few to none are being used. Nobody seems to have the answer to how many TDR's we have now. So also, the original resolution, actually passed into law by referendum, attached to this was to use open space, the TDR's generated up to a certain percent for affordable housing.

Just as a side line, you know, we rarely -- we occasionally see great comments from the Suffolk County Planning Department to the municipalities, little slaps on the hand; you were supposed to put in "X" percent of affordable housing. We were really very concerned that government whines constantly about affordable housing, the County has done nothing to actually require that, to make incentives for the municipalities. We'd like to see that happening as all development goes through. You can't develop unless you provide some of these things that we keep wanting to raid other funds for. So please think of it in that context.

Also, in this resolution, we definitely would like a definition -- definitions. What is smart growth? If I asked -- you know, if you ask three attorneys a question, you get three different answers. If I asked all 18 of you today, we'd probably get 36 different answers. What is smart growth? Everybody seems to have a different concept. It's supposed to be growth around a center that already exists. Yet we have things like Meadows at Yaphank in the Town of Brookhaven, they're calling that smart growth because it's a walkable community. Excuse us; it's a walkable community in the midst of three to 4,000 acres of unbroken, regional forest. This is not a concept of smart growth. So please, give us the definition of smart growth. Community development; is that anywhere? Where is that? Or jobs.

And again, we really sanction all of these, they're very important concepts, but they've got to be defined. Where is this going to happen? Are these green jobs? We really would insist that if this resolution is ever passed, these are green jobs and they're defined as such.

Certainly third, we must have SEQRA attached to this. The Presiding Officer at the committee meeting suggested that it may not require SEQRA, but this is more than a policy. It's going to require a commitment of funds for whatever happens with smart growth. So it must go through SEQRA.

And finally, we would really -- the man, speaker before me mentioned solutions. We are in very desperate straits, as you know, economically everywhere, including the County. But to grab at straws and try to create jobs, building a structure that we've had for 40 year and has gotten us into
this problem is not going to answer anything. So we really need to restructure our thinking and look at this resolution in context of that, and we’re asking you not to raid one fund to promote growth that may not be accounted for. We hope you all know that we are really beyond our carrying capacity in the County and in most of the townships. Open Space Council work with the town of --  

*(Timer Sounded*)

Anyway, we are beyond. Thank you very much.

Applause

P.O. LINDSAY:
I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. CILMI:
Second.

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

MS. ORTIZ:

P.O. LINDSAY:
/Public Hearing/ IR 1924-11 - Adopting Local Law No. -2011, A Local Law to broaden enforcement of the County’s outdoor wood-burning furnace laws (Eddington). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Eddington?

LEG. EDDINGTON:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

P.O. LINDSAY:
Next up is (Public Hearing) 1936-11 - Adopting Local Law No. -2011, A Charter Law to ensure funding for sewer infrastructure improvements (Horsley). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:
P.O. LINDSAY:
(Public Hearing) 1965-11 - Adopting Local Law No. -2011, A Charter Law to ensure funding for sewer infrastructure improvements (Horsley).
I have no cards on this subject. Is there anyone in the audience that would like to address us on this subject? Seeing none, Legislator Viloria-Fisher?

D.P.O. VILORIA-FISHER:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MS. ORTIZ:

P.O. LINDSAY:
(Public Hearing) 1968-11 - Adopting Local Law No. -2011, A Local Law to protect public safety at reproductive health care facilities (Viloria-Fisher), and I have a couple of cards.
Gina D'Andrea-Weatherup.

MS. D'ANDREA-WEATHERUP:
Good afternoon. I'm Gina D'Andrea-Weatherup, Community Affairs and Advocacy Manager at Planned Parenthood Hudson Peconic. We operate 12 health centers and serve about 35,000 patients a year. Six of our health centers are located in Suffolk County; we are in Amagansett, Patchogue, Riverhead, Smithtown, Huntington and West Islip. Patients come to us from New York City and from Nassau County as well as the communities throughout Suffolk County. The majority of the care that we provide is preventive, including life-saving cancer screenings, birth control, screening testing and treatment for sexually transmitted infections, the HPV vaccine and prenatal care, and we also provide abortion care.

Planned Parenthood Hudson Peconic supports IR 1968, the clinic access bill, as the best way to significantly reduce the harassment and intimidation that too many of our patients experience when they come to us for health services. I've worked at the Smithtown administrative offices of PPHP for five years and in that time I have both witnessed and heard about disturbing acts by protesters. I'll never forget the anniversary of the U.S. Supreme Court's decision of Roe v. Wade in 2008. I encountered a protester inside our parking lot, I knew that she was breaking the existing State and Federal laws by being on our property. As I walked from my car to the building, I realized that the woman who was praying a rosary had a child of about maybe eight years old or so with her. Our center Director asked her to leave, but she did not respond to our simple lawful request, so we called the Smithtown Police. The police responded and asked the woman to leave our property. She did and did not return, but I still wonder what our patients thought of the protester and of the fact that the police had to visit their health care provider that day.

In preparing for my testimony today, I spoke with Anthony {Marmer}, our Education and Training Manager who has also served as a patient navigator during abortion services in our Smithtown Health Center. The stories that he hears from the mothers, aunts and grandmothers of our patients, who accompany our patients for abortion services are clear; they do not feel supported when they past protesters, as the protesters claim they would like them to feel. Rather, they feel threatened, they perceive danger, they feel personally attacked. They understand the underlying judgment being made on them and on their level and who has chosen abortion as the best option for her. Sometimes these women, and they were always women, share that they had seen the same anti-choice protesters before but they have never felt this way. It is encountering the same protesters outside of their health care provider that makes them feel
One grandmother recently shared a story with a volunteer in the Smithtown Health Center. She informed our volunteer that during a prior visit with her granddaughter, the protesters threw tiny plastic fetus dolls and pamphlets into their car through an open window. When the same woman drove her granddaughter for another appointment, for a routine appointment for preventive care, her granddaughter said to her, "Make sure the windows are closed, I don't want that again."

Imagine for a moment going to your own primary care physician and seeing protesters outside with the name of your doctor on their signs and signs that say, "The office you're about to walk into is part of the problem, not part of the solution," end quote. Imagine how that would make you feel and what you would think about the care you're about to receive.

This bill would create a 35-foot buffer zone, a space adjacent to the entry-ways of reproductive health care facilities wherein no protest activity can take place. It would provide our patients with a bit of breathing room as they enter the building for care. There are Federal and State laws that are intended to protect patients like ours, that is the Federal Freedom of Access to Clinic Entrances Act, known as the FACE Act, which does prohibit the use of force or threats to interfere with anyone obtaining or trying to obtain reproductive health services, and it prohibits damage to reproductive health care facilities. There's also a New York State Law that says pretty much the same thing and establishes State penalties for these actions. But there are two problems with these laws. The first is that both laws require that intent be established when proving that any of the prohibited activities occur, which is tremendously difficult. Second, both laws require a complainant who was obtaining or rendering or assisting another person to obtain or render reproductive health services or counseling. In other words, both laws require that a patient, their loved one or a doctor or a nurse step forward to tell what happened and go through the legal process. These requirements make both laws difficult to enforce.

What would be different under 1968 is two things. First, intent is not needed. Anyone who engages in protest activities within the 35-foot buffer zone would be assumed to intend to interfere with the patients, doctors and nurses who seek and provide care at that location. Arrests could be made on observation alone if a protester is knowingly obstructing or blocking the premises of a clinic; no complainant is required. Second, current law provides no opportunity for a reproductive health care facility to bring a complaint about a protester's activities to law enforcement. Under 1968, knowingly interfering with the operation of a reproductive health care facility would be a violation of the law. On behalf of Planned Parenthood Hudson Peconic and the more than 35,000 patients we serve, please support IR 1968.

(*Timer Sounded*)

P.O. LINDSAY:
Next is Michael Andrea.

MR. ANDREA:
Good afternoon. My name is Michael Andrea, I'm Director of Facilities and Security at Planned Parenthood Hudson Peconic. I'm here to testify in support of IR 1968, a bill to protect public safety at reproductive health care facilities.

PPHP operates 12 health centers across Suffolk, Westchester, Rockland and Putnam Counties. In Suffolk, we have health centers in Amagansett, Riverhead, Patchogue, Smithtown, Huntington and West Islip. The presence of protesters outside our health centers is an ongoing problem that threatens the safety and security of patients, staff and volunteers. Patients find protesters to be intimidating. Many feel physically threatened when they see protesters outside of the office of their health care provider.
In Smithtown alone, six to ten protesters assemble every Wednesday and Saturday on the sidewalk next to the driveway of our health center. These protesters attempt to wave down cars as they enter our driveway and to speak to patients or staff. At least once a month, one of our two on-site security staff have to inform the protesters outside our Smithtown Health Center that they are breaking the law. The last time we had to call the Police was because of a noise disturbance. One of the protesters had brought a microphone to amplify his prayers and comments which could be heard inside our building. The Smithtown Police were called, responded and disbursed the protesters. Sometimes the protesters hang signs on our fence and our property and have to be asked to remove them. Just last week our facilities and security coordinator on-site noticed that the protesters had placed orange hazard cones in our driveway. When we asked them to remove the cones from our driveway, they refused; they claimed fear for their own safety. Our staff person asked them to remove the cones from our driveway or, he stated, he would take them. When they again refused, he picked up one of the cones, at which point one of the protesters jumped out of his wheelchair, ran over, grabbed the cone saying it was his; after that, they moved the cones onto the sidewalk.

At least once that we know of a protester has entered private property adjacent to our center in an attempt to contact people in our parking lot. In April of this year a protester in the parking lot of the adjacent office building attempted to make contact with a staff member who was in our center's parking lot and offered him anti-choice pamphlets through the chain link fence. The staff person refused the literature, contacted our security staff, but the individual had already left.

The Smithtown Health Center is also a target site for the national 40 Days for Life Campaign which takes place twice a year, from February to April and again from September to November. During these time periods, we typically see additional protesters on Wednesdays and sometimes single protesters or more on other days that the center is open. We also have occasional picketers at our Huntington, Patchogue and Riverhead Centers. Earlier this year, a patient in our Huntington center complained in writing to us that a protester with a large anti-choice sign was in the parking lot behind the building on private property and made him feel very uncomfortable. The protester apparently did not approach the patient or speak to him, but stared at him as he was entering our building.

Planned Parenthood’s highest priority is always the health and safety of our patients. No one should experience harassment or intimidation when they access health services. Please support IR 1968, the clinic access bill, and support access to reproductive health care.

Thank you.

P.O. LINDSAY:
Next I have Sheila Herson.

MS. HERSON:
Good afternoon, Ladies and Gentlemen. I am Sheila Herson, a volunteer at Planned Parenthood Hudson Peconic Health Center in Smithtown. When I go to work there, I have to pass the demonstrators outside the building. Although I support the demonstrators’ right to freedom of speech, I also support the right of Suffolk County residents and any others who want to obtain our medical services. I do not believe that the rights of the demonstrators should impinge upon and intimidate the young patients coming to us for very personal medical matters.

I know from personal experience that we are not talking only about expression of ideas. We are talking about actions that are intimidating to young people who need Planned Parenthood. As a volunteer, I sometimes work with a young woman, a college intern who is planning to become a physician's assistant. One day she and I had to walk past the picketers. She said to me, "I hate to walk by them."
I understood that she did not mean them harm, but felt scared. I said, "Don't worry, I'll protect you." But I shouldn't have to protect her. If they were moved just 35 feet away, I am sure she would feel much safer.

Just imagine how you would feel walking past demonstrators outside the office where you get your prostate or mammogram examination. We are not asking to take away or diminish the demonstrator's freedoms to express their views, we are only asking that our patients assure -- to assure our patients the freedom to enter our health center without encountering the kind of aggression -- aggressive actions we have seen take place. By moving them away from our entrance gate by 35 feet, we can protect their rights as well as ours. I propose -- the proposed law affirms the demonstrator's right to free speech. This bill, IR 1968, would ban only actions that interfere with the rights of patients to freely and safely come and go in order to seek and obtain medical service. Please, please pass this bill. Thank you for your time.

P.O. LINDSAY:
Sure. Madam -- could you -- Legislator Kennedy has a question for you.

LEG. KENNEDY:
The location that you're speaking about, Ma'am, I believe is actually in my Legislative District. Are you talking about the building that's at the corner of 111 and 347?

MS. HERSON:
No.

LEG. KENNEDY:
Is that Peconic?

MS. HERSON:
No.

LEG. NOWICK:
Maple Avenue.

LEG. KENNEDY:
Oh, on Maple Avenue. They're over on Maple Avenue. Have there ever been an incident where a picketer or demonstrator has actually made physical contact with one of your patients? Have they put hands on or have they --

MS. HERSON:
I do not know. I do not know.

LEG. KENNEDY:
Okay, fine. Okay, thank you.

P.O. LINDSAY:
I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject?

UNKNOWN AUDIENCE MEMBER:
Do you want an answer?

P.O. LINDSAY:
Do you want an answer from that gentleman?
LEG. KENNEDY:
No, I'll speak to him. Because he spoke already; right, Bill?

P.O. LINDSAY:
Yes, he did.

LEG. KENNEDY:
No, I'll speak to him privately.

P.O. LINDSAY:
Okay. Is there anyone else in the audience who would like to speak on this subject? Seeing none, Legislator Viloria-Fisher?

D.P.O. VILORIA-FISHER:
Motion to close.

P.O. LINDSAY:
Motion to close. Is there a second?

LEG. STERN:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Next up is (Public Hearing) 1969-11 - Adopting Local Law No. -2011, A Local Law to amend the selection process for certain members of the Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board (County Executive). I have a card on this subject. Don Haugs?

MR. HAUSZ:
Hausz.

P.O. LINDSAY:
Hausz, okay.

MR. HAUSZ:
Good afternoon, Ladies and Gentlemen. I had the opportunity to speak at the committee meeting last week and I’m hoping I covered the information that we were trying to disseminate to you folks in reference to the licensing law change that is being proposed. Again, from talking with my constituents from the New York Association of Fire Equipment Distributors, it’s the general consensus that we don’t believe we have adequate representation on the board, and we don’t believe that the change in the law is going to help that situation.

Back in ’09 when we first underwent the revision of this licensing law, the National Association was selected as an organization to present candidates to sit on the board. They did just what was asked of them in writing and submitted three names, two names and an alternate, and for whatever reason, numerous reasons that were never defined to the licensees, those three candidates were rejected by the Commissioner. The current proposed law change puts the decision of the representation right back into the hands of the Commissioner, with no real input other than resumes
submitted.

We do have a New York Association, a number of members. And the proposal that we would like to see maybe move forward, unfortunately at a later date, would be to allow the licensees -- the current licensees, I stated the other day, are paying a fairly enormous sum of money for their licenses, upwards of four or $5,000 for a license. Have those folks voted on the proposed candidates that would be up for consideration with guidelines, you know, for representation on the board. Okay?

The other issue was, like I said, we are paying an enormous amount of money. It's certainly not inducive (sic) for us to hire people at this point when in order to put one employee to work, we have to buy another license for upwards of -- or for $500 to put an employee to work. So there's definitely some revisions and some changes that are going to be needed or looked at. And initially we have this proposal, 1969, pending and, once again, representing the New York Association, I think we would like to see that reconsidered and an alternate proposal be brought forward. Are there any questions?

P.O. LINDSAY:
No.

MR. HAUSZ:
Okay. Thank you.

P.O. LINDSAY:
Thank you very much.

MR. HAUSZ:
Thank you.

LEG. ROMAINE:
A quick question.

P.O. LINDSAY:
Oh, wait a minute. Legislator Romaine has a question.

LEG. ROMAINE:
Very quick question. You do not support the current legislation?

MR. HAUSZ:
Not this revision. We do not support this revision.

LEG. ROMAINE:
Right.

MR. HAUSZ:
This is one article, Article 22 --

LEG. ROMAINE:
Right.

MR. HAUSZ:
-- of that law that is to be changed.
LEG. ROMAINE:
Well, we don't -- the reason I'm asking, I don't get a maybe vote, I get a yes or no vote. So if you were to advise us, you would be advising us to vote no against this?

MR. HAUSZ:
Correct.

LEG. ROMAINE:
When it's before committee or if it comes before the full Legislature?

MR. HAUSZ:
Yes. And again, it's not just my opinion, it's --

LEG. ROMAINE:
Right. No, I got the organization you're representing.

MR. HAUSZ:
Absolutely.

LEG. ROMAINE:
Thank you very much, sir.

MR. HAUSZ:
We would like to see, you know, an alternate proposal be brought forward. We'd be willing to help you with that. Okay? Thanks again.

P.O. LINDSAY:
Okay. I don't have any other cards on this subject. Is there anyone else in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close. Do I have a second?

LEG. STERN:
(Raised hand).

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Next up, *(Public Hearing) 1970-11 - Adopting Local Law No. -2011, A Charter Law to ensure appropriate representation of the ten towns on the Suffolk County Planning Commission (Romaine)*. I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).
P.O. LINDSAY:
Next, (Public Hearing) IR 1983-11 - Adopting Local Law No. -2011, A Charter Law to increase public accountability in budget process (Cilmi). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cilmi?

LEG. CILMI:
Motion to close, please.

P.O. LINDSAY:
Motion to close. Do I have a second?

LEG. MURATORE:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Next, (Public Hearing) 1997-11 - Adopting Local Law No. -2011, A Charter Law to ban community college chargebacks to the towns (Romaine). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Romaine?

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

P.O. LINDSAY:
Next up, (Public Hearing) IR 2000-11 - Adopting Local Law No. -2011, A Local Law to establish a public registry of unscrupulous home improvement contractors in Suffolk County ("Contractors Wall of Shame") (Cooper). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, Legislator Cooper?

LEG. COOPER:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

P.O. LINDSAY:
(Public Hearing) IR 2003-11 - Adopting Local Law No. -2011, A Local Law to facilitate emergency housing of sex offenders in non-residential areas (Schneiderman). And I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject?
Seeing none, Legislator Schneiderman?

**LEG. SCHNEIDERMAN:**
Motion to close.

**P.O. LINDSAY:**
Motion to close. I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**

**P.O. LINDSAY:**
Okay. Next, *(Public Hearing)* IR 2029-11 - Adopting Local Law No. -2011, A Local Law to protect air quality in Suffolk County (Romaine), and I have several cards. Rick Shalvoy? Rick Shalvoy? No Rick Shalvoy; okay, we'll skip over him. Cynthia Pikoulas.

**MS. PIKOULAS:**
I have some handouts.

**MR. LAUBE:**
Sure.

**MS. PIKOULAS:**
Everyone gets two. I know the public Health Department handed them out at the last meeting. My name is Cynthia Pikoulas and I'm with Long Island Sky Watch.

Geo-engineering is defined as actions taken to counter the climate effects of greenhouse gas emissions on the atmosphere. Current research is focused on two distinct concepts. The most discussed technique is solar radiation management, which is often known as SRM. SRM releases particulars known as aerosols into the atmosphere. The purpose is to increase the amount of solar energy or sunlight that is reflected back to space. The second technique alters the reflectivity of clouds by spraying droplets of sea water into the atmosphere to make the clouds brighter.

There are many patents that describe how these two concepts are accomplished. In 1990, Hughes Aircraft Company created the Welsbach Seeding Patent for the reduction of global warming. The patent describes putting metals like Aluminum and Barium into jet fuel, then water vapor from the jet engine seeds the atmosphere by creating particles that stay afloat to reflect sunlight. Geo-engineering would only mask the effects of climate change. In fact, geo-engineering adds a greenhouse gas more potent than CO2 to the atmosphere water vapor. It also does nothing to decrease or prevent rising CO2 and the resulting problems such as ocean acidification.

Geo-engineering would also significantly increase acid rain. Acid rain leaches aluminum from soil into rivers and streams and damages fish populations by disrupting their reproductive cycle. Acid rain from Sulfur, Nitrogen and Aluminum greatly impacts highly sensitive forest ecosystems. It damages forests by draining nutrients from the soil which causes altered tree growth and die-back. I would advise everyone to start looking at the trees on Long Island, they are in severe decline. A tree bark sample taken from my backyard showed high Aluminum, Barium and Strontium. Acid rain causes Aluminum to be unnaturally released from the soil. As Aluminum is the favored metal being proposed by geo-engineers due to its low cost, the effects on Long Island’s forests, farms and waters is insurmountable.

Geo-engineering, which also includes weather modification and weather mitigation programs, could decrease rainfall significantly. Decreased rainfall would have a huge agricultural impact on Long Island's farming community, trees, water supplies and citizens. Geo-engineering could also increase
rain or snow in one area to the detriment of another. It would reduce the total amount of direct sunlight reaching Earth’s surface. All plants, agricultural crops and trees require direct sunlight for photosynthesis, let alone humans. The decrease in sunlight over the oceans could affect precipitation patterns leading to crazy weather.

Geo-engineering would decrease effectiveness of alternative forms of energy such as solar panels due to reductions in direct sunlight or diffused sunlight. Geo-engineering would also increase atmospheric water vapor, a greenhouse gas and cirrus clouds which are formed from the trails which are left by the planes. They spread out blocks of sun and turn our sky into a white haze, which is what we get quite frequently on Long Island. Aircraft emissions are responsible for four to 8% of global warming since air temperature records began in 1850. So the panacea they are proposing is actually causing what they are purporting to fix; it doesn't compute.

Aircraft are considered the most economical way to disburse atmospheric aerosols into the atmosphere. However, rockets are used all the time. In 2009, the U.S. Navy and NASA disbursed an Aluminum oxide death cloud using a rocket over the east coast of the United States. Where was their environmental impact statement or public oversight? Geo-engineering also raises particular difficult security issues because it could help some regions while harming others. All studies show that once begun, it cannot be stopped without creating harmful sudden increases in global temperature.

Who decides when and where to geo-engineer? Why is there is no public consent to our government dropping Aluminum, Barium, Silver Iodide or other aerosols into the air we breathe. As a teacher for 16 years, I have watched disabilities rise among my students exponentially. Ten years ago, Autism was one out of every 10,000 children; now it affects one in 70 boys. Allergies are no longer seasonal; they last all year and they develop at any age. Nearly everyone you know has a child with a disability. Asthma is an epidemic. Respiratory illness is the leading cause of death. It has moved up from seven in the last six years; something is causing this.

(*Timer Sounded*)

P.O. LINDSAY:
You're out of time.

MS. PIKOULAS:
Okay. Thank you.

Applause & Cheers From Audience

P.O. LINDSAY:
Siobhan Ciresi? Siobhan Ciresi.

MS. CIRESI:
Good afternoon, everybody. My name is pronounced Sha-van Ciresi (said phonetically), I am here representing Long Island Sky Watch.

My question is do we want our Earth and atmosphere to remain in tact as a life support system, or do we want it to be a physics laboratory for military and private interests? Complete with global dimming due to sunlight reduction, soil PH changes, increasing water and air pollution, reduced Vitamin D production, human health decline --

P.O. LINDSAY:
Siobhan, I've got to interrupt you.
MS. CIRESI:
Yes.

P.O. LINDSAY:
The signs have to disappear.

MS. CIRESI:
Okay. Those are -- this is not cutting into my time right now, is it?

P.O. LINDSAY:
Yes, your clock is running.

MS. CIRESI:
Okay. Well, I get an extra 30 seconds. Okay, so lower crop production, dead and dying trees, photosynthesis problems and the list goes on. This is the choice we are faced with as humans, and modifying the atmosphere and whether intentionally, through geo-engineering and unintentionally through aviation and pollution.

I am here today in support of IR 2029, a Local Law to protect air quality in Suffolk County which places restrictions on the intentional disbursement of Barium, Sulfur, salts and Aluminum Oxide into the air. These chemicals listed in Mr. Romaine's proposal are currently being promoted for geo-engineering, solar radiation management schemes on a global level and are referred to in numerous United States patents for weather modification technologies and methods dating as far back as the 1930's.

What is geo-engineering? According to the 2009 Royal Society Report titled "Geo-Engineering: Science, Governance and Uncertainty," it is, "Deliberate, large-scale manipulation of the planetary environment to counteract anthropogenic climate change. Geo-engineering proposals aim to intervene in the climate system by deliberately modifying the Earth's energy balance." Geo-engineering -- also referred to as climate remediation, weather modification and solar radiation management -- is already under way in the United States, according to the National Oceanic and Atmospheric Administration, the United States Navy and NASA, and several other countries including Germany, India, Russia and the UK who are exploring or "moving ahead" with their climate remediation efforts, according to the 2011 Bipartisan Policy Center's Task Force on Climate Remediation.

Between 2009 and 2010, the U.S. Committee on Science and Technology held hearings discussing the implications of large-scale climate intervention, the scientific basis and engineering challenges, and domestic and international research governance, these are the titles of their meetings. As discussions about geo-engineering have already taken place at the Federal level of government; likewise, this reality needs to be discussed by the local levels of government and public hearings made available. Being that geo-engineering affects the planetary climate and weather patterns, the public at the local levels must have the ability to accept or reject such experiments and programs in their own communities.

According to John Holdren, Director of the White House Office of Science and Technology Policy, "There are a variety of schemes that have been discussed for geo-engineering; a classic example is injecting reflecting particles into Earth's orbit." It is these programs which I will be addressing today.

Solar Radiation Management, SRM, involves deliberately injecting particulars, chemicals or gases into our upper atmosphere to decrease the amount of direct sunlight reaching the Earth to mask or reverse the effects of climate change. These schemes include cloud whitening experiments using salts and other particulates, injecting metal oxides into the atmosphere and putting more water
vapor, a potent greenhouse gas, into the atmosphere to create man-made artificial clouds. SRM models include stratospheric Sulfate injections and the spraying of 10 to 20 million tons of Aluminum Oxide and other aerosols into our atmosphere for the stated goal of cooling the planet, as documented at the American Association for the Advancement of Science Conference in 2010.

According to the Bipartisan Task Force on Climate Remediation Research, "Although SRM may be able to mask some impacts of greenhouse gases on the climate system, it would do nothing to deal with the chemical consequences of increased CO2 concentrations in the atmosphere." This can be likened to suppressing systems of an illness while not addressing the root causes, thus the system remains sick, but the illusion of wellness is what we get. Simultaneously, we are in the midst of a global dimming. In 2003, NASA scientists reported that the Earth is 20% darker. A report issued by the International Osteoporosis Foundation in 2009 showed that populations across the globe are suffering from the impact of low levels of Vitamin D. The problem is widespread and on the increase, with potentially severe repercussions for overall health and fracture rates.

Aluminum is a neurotoxin in humans, prolonged exposure can impair cognitive function and lead to motor dysfunction. Barium salts are very toxic, and if injected have a strong stimulating effect on all muscles, including the heart. Excessive Barium poisoning can lead to vomiting, diarrhea, convulsive tremors and increased blood pressure, according to the EPA. According to our own New York State Department of Environmental Conservation, high concentrations of Sulfates can enter the cardiovascular respiratory system resulting in disease or even death, and leach metals from soils in the form of acid rain. Ultimately, geo-engineering affects all of us, and thus information needs to be made widely available to the public and programs voted on by the public before the implementation of any such schemes. Thank you.

(Timer sounded)

Applause & Cheers from Audience

Any questions?

P.O. LINDSAY:
James Pikoulas.

MR. PIKOULAS:
Thank you. Our blue skies are no longer the deep blue of our youth. It is usually crossed with trails that go in directions that are against FAA standard flight plans. I have called the FAA and Homeland Security numerous times, only to be told it's not their jurisdiction.

As you could see from the cover of packet two, the trails are now being put into media books, video games, movies and always behind the weatherman on the news. These trails have become normal to everyone, especially our children. To make sure of this, NASA has implemented a "Count-the-Contrail Program" in the 1980's which was distributed to the elementary schools in the United States. In this way, children grew up thinking these trails were normal. There are patents to make different kinds of clouds on the books. The clouds we see today do not fall into previous classifications. In fact, NASA made new classifications for clouds last year.

The United Nations implemented a ban on geo-engineering in 2010. A 190 nations agreed except for the United States and the United Kingdom. Congress has had three meetings on geo-engineering in 20-10. The Council on Foreign Relations, which is a private entity, sponsored a meeting on unilateral -- unilateral geo-engineering in 2008. The U.S. Senate Bill was introduced in 2009 entitled, "Weather Mitigation: Research & Development Policy Authorization Act." A weather mitigation bill has been introduced every year since 2005.

In 2009, the United Kingdom Royal Society put forth a study titled, "Geo-Engineering and the
Climate; Science, Governance & Uncertainty." The Parliamentary Office of Science & Technology had a meeting on geo-engineering research in 2009. Just last week, the United Nations Climate Conference in South Africa on Friday said that, "In theory, reflecting a small amount of sunlight back into space before it strikes the Earth's surface would have an immediate and dramatic effect," but nobody knows what the side effects would be, and they could unintentionally change weather patterns and rainfall.

There continues to be many meetings sponsored by corporations that stand to gain from geo-engineering. There was the Asilomar Conference in 2009 about strategies, monies and governance of climate intervention. The meeting consisted of only corporations. There are currently 69 weather modification programs in the United States with no oversight. A weather forum could be submitted to {NOAH} by localities. Texas has a Weather Modification Law, No. 301, on the books. The requirement to obtain a license to implement weather modification is pay the license fee and demonstrate to the satisfaction of the department confidence in the field of meteorology to engage in weather modification and control activities. Many countries around the world have weather modification programs, there is no control or oversight anywhere.

In September of this year, the United Kingdom was going to simulate an artificial volcano by releasing Sulfur into the atmosphere through a balloon-type contraption. This is just one experiment that was made public; it was halted due to public reaction. What about the other experiment that the public is unaware of? Weather modification corporations are now a multi-billion dollar business; they're on the web. One such company is called Weather Modification Inc., and its motto is "Some people see clouds, we see potential."

(*Laughter*)

Another company would be justclouds.com.

Weather derivatives have turned into -- have turned weather into a tradable commodity since 1997. It is an eight billion dollar a year business. Monsanto has created Aluminum-resistant crops. Unless our -- why would they need to -- why would they have a need for Aluminum-resistant crops unless our plants can't grow due to the increase of Aluminum in our soil?

They are called once again to globally ban geo-engineering at the United Nations Conference in June 2012. This is not enough. Over the last few years, we have seen record rain and snowfall, droughts, heat waves, tornadoes and hurricanes just on Long Island alone. All of these weather anomalies mimic the consequences of the geo-engineering schemes that are being proposed by governments and corporations.
The true question is who stands to profit by blaming these weather anomalies on global warming? Certainly, it is not Long Island.
The true cause of climate change is being engineered right above our heads.

(*Timer Sounded*)

Thank you for your time.

Applause & Cheers From Audience

P.O. LINDSAY:
Anthony DaRosko? Anthony DaRoska?

MR. DaROSKA:
Hello. My name is Anthony DaRoska and I wanted to open up with what I -- my favorite bumper sticker states; "If you're not pissed off, then you're not paying attention."
For those who don't know and for those who don't believe, I want to describe what is happening. This, by the way, started about 20 years ago, but today it can't go unnoticed. I would like to ask everyone to just look up, pay attention to the skies in the morning, throughout the day and into the evening. On certain days you will notice nothing, but other days you will conceive these planes that are at least 33,000 feet up in the air, sometimes you might see more than one of these planes in the sky at once. In 2006, my wife and I noticed four or five planes flying east to west from our first home in Riverhead. My wife and I could see as they were flying that they started the persistent contrails and stopped when they wanted because the planes would still be at the same elevation but no persistent contrails. That was very disturbing.

I had called my Senators, Congressmen and U.S. Health Department. You will notice that this persistent contrail that goes from one horizon to the other, sometimes they are short, sometimes they are behind clouds. They sometimes create X's and other times they create like patterns. The eventually span throughout the day by covering the whole sky which then look like cirrus clouds. Cirrus clouds appear to be white and light gray in color. They form when water vapor undergoes deposition altitudes of 16,500 feet in temperate regions and above 20,000 feet in tropical regions, which is why they are not cirrus clouds.

I know when I was growing up as a kid, there was no such thing as what I call sky graffiti or sky pollution. There are these nano-particles of Aluminum, Barium and Strontium falling from the skies because people are finding them in extreme high levels, in ponds, lakes and soil. My family has found that we have high Aluminum. When we were tested for heavy metals, my wife and I had eleven, my children had a ten, but the CDC says the safe range is zero through nine. When I had the deletion done, which is a process they can go through to remove heavy metals, which is expensive because medical insurance doesn't cover, my numbers went up instead of going down; that's because the Aluminum was pulled out of the fatty tissues for the cells where it was stored.

What is really scary, could they be dropping anything else upon us? There is a disease called Morgellons which came out in the 90's, and there is documentation out there that explains that in depth. It's believed that synthetic polymer fibers that are being dropped which are catalyzed by the metals in the air. AC Griffith was an associate within the MSA and he carried top secret clearance, graphic clearance and in more recent times he's associated with CIA operations. On May 14th, 2007, he was interviewed on a program called The Power Hour. He stated that Wright Patterson Airforce Base was where it had been managed. "We know that the people have died over this program," he said, and one of the key people that designed the aerosol, Barium-Salt Aerosol, was set up by people in the Regan Administration and he is now sitting in a Federal penitentiary. They are still going to him to ask him questions, but yet he is still in prison. That is a little unnerving, isn't it? That the man that has designed the Barium-Salt Aerosol is still sitting in prison?

The trails, white trails are not coming out of engines, it's coming out of aerosol units on the aircraft. The name of the project is Project Clover Leaf, and in the air history it's very secretive. Project Clover Leaf was an initiated to allow commercial airlines to assist in the releasing of these chemicals into the atmosphere. Airline companies in the America have been participating in something called Project Clover Leaf for some years now. In 1998 and 1999, airline employees have been being briefed on it. A few airline employees who were briefed on the Project Clover Leaf were all made to
undergo background checks and before they were briefed on it they were made to sign non-disclosure agreements which basically state that if they were to tell anyone, they would know they would be imprisoned.

My final statement. Everyone needs to wake up, start paying attention. There is more to the persistent contrails than the public knows. The military has lots of reasons, especially weapons, and they don’t want the public to know. So the best way to convince the public nothing out of the ordinary is to tell them the people are conspiracy theorists. As time goes on, it’s going to be harder for them to hide the truth. Thank you very much and thanks for everybody coming.

Applause & Cheers From Audience

P.O. LINDSAY:
Andrew Pettersen? Andrew Pettersen. On deck is Theo Phalieros.

MR. PETTERSEN:
Hi. I’m a resident of Huntington, I’ve been living in Suffolk County for the last -- since 2002. And as far as the spraying, I didn’t even -- I wasn’t aware of the spraying until someone pointed it out to me about five years ago and said, "Look in the sky." And since they were pointed out, the trails, I have seen them every day. And my concern is they're spraying up at about 30,000 feet. Whoever is spraying them is not being -- they're not responsible and they're not accountable for -- where they’re falling and the consequence to us are -- there are basically four different consequences; one is economic consequences. Decreased sunlight means less healthy crops, trees are dying, vegetation is not as healthy and there’s less production for crops; that’s one of the economic consequences.

The second economic consequence is decreased energy for solar panels. And the next consequence is health. Levels of Vitamin D are decreasing, and vitamin D is essential for your health. And unknown consequences, which the three people that were very knowledgeable just spoke about Aluminum Barium and heavy metal salts. No one has filed an environmental impact statement, so how do we know what the impact is on our health.

The third issue is global warming, which actually is controversial because we’re not sure it even exists. Because we have these aluminum particles that are being sprayed in the air, they deflect the sun, so what happens is the sun is not -- the right amount of sun is not hitting the Earth and then the heat is getting trapped, so it's actually being -- global warming is actually a man-made concept.

We really need to pass this legislation. Everyone should take a look up in the sky and educate themselves. There is a lot of research being done on this. And the -- they should file an environmental impact statement and prove that they’re safe before they continue to spray. Your children, everyone here, if you have children, if you have pets, your own health for yourself, its your -- you’re responsible for safeguarding your health, and it’s not being safeguarded. There’s no environmental impact statement, there’s no one keeping track of the impact on your health from the spraying and it's being done every single day.

And the last issue, is it a constitutional issue? How can it be constitutional to spray on -- spray -- do aerial spraying and drop heavy metals when it's actually taking your property? It's taking your liberty, it's taking your right to happiness.

I'm a lawyer by trade and that's what I've been doing for twenty years. So if anyone needs any legal research, I'm giving it to you for free on this issue, because this to me is the most important issue in the world facing every one of you. Your life depends upon it, take it seriously, please. I've written letters to Senators, Congressmen, this to me is the most important issue for all of you, for your health, for your children. And that's it.
P.O. LINDSAY:
Theo, followed by John Menowana (sic)?

D.P.O. VILORIA-FISHER:
That's what it looks like.

P.O. LINDSAY:
Go ahead, Theo.

MR. PHALIEROS:
Okay. I live in East Hampton and my daily experience when I drive around and I go to Montauk, to Southampton, is that when airplanes, they enter Montauk, they turn on their aerosol spray and they spray out to Southampton and then they stop. And the patterns that I see, they are cross, X's, and the spray is heavy and goes on every day.

Seven and a half years ago I was walking with a friend of mine about a mile in the morning, every morning, and I witnessed a very heavy spraying that month of January and I got scared and I didn't walk anymore. But my friend continued walking. This person has a very robust health and he's a very strong and healthy person. She came down with a case of persistent bronchitis for two months that couldn't shake it with antibiotics or anything. So there's no absolute proof there, but there's evidence that there's something bad happening there.

And also, I would like to say that men can live without food for about 60 days, without water for about 12 days, but without air you can't live five minutes.

Applause

And unfortunately, unfortunately, as an immigrant, I came 20 years ago in this country because I believed in the ideas of this country. And now I see that we have turned everything upside down and it's a grotesque example of what used to be United States.

Applause & Cheers From Audience

P.O. LINDSAY:

D.P.O. VILORIA-FISHER:
What about that other guy?

Applause

MS. JAGER:
First, I want to congratulate this body for having this hearing and Legislator Romaine for introducing this bill.

Applause

Looking at Occupy Wall Street, we find that the people are finally speaking up to things that we know are wrong. We have bills in local communities to get rid of corporate personhood, because this is the only way that we -- that the people are going to have a voice, is to start at the grass roots
in our towns and appeal to our local Legislators to do something about terrible problems like this geo-engineering.

I'm a photographer and a gardener, and I -- both are suffering because of geo-engineering. It used to be out here the light, because the south fork was known for its light, the beautiful, beautiful, clear light. Well, that clear light is gone. All we have is haze. We'll have a beautiful day and the geo-engineering will start, you'll see the trails in the sky and then the afternoon looks like it does today. And Long Island is also known for its agriculture, we're I believe the first or second biggest agricultural County in the state. The obvious loss of sunlight is affecting the agriculture. I know in my own garden, my crops are diminishing year after year. Our health is being ruined. We don't know what's in the trails. And I appeal to our Legislators to ask some questions for us. Where are the planes coming from? Are they coming from Gabreski, are they coming from another state? Who's ordering them? We need to know. We deserve to know. Our health and the viability of this County is at stake. And we, the people, will prevail.

Applause & Cheers From Audience

P.O. LINDSAY:

MR. MENWONNA:
Thank you, Ladies and gentlemen. And thank you, Ed Romano (sic), and I ditto what this woman said. This legislation is very important, that has been brought forth, so please help us stop the chemical spraying and support this ban. The people of New York need to demand a public investigation of the chemical spraying that's going on right here in our backyard. Introduce legislation to create a no chemical spraying zone here in New York, Long Island.

Applause

We need to give immunity and protection to anyone willing to come forward to blow the whistle on this chem-trail operation.

Applause

We need to boycott the product and any companies who produce the chemical-related products.

Applause

Identify those who are responsible for allowing us to be sprayed, our city, our County, our state, as well as the global level. We need to demand that each city be given any 72-hour warning before spraying, say, for West Nile Virus or something like that, that they should be given notice, which I think they have. We need to demand an explanation of the chemical spraying and we need to prosecute anyone, anyone who continues to aid the illegal chemical operations and hold those companies responsible that produce the toxic chemicals and metals and biological toxins and any other submicron particles that may cause chemical related diseases that affect the general population.

Ladies and gentlemen, we all have families here and children. And like was just said, this has to be done at the local level. This would be the first ban of chemical trail -- spraying, chemical trail spraying in the United States. So this --

Applause

So this is essential that you act and support the ban that Ed Romaine has courageously stepped
forward with. So I ask you all, please, in your conscious, pray to your God or your Gods and direct you and help keep us free from this tierney. My friends, thank you for your time, and God bless.

Applause

P.O. LINDSAY:
John Zito followed by Jeanice Barcelo.

MR. ZITO:
Good afternoon, everybody. And I wanted to say thank you very much for giving me your attention. I'm not going to speak long. I know you folks are listening to a lot of stuff up here, and a lot of it may be new, a lot of it maybe not. I have six children; in this day and age, that's an anomaly all of itself.

(*Laughter*)

And I can imagine their lives in the future. I believe they have been gifted to me. Just let me say, I don't do this very often and I'm amused at the number of people that aren't actually paying attention.

Applause

P.O. LINDSAY:
Mr. Zito, address the audience. Don't chew them out, all right? You're about the twelfth speaker on this subject, so please continue with your presentation.

MR. ZITO:
I say that with all due respect. I can imagine their lives in the future. And I know that you folks have children and relations. There are challenges, we have systematic breakdowns that are happening. But without getting -- without getting too much fear-base into it, I can imagine for you standing here, sitting here listening to us all talk, that reaching up 30,000 feet and identifying yourselves as something that's happening way up there, it can be a little daunting. The good thing is that there's actually been a lot of research done. And at this point, we are pretty clear that there are chemicals being used that are really deadly. The scientists are good, I'll give them that. They can make an amazing amount of things happen up in the stratosphere. Listen, if they're trading snow fall on the Stock Exchange, they better be good.

Aluminum is highly deadly. Mt. Schouster (sic) previously known as pristine, about as pristine a region in the United States as we get. Sixty-one thousand parts per million Aluminum in the soil in the last five years; sixty-one thousand. The government has said -- the Federal government has said that 1,000 parts per million is a toxic ceiling, that's 61 times. There's enough video clips and audio clips and media print on record at this time that I don't think there's an argument whether or not this is happening. We know it's happening, it's no longer trying to convince people that those go or don't go or stay or whatever they do. The question now is that every time officials are petitioned from the Federal government to the State level, there has been denial. I traveled from Hartford, Connecticut to come here because this is the first time that I've been able to address a group of officials that will listen.

Applause

And I'm so grateful. So we've been denied from the top down. I beg that each of you consider the constituency that you represent. And man, you are in a tough place, because there's a lot of really outspoken mavens in this audience.
I beg that you consider just the facts. All the other stuff, just set it aside and just listen to the facts. If you don't have them, I can make them available to you, or probably anybody here. Listen to what those facts are and make a decision so that a precedent is set so we can start to move forward. Thank you.

*Laughter From Audience*

Applause & Cheers From Audience

P.O. LINDSAY:
Jeanice Barcelo, followed by Anthony Toldn (sic)

MS. BARCELO:
Hi. I want to thank all of you so much for actually being here today and for being willing to listen. I think you're actually the second governmental body that's been willing to listen, because Maui County is also paying attention to this issue and I'm glad New York is now too. We have a very serious situation on our hands. And as you can see, there's a large number of people in this community that were willing to take time off from their jobs and whatever their life is today to be here so that they can communicate with all of you about how much terror we are experiencing with respect to what the United States Government and the military are doing to this population. It's not just in the United States, this is a worldwide geo-engineering chem-trail operation and there are indeed toxic neurochemicals being dumped into our atmosphere which are falling into our soil, into our bodies of water, into our food supply and into our bodies and into the bodies of our children and the bodies of our animals and the bodies of every living thing on our planet.

This is not the only issue. If we look at chem-trails as part of a larger biological warfare that is going on on our planet right now. We have genetically modified foods being fed to our population. We have toxic vaccines that are also filled with Aluminum and Mercury being injected into our children, being injected into infants. We have nuclear radiation that is pouring into our atmosphere, and now we have the government flying through our skies spraying everybody across the planet, except for the areas that they have decided are deemed unworthy. This is an incredibly powerful opportunity for us to look at the United States government and say, "Wow, this government just decided that it can arrest any one of its citizens, put them in jail indefinitely without trial."

Applause

We have a serious, serious, deadly situation on our hands in terms of what the United States government is now doing. And if we do not act at the local level, then we are compliant and complicit with this destruction of our planet and of all living things on it. We have got to step up, every single one of us, and say, "Enough." We don't want to give this government power anymore. The United States government is a government run amuck. And if you guys --

Applause & Cheers From Audience

And you're all -- you all live here, right? You all live in the United States. How could you not be seeing this? How could you not look up in the sky and see these people spraying things in the sky that expand and cover our sky with toxic clouds; how can you not see this? Do you walk around and look at the ground all the time? You have got to open your eyes and look. You have got to see the larger picture of what is happening. It is urgently necessary for everyone to wake up and look. So please, please act from a local level. And we say we're going to take it on. We are New Yorkers, we are freaken powerful people.

Applause & Cheers From Audience
And we don't take shit from the United States Government or from any governmental body that would choose to treat us like we are roaches. We are not roaches. We are human beings and we have a right to live. We have a right to eat clean food. We have a right to drink water that doesn't contain 8,700 parts per billion of Aluminum. That's here in Suffolk County, folks. Okay? Pay attention, because this is going into our bodies and this is going into our children and into everything that we love. Please.

UNKNOWN AUDIENCE MEMBER:
Beautiful.

**Applause from audience**

P.O. LINDSAY:
We've got Anthony Toldn (sic) followed by Pauline Cantwell.

UNKNOWN AUDIENCE MEMBER:
Excuse me; followed by who?

P.O. LINDSAY:
Pauline Cantwell. If Pauline's in the audience, maybe you can make your way to the center aisle.

MR. TOLDA:
Hello. My name is Anthony Tolda, T-O-L, D like dollar, A like America. I'm a Republican candidate for Congress to represent District 2 on Long Island, and this is an issue I've done a lot of research on. I would just like to respectfully request that you think about your families, your friends. This is not a Republican issue, this is not a Democrat issue, this is an issue of the general welfare of the American people.

**Applause**

We had an 85-year old woman strip-searched by the TSA at.

LEG. KENNEDY:
Airport last week and we have no idea who is spraying us, with what. We have an idea of with what, but we don't have any idea of really who is flying these planes. And the average law-abiding citizen can't even get on a plane without being harassed. This is insanity. The science behind the argument is sound. Anybody with a functioning set of eyes, a critical thinking process that has spent any significant amount of time reviewing this evidence could see it as sound. And it's clearly the will of the people that's educated on this matter that an end is put to this. Please give us a unanimous decision to pass this bill so that we can show the world that America is taking freedom back and we're not going to be sprayed like a bunch of bugs.

**Applause & Cheers From Audience**

I know there's a lot of other speakers, so I would like the rest of the time to be reserved for them. Thank you.

UNKNOWN AUDIENCE MEMBER:
Thank you.

(*The following testimony was taken and transcribed by Diana Flesher - Court Reporter*)
P.O. LINDSAY:
Pauline, followed by Greg Fischer.

MS. CANTWELL:
Hello. I'm Pauline Cantwell from Greenwich, Connecticut. And I came out today because I have been concerned about this issue for many years. I have worked at the UN since '94 leading a peace caucus there and getting involved in the weaponization of weather. Weather is a weapon, and got interested in the geo-engineering issue, which has been covered by the UN for a long time. In fact, they passed a convention banning the hostile manipulation of weather in 1978.

I have five grandchildren on Long Island and children living here. I'm concerned about their health. I'm concerned about the health of people all over the world. I started doing a radio show in Greenwich Memorial Day of last year. My theme song is Blue Skies by Willie Nelson, because I'm a Texan and I want my blue skies back. I want to wake up and see the blue skies when I get up and I want to see them when I see the sunset at night. I'm tired of seeing the dessert sunset in Greenwich, Connecticut. We shouldn't be having bright red sunsets in Greenwich.

I was in Texas early November. I met with George {Romas} who heads up the weather modification program there. I had him on my radio show November 15th. November 22nd. I talked about some of it on November 15th. Those shows are all tied www.wgch.com. We talked about a program in Mexico by a Russian -- about a modification company {Elot} Technology doing ionization of weather, doing rain enhancement and precipitation denial. We talked about a military corporation, Sky Blue, who came to Texas and got a permit. They said they were former military. They got a permit to alter the weather using laser technology and then they disappeared this year. They can't be found. And the only thing we can find is Sky Blue which is a space technology corporation in Colorado.

I went to the Bon Conference in Germany and distributed Ralph and Peterson's fliers. I have Ralph and Peterson's California Stop Watch on my show almost every week. And I distributed these geo-engineering fliers, artificial spraying of the earth and the scientists on the other side saying "just trust us. We're going to put all these chemicals up and it's going to be okay." And it shows the care rocket, c-a-r-e, charged aerosol released experiment. That rocket went over my house in Greenwich September 9th -- 19 -- two years ago. September 19th. My next door neighbor thought it was a UFO. It was spraying aluminum oxide and was seen by a cruise ship. Maybe some of you saw it go over your house. It was launched from Wallops Island, Virginia to create noctilucent clouds. These are being done deliberately.

I was taken out of the conference, told I couldn't distribute the flier anymore; it wasn't authorized. And then I was told the next day it was a case of mistaken identity. It was no case of mistaken identity because I brought Ralph along as a keynote speaker in '07 the Climate Change Conference and we did a program on geo-engineering, weather warfare and all these issues. And they know what I'm talking about and they didn't want it discussed.

So I applaud all the people here. I am so impressed. I have been a lone person in the wilderness at these conferences and I am really impressed by people's knowledge and their concern. There is a history of military spraying that they use on people. You can check out the book Clouds of Secrecy by Leonard Kohl about programs they did in the '70's. It's not new. And this stuff is going on all over the world. When I was in Germany we went to Zugspitze, the highest point in Germany. And I videotaped planes spraying jet contrails. I call them jet contrails. It creates persistent jet contrails that create clouds. Because the Air Force calls chem-trails a conspiracy. And I don't want to get put in the camp of conspiracy because I deal in facts. When I do a speech, I want to make sure that my facts are right.

So thank you so much. And I have a letter that lists a lot of the things I'm concerned about and want to congratulate you for what you're doing and I hope you do carry it further. And I hope we
can spread this into Connecticut, into Texas, into all of the United States and get aware of this, of what's really being done. Thank you.

(APPLAUSE)

P.O. LINDSAY:
Greg Fischer followed by Williams Skir.

MR. FISCHER:
Hi, I'm Greg Fischer. I'm here in my role as the Director for Americans for Legal Reform. My point is really short. I'm going to put a material safety data sheet into the record for aluminum oxide. Aluminum oxide is a known skin and eye irritant. That should speak enough right there. We're going to be spraying irritants into our air space.

Also, it's worse than that. Actually I'm going to also submit a study from the American Thoracic Association, which links aluminum oxide particulates to pulmonary fibrosis. Just in short, I incorporate what prior speakers said. There is significant health risks from inhaling aluminum compounds. And Americans for Legal Reform supports this legislation wholeheartedly. Thank you.

P.O. LINDSAY:
Willim Skir followed by Harold Cohen.

MR. SKIR:
Thank you, ladies and gentlemen. This piece of legislation is absolutely necessary. And it is also necessary that we not forget the constitution, and in the constitution it does mention promoting the general welfare. And this is in violation of that with all of the spraying that's going on.

Also, we have to keep in mind the tenth amendment of the constitution which says that all powers not given to the federal government or states resides with the states and the people. And the tenth amendment has not been used enough. And I would want New York State to do more of what Arizona and Texas has already done; and that is to claim state sovereignty over those powers that are clearly in the constitution. What we have now is, the constitution itself, seems to be something the federal government sees as inconvenient. Let's take a look at the fourth amendment. And when you look at the fourth amendment, it's being eviscerated by Homeland Security.

So when I speak about spraying I do want to remind you that if somebody's a little too articulate and has too many facts, they can be deemed an enemy of the state where there is no evidence of violence, threat of violence and desire of violence, but somebody who might get in the way of either the military or corporate profits in the public interest of health.

Now, I would like for you to keep in mind that when you take a look at the name of chemical compounds, keep in mind three metals and three non-metals. The three metals is, you have aluminum, barium and strontium. Okay? Now when it comes to the non-metals, you're going to have the -- you're going to have the sulfides, the chlorides and -- the fluorides, the chlorides and the sulfides. Now, the thing is that you can have an enormous number of chemical compounds that has any one or more of those. But the result is, and I brought in the evidence here, if you ever want copies of these, is fine, one of them deals with carcinogens, raising the cancer rates. And the other one deals with lowering the fertility rates.

The way the fertility rates have been lowered, and it was first discovered with frogs and then it started to show up in terms of statistics involving people, is that first there's the obvious one, our lower sperm count. But then it was something less obvious, and that was the issue of women's eggs not being receptive. And that is where, well, what is normal is that the first sperm is accepted and all others are rejected. But the first sperm is now being rejected as all other sperm. And this means...
infertility inflicted on the woman. And what you find is that this coincides with higher rates of having chemical compounds ending up in the air and then percolating down into the ground every time it rains into the aquifer. And, therefore, it mixes with drinking water. So you're either breathing it or you're ingesting it.

And what are the three items you have? You have aluminum, you have barium and strontium. Then you have on the non-metal side, you have chlorination to fluorination and the sulfides. And when you put all that together, we are having a virtual chemical attack on us by our own government. Why would they do that? There's a number of reasons. First, you have -- basically we're being used as guinea pigs. As the military where people on their death bed have been -- have let things out because they didn't like holding in what they had to, signing these confidentiality agreements, and these are not confidentiality agreements -- confidentiality agreements in order to protect the name of our agents overseas. And I want to keep secrecy of our names of our agents overseas until they get home. But what we're talking about here is secrecy over what is done that affects health. So the military not knowing the health consequences, using us as guinea pigs.

Then you have something else. You have contracts between government and private industry. And if it's got for corporate profits and dangerous for our health, what happens? We see what happens.

(MR. SKIR:)
Okay, thank you.

(D.P.O. VILORIA-FISHER:)
Harold Cohen. And next is -- I'm not certain of this name because of the writing. Is it Dave Handell? Does that sound right? Or Haxell. I can't tell what it says. Dave Handell? Handell. Okay, you're next. Go ahead, Mr. Cohen.

(MR. COHEN:)
My name is Harold Cohen. And I represent myself. And I'm also an independent researcher. I'd like to put it into the record. I have a lot more. I bring a trunk here. The first thing is documentation just dating back -- actually it originally started in 2009. This is a letter of document to representative Steve Israel, which started in January '07 to 2010. And then it was revised in February 2010.

I gave this to Steve Israel's office. Finally he acted on it and he gave it to the FAA. Basically the US Department of Transportation, Federal Aviation Administration. It's interesting, they responded in February 7th of 2011, one year later. One, they denied what I stated, which you see the details in here. Second, I find interesting, is that they referred to a UN organization called the Intergovernmental Panel on Climate Change. Okay? Which is -- which is a joke. They're self-proclaimed experts when they're really not.

To counter that, I'm going to give you a document which is two years of research on the IPCC, and this was done by Donna Lafamboise. There's two years of research on this. The title of her book is the Delinquent Teenager Who Was Mistaken for the World's Top Climate Expert. Basically because of limited time, I will just give you a synopsis of it. Basically in a quest for getting the truth, she found that the following findings about the IPCC. The authors are frequently not reputable scientists at all, but graduate students. The sources that they cited in IPCC documents are frequently from radical green groups, not objective scientists. The IPCC routinely censors scientists who do not agree with the current global warming hysteria about greenhouse gases. Incidentally CO 2 comprises only one percent of the atmosphere and is not a pollutant, not like fumes from a car.
The IPCC pursuing a leftist, globalist, political agenda and not a scientific one. The peer review process used in determining what articles get published by the IPCC is a charade. Only radical green viewpoints get favorable treatment. The IPCC seeks out articles with predetermined conclusions to fit the IPCC agenda. I can provide a lot more data than just this little summary on this on how they basically throw away data just to get their -- to make their view point that they want. Okay? Who can I give it to? I have photographs in here which I documented, the spraying.

I want to thank all of you for your efforts and the IR 2029, to establish necessary legislation to reserve our health, our environment, our water and food supplies. The bottom line -- what it boils down to is this: Who is more important? Corporations, private interest or the people? Also, all of us and you, all of you, are affected by this spraying.

Let me get into some other things. What are the origins of the chem-trails? The origins of chem-trails, its original purpose was for warfare, that is weather control. If you control the weather, you have an advantage against the enemy. Right? As time went on, you had a development of nano particles. Nano particles are basically particles that are a billionth of a meter. Very small, you need a microscope to see them under high power, okay? And nano particles are the same substances versus grains, versus -- nano particles will act differently and also in their absorption into the body. They can be breathed in much more easily. They're absorbed in your cells and your organs. They may contain viruses, bacteria, fungi, etcetera. And basically also -- originally used for biological warfare, you know, for warfare purposes. They may also -- something else as time went on, you have very -- more than microminiaturized electronics. I guess you've heard the term rfid? Rfid chips, radio frequency IB chips. Right?

They also may contain miniaturized versions of rfid chips and very small -- very small structure. And they can be used for tracking individuals. That's good for warfare purposes, too. The original purpose is to track your enemy, where they are remotely. Unfortunately it can also be used for tracking populations here on earth.

There's a film, which I'll make available to all of you if you want it, it's non-copyrighted and it's freely can be -- freely copied. What In The World Are They Spraying? I don't know if any of have heard of that film.

(APPLAUSE)

(TIMER SOUNDED)

P.O. LINDSAY:
You're done, Mr. Cohen. You're done. Thank you.

MR. COHEN:
I'm done?

P.O. LINDSAY:
You're done.

MR. COHEN:
I thought I had less time than anybody else.

P.O. LINDSAY:
No, you have five minutes.
MR. COHEN:
All right. Just one more thing. Look up --

P.O. LINDSAY:
No, that's it. That's it. You're done. You're done. {Dan Harder}.

(APPLAUSE)

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

P.O. LINDSAY:
Kendell.

D.P.O. VILORIA-FISHER:
Dave Kendell.

MR. KENDELL:
Hello ladies and gentlemen. I'm Dave Kendell. And I'm very -- for years I've actually been wanting something like this to actually take place. Actually, my experience with this geo-engineering -- about four years ago I was walking through a beautiful Suffolk County Park, Coindre Hall and -- no, I'm sorry it was actually Caumsett State Park. And a gentleman handed me a paper, all kinds of conspiracy theories. And I thought what is this nonsense? I was ready to throw it out like it was garbage. And I started reading about geo-engineering and chem-trails. This is nonsense.

Then I started paying more attention to the clouds and everything. And I saw sometimes days would go by there would be just normal clouds. Then all of a sudden you have three days -- now the planes are always flying. They fly around the clock because, you know, we're in New York, we're near a couple of airports. Obviously there's Islip, MacArthur, there's LaGuardia and there's Kennedy. So planes are flying around the clock. And you'd have three or four days where you would see just normal weather. Then all of a sudden, you'd look up and you'd see -- and planes of that altitude are obviously, the weather doesn't change much at 35,000 feet. All of a sudden you'd see lines like, and they'd start spreading. And I'd be like, what is this? This is obviously not normal. And I started believing what I was reading. I started observing. I'd tell people, I'd say, "you're crazy, they're not doing anything with the weather." It just was bizarre, you know.

And if you have four or five days and all of a sudden you start seeing lines and then they start dispersing -- and one of the really clear signs of a chem-trails is when you see the line and then all of a sudden it stops. Then it turns back on again. Now if a plane was flying, and you stop seeing the contrail, doesn't that mean the plane, the engine stoppedcombusting and the engine's going to collapse?

(APPLAUSE)

And that's a very clear sign. All of a sudden, what do they do, turn back on the spray jets where they have to reload the canisters? I mean that's pretty clear because a normal contrail on a plane would have to constantly be going. And they usually disperse in ten minutes.

So anyhow to make a long story short, I've been telling everybody about three or fours years the fact that I can actually speak my mind among like-minded people that didn't think I was crazy just kind of, this is like awesome. And actually I saw that there's a $2500 fine. Now, I don't know how you can actually fine -- that's like throwing a penny out of your window in your car. A $2500 fine, it should be like a million dollar fine because I mean --
-- these people that are doing this have so much money behind them, it's a joke that $2500 fine. It should be raised to at least a million dollars. And, you know, you just look around, you see the weather. I don't want to tie up your time, but that's my two cents.

And also I'm kind of embarrassed to be an American to see that there are doing this. You know, my mom actually came from Nazi Germany and my grandfather was in a concentration camp. And you know, she's 90 and she wouldn't believe that they're spraying us because she loves this country. But the fact of the matter, I see what's going on. It's kind of a shame to be an American and see what's going on. It's kind of horrendous. And I'm glad. Thank you very much for everybody out here. Thank you.

P.O. LINDSAY:
Mr. Mitchell followed by Sean Brennan.

MR. MITCHELL:
Thank you respective members of the Legislature. Thank you very much. I only say this, address you perhaps one minute. What I want to say is I cannot dispute what they're saying. As little as I know I cannot add to what they said. But I want to give something in a way of history. I want to bring up something that this legislative body, a tremendous role they played many years ago. I ask you to just follow me for one second.

The battle of spraying and the battle against the spraying in our atmosphere is not new. In 1967 right here in Suffolk County a tremendous battle took place where the Environmental Defense Fund, it was the very first environmental group in this country, formed by scientists that lived right here in Suffolk County, possible neighbors of yours. And they came forward and they said to the Council here, to the Legislature, "listen, there's something wrong with DDT. There's something wrong with the spraying of DDT. And not only the mosquitos get killed, but you're killing just about everything else."

It got in the water, it got into the air, it has a long half life. You couldn't get rid of it. There are questions whether or not it causes cancer and it's by no means that -- possibly it's linked to breast cancer, which Suffolk County has a very high incident on a nationwide level.

But the bottom line is that this legislative body acted. They agreed with EDF, they acted on it. Within a matter of years, DDT was banned from the United States entirely. Entirely. Gone.

Several years the Nixon administration following what took place right here in Riverhead formed the Environmental Protection Agency, the very first body of its kind, to monitor the safety of our environment, the very first of its kind. In 1970 the Clean Air Act followed by the Clean Water Act, enormous legislative move for the protection of people by their representatives. So what they're asking, what everybody's asking, is that ask yourself the question, we all share the same air and drink the same water, we walk the same street, parks, go boating, play tennis, whatever; we live here together. Actually right here, you, the representatives today 2011, 2012 maybe you can make that same historic movement that will move right to the national level, the White House

(APPLAUSE)
P.O. LINDSAY:
Okay. We got Mr. Brennan followed by -- looks like Penny -- I don't know. Penny something.

MR. BRENNAN:
Good evening ladies and gentlemen.

P.O. LINDSAY:
Go ahead.

MR. BRENNAN:
Many of us have heard the ads on the radio of late see something, say something. Well, many of these people here including me have seen something and we've been a long time waiting to say something.

(APPLAUSE)

Thank you for giving us the opportunity. We've seen the military jets over -- I come from Ireland, as you can tell from the accent, it's just not over your County; it's over the entire globe. Something is going on. The farms in Ireland where I live, no airports for hundreds of miles, it's not actually, you know, a big airplane country. Little tiny Island. It's just as many operations going on over there as there is right on Long Island. I'm down from Connecticut and it's crazy up there, too. The trees are all dying, the spruces. It's absolutely absurd.

Now the question I kind of have, if you propose a ban and I hope you will, you know, a ban on the weather altering chemicals, how would you propose to enforce the law? Because, remember, in the aftermath of September 11th, 9/11, in which aircraft were used as a weapon, you know, we saw what can happen. We all need to be more observant of our skies.

Also, our local climate with chemical cloud seeding, etcetera, without our consent, is an act of biowarfare. Our future generations will depend on you making a decision here to ban the spray. You know, on the streets, we have police that patrol it to make sure we don't go speeding. We have OSHA on the work sites. We have, you know, we have all sorts of agencies. But who's going to control these planes, if it's a {black hawk}, who knows where it's funded from. And it appears it is. It may be not American. It's internationally funded. You have to consider that.

You've got a lot of evidence from people tonight. You can look through what they've given you. Can you incorporate perhaps in your ban proposal an in flight intercept based on whatever agency, to take down for examination of these aircraft completely? Strip them down to the toilet. Take the wheels off.

(APPLAUSE)

Find out what's happening in these aircraft. Somebody has to start doing this. But you either get special agents, but I would like you also to have, civilian, non-related agencies involved with them. We need to basically get some agencies that can short of shooting them down, do something else urgently. And in fact, if necessary, if they're unmarked aircraft, get the Coast Guard, shoot them down.

(NEGATIVE RESPONSE FROM AUDIENCE)

I mean we don't like to encourage this, but in the after events of 9/11/2001, air craft were used as a weapon on this country. It's happening again. And that's all I have to say. Thank you.

(APPLAUSE)
**P.O. LINDSAY:**
It's either Perry or Penny Fulito. Perry. Okay. And it's followed by Christie MacKay.

**MR. FINKELSTEIN:**
Good afternoon. I’ll be brief. First I'd like to thank Legislator Romaine for bringing this vital issue into the light. My name is Perry Finkelstein. I stand here represent myself as well as the voices of my children. And I'd like to see my potential future grandchildren, but I don't even know if that's going to happen because our health and wellbeing is being threatened at this very moment. This is a global issue; just not happening here. I mean a lot of evidence has been presented. It's indisputable. And, you know, everyone here -- it's not -- it's not us versus you. We all breathe the same air, we all drink the same water. Our children play in the same playground. And this is an opportunity for you esteemed folks to make this date a date that everyone remembers; not just another hearing day in Suffolk County.

We are Suffolk County, Long Island, New York. And this could be a stand that goes global and it could make a huge difference. This is happening. There's no debate. This is happening. We are being poisoned. We're being killed. We're being exterminated. It's happening. Okay. There's no disputing.

(APPLAUSE)

So, we're all part of the same community here. It's not us versus you guys. It's not. So, you know, you know, I'm asking here for my children, for your children, for future generations to look at this and to make a stand and to make right what needs to be done. You know, I sit and watch up for decades already; have to watch a beautiful clear blue sky go from a beautiful sunny sky to hazy toxic pollutants, you know, and I feel it. I sense it. I know it.

So there has been no accountability. There's been no transparency and it needs to happen now. We don't have time. We are running out of time. It's the one percent that is making these decisions. Okay? So look at your children, look at your grandchildren, for yourself, okay? Look up in the sky. There's no joke. So, the {Shashindy} people of this country, also known as the Apaches, have a saying {Ka-desh-day}. That means all is made beautiful. So, I implore you, okay, let's make it beautiful again. We have the power. You have the power. Please, {ka-desh-day}.

(APPLAUSE)

**P.O. LINDSAY:**

**MR. MARTELL:**
Here.

**P.O. LINDSAY:**
Start it.

**MR. MARTELL:**
I'd like to thank the Legislature today for hearing the public. And I’m going to get into the definition of what you might not be familiar with: What is a chem-trial and what is a contrail? I don't expect you to be familiar with this. We are well rehearsed. We have researched it so I'll make it very simple and very clear.
When you see a plane in the sky and it leaves a contrail, c-o-n-t-r-a-i-l, that is the exhaust from the plane. That exhaust dissipates in about fifteen minutes. When you see a chemical trail, that trail does not dissipate in fifteen minutes. If you watch that trail, it becomes more defined. And if you continue to watch that trail, it will overlap and twist in on itself. And then within an hour, two hours, it will expand across the horizon. And within due time, those toxins will float down to the earth and contaminate the earth.

I'd like to bring your attention to the date of February 20th of 2010, an event that took place in San Diego. The American Association For the Advancement of Science had a meeting regarding geo-engineering. During that meeting a person from the audience, a concerned person who was well aware of chem-trails and their toxins, had asked David Keith, who is a proponent and a supporter and an advocate of geo-engineering, a very important question. The millions of tons of toxic barium and aluminum that's being dumped into the atmosphere that transcends down to the earth, he asked David Keith if this is at all a threat to human kind. And I'm going to quote for you exactly what David Keith, a proponent and supporter, an advocate of geo-engineering said on February 20th of 2010 and I quote: "We haven't done anything serious on alumina and there could be something terrible that we find tomorrow that we have not looked at." Quote, unquote.

I'm going to continue on because we are pressed for time. I have brought some documentation. I have a ten-page document here that's entitled Air Force Research Laboratory in vitro toxicity of aluminum nano particles in rats. Now anybody who knows anything about the human species and rats, rats are used and scientifically accepted as an element of our world; and what is bad for the rat is bad for the humans. This ten-page document moving along to the end of the page, the conclusion is, and I quote "aluminum oxide nano particles displayed significant toxicity after 96 and 144 hours post exposure." And I will be submitting this document to the board after I talk.

Another thing that I would like to bring up regarding documentation, very interesting, 42-page documentation, this documentation is entitled "Weather as a Force Multiplier, Owning the Weather in 2025", a research paper presented to the Air Force. And this research paper was done by Colonel Tamzy J. House, Lieutenant Colonel James B. Near, Major Ann Mercer and Major James E. Pugh. I will go to page 27 of this document and going down to the last paragraph, the paragraph states "nanotechnology also offers possibility of creating simulated weather, a cloud or several clouds of microscopic computer particles all communicating with each other and with a larger control system could provide tremendous capabilities. Interconnected, atmospherically buoyant, and having navigation capability in three dimensions, such clouds could be designed to have wide-range elements within our skies."

In closing, I would like to say please remember the world you are now seeing. There will be counterclaims within the evidence that will be presented in and around the claim what is commonly known today as chem-trails. You will be told that all is normal and as it should be. You will be told that there is nothing to be concerned about and that everything is always as it always has been. Your eyewitnesses will be dismissed as unreliable. This dismissal by claimed authorities--

(TIMER SOUNDED)

Well, you get the picture. Thank you for your time.

(APPLAUSE)

P.O. LINDSAY:
Eva Haughie followed by John Vanek,
MS. HAUGHER:
Hello. Thank you very much. I am here in the capacity of President of Empire State Lyme Disease Association. I don't blame anyone up there or in the audience for doubting the veracity of the claims about geo-engineering of our skies.

Six years ago a friend told me to investigate chem-trails. This friend is intelligent, well informed and very accomplished, yet she left it to me to look up in the sky to do my own research. Even though I respect my friend, I did try to dismiss her chem-trail claims.

Two years ago I did become convinced that we do have a problem. I saw chem-trails in Denver, Colorado and I saw them in Virginia Beach, Virginia and I've seen them here. And they don't just fly every day; they fly every day and every night. There are many connections that have been made. Huge corporations such as {Norvadas}, which is based in Germany, have bought American companies. For example, Beechnut Baby Foods and the American Seed Company. Are they connected to this geo-engineering of our skies? Is our government or parts of our government connected or other groups?

I leave it to others to answer these questions. I see planes flying which deliberately seems to be creating patterns in the sky above us as you've heard over and over. Sorry. But they make plaids. They crisscross and they fully dissipate and form a cloud cover which in effect obliterates the sun. So many of us are just too busy. And I've been too overwhelmed with concerns of Lyme patients to really pay much attention. So it's understandable that if you're not looking for something, even if it's the elephant in the living room, you're not going to see it. Just as my friend told me years ago, don't believe me, just look it up and look up in the sky.

I have two questions: Number one, if these trails are only contrails or water vapor, or if they use the same fuel used by skywriting planes, the trails would dissipate quietly and leave no effect on our sky. So are they just contrails like disbelievers would have you believe? Number two, if normal typical planes can fly without leaving any trails, I may be oversimplifying, but why not also make it a law that all planes use the less offensive fuel? Health-wise vitamin D deficiency is real. Lyme patients may in fact be a group of the population who may be the most seriously impacted.

It is depressing to suffer from tic-born diseases and the lack of blue skies, beautiful sunsets and sunrises. That doesn't help Lyme patients or anyone. If someone -- as I do believe now -- if someone is or at least they do have the capacity of adding harmful chemicals, etcetera to their chem-trails, Lyme patients are not healthy enough to withstand this kind of barrage for long.

As for who's responsible for this, I don't believe it is our total US government or any other country's total government and I also doubt if it is also corporations, but we do need to find out who they are and we do need to stop them. The IR 2029 is a really good beginning and I thank you very much and especially Ed Romaine.

(APPLAUSE)

P.O. LINDSAY:
John Vanek.

MR. VANEK:
Hello, how is everybody doing today? Hi, my name is John Vanek. I am with Liberals for Geo-Engineering and Big Government. And I have a small little speech right here. I'm the furthest to the left as possible. If I could stamp you and your kids with a chip, I would. If I could unite the world with a world government, I would. If I could end all your sovereignty, I would without a doubt.

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(NEGATIVE RESPONSE FROM AUDIENCE)

Please let me finish.

I'm here to speak on behalf of the environment, the polar bears and probably the trees. Maybe. I represent the overgrown support for geo-engineering, most, specifically chem-trails. Scientists need to geo-engineer the planet because we mankind have destroyed it. We need not to stop -- we need not to stop this. What we need to do is stop people from having children.

THE AUDIENCE:
Starting with you.

MR. VANKE:
Yeah, starting with me. We owe this to the polar bears and again maybe the trees. I base this evidence on little research -- well, no research at all. If you guys can appreciate a satire, I want to let you know that was one of them.

(APPLAUSE)

Geo-engineering is an absolute threat to humanity. It's an absolute threat to our democracy, our republic. We as a people united -- of the United States of America need to stand against corporatism and geo-fascism that is being presented to us today. Our environment is absolutely essential for our life, our liberty and the preservation of our happiness and our constitutional republic. That is all. Thank you very much. Enjoy the weather.

(APPLAUSE)

P.O. LINDSAY:
That's all the cards I have on this subject. Legislator Romaine?

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present Legislator Kennedy)

P.O. LINDSAY:
Next up is IR 2030 -- I'm sorry -- Adopting Local Law No. -2011, A Charter Law to improve the process for adopting the County's Operating Budget. (Romaine) I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Motion to close. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)
P.O. LINDSAY:
2031, Adopting Local Law No. -2011, A Local Law to increase tax map verification fees.
(Lindsay) I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. STERN:
Second.

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

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
Next is 2032, Adopting Local Law No. -2011, A Local Law to increase medical examiner fees. (Lindsay) I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

Could you folks please exit the room quietly so we can continue with our meeting? I'm going to ask the Sheriffs in the back to clear the auditorium, the aisles.

We have no one in the audience. I have no cards on 2032. Is there anyone in the audience that would like to speak on 2032? Seeing none, I'll make a motion to close.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2033, Adopting Local Law No. -2011, A Local Law to increase certain subscription service fees in Real Property Tax Service Agency (Lindsay) I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. CILMI:
Second.

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

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
IR 2034, Adopting Local Law No. -2011, A Local Law to increase application fees to the Suffolk County Planning Commission. (Lindsay) I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close, second by Legislator Stern. All in favor? Opposed? Abstentions?
MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
2035, Adopting Local Law No. -2011, A Local Law to increase certain administrative fees for Probation Department. (Lindsay) I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

LEG. CILMI:
Second.

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

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
2036, Adopting Local Law No. -2011, A Local Law to authorize advertising in the County tax map album and set advertising rates. (Lindsay) I will make -- and there's no cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll make a motion to close.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
2040, Adopting Local Law No. -2011, A Charter Law consolidating functions within the Department of Planning. (Lindsay) I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, I'll make a motion to close.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
2049, Adopting Local Law No. -2011, A Local Law to eliminate stipend for Legislature’s Deputy Presiding Officer. (Browning) I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Browning?

LEG. BROWNING:
Motion to close.
LEG. CILMI:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen. (Absent: Legislator Montano. Not present: Legislator Kennedy)

P.O. LINDSAY:
And this is not on your agenda, but 2114, which was posted in a timely manner. It's a CN today, adopting a local law to lower the sewer connection fee for Canon USA, Inc. (D'Amaro) I don't have any cards on this subject. Is there anyone in the audience that like to speak on this subject?  Seeing none, Legislator D’Amaro?

LEG. D’AMARO:
Motion to close, please.

P.O. LINDSAY:
Motion to close.  I'll second that. All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Okay.  That concludes our hearings for today.

I want to set the date for the following public hearings of December 20th, 2011, 2:30 PM, Rose Caracappa Auditorium in Hauppauge, New York:  IR 2091, a Charter Law requiring the votes on the County budget prior to Election Day.

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Okay, motion by Legislator Viloria-Fisher, second by Legislator Horsley.  All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Okay, back to the agenda, I believe we are on page nine -- no, ten, ten; top of ten.  1945, Accepting and appropriating a grant in the amount of $21,500 from the State of New York Governor’s Traffic Safety Committee, for the Suffolk County Police Department to fund a Motorcycle Safety Enforcement and Education Program with 81.53% support.  (Co. Exec.) Motion by Legislator Eddington, seconded by Legislator Stern.  All in favor?  Opposed?  Abstentions?
MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Okay. 1946, Accepting and appropriating Federal funding in the amount of $17,202 from the United States Department of Justice, Drug Enforcement Administration, for the Suffolk County Police Department’s participation in the Tactical Diversion Task Force FY2012 with 81.53% support. (Co. Exec.) Same motion, same second, same vote okay with everybody?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1947, Accepting and appropriating Federal funding in the amount of $17,202 from the United States Department of Justice, Federal Bureau of Investigation, for the Suffolk County Police Department’s participation in the Long Island Cyber Crime Task Force (LICCTF) with 81.53% support (Co. Exec.) Same motion, same second, same vote?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1948, Accepting and appropriating Federal funding in the amount of $86,011 the United States Department of Justice, Drug Enforcement Administration for the Suffolk County Police Department’s participation in the DEA Long Island Task Force with 81.53% support. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1950, Accepting and appropriating Federal funding in the amount of $80,000 from the United States Department of Justice, Internal Revenue Service, for the Suffolk County Police Department’s participation in the IRS STEPP (Suffolk-Treasury Enhanced Prosecution Program) with 83.46% support. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2025, Accepting and appropriating Federal funding in the amount of $28,900 from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, for the Suffolk County Police Department’s participation in the ATF Task Force with 81.53% support. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2027, Appropriating funds in connection with the purchase of Marine Bureau Diesel Engines (CP 3198). (Co. Exec.) Motion by Legislator Eddington, seconded by Legislator Stern. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
On the accompanying bond (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $104,112 bonds to finance the cost of the purchase of Marine Bureau Diesel Engines) (CP 3198.517), same motion, same second, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. EDDINGTON:
Yes.

LEG. STERN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent)

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.
LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
2028, Amending the 2011 Capital Budget and Program and appropriating funds in connection with the repair of Yaphank Tower (CP 3239). (Co. Exec.) Motion by Legislator Eddington, second by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
The accompanying bond resolution 2028A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $572,000 bonds to finance the cost of the repair of Yaphank Tower (CP 3239.110 and .310) same motion, same second. Roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. EDDINGTON:
Yes.

LEG. BROWNING:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.
LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent)

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
2024, which was discharged by petition, Approving the reappointment of Rabbi Steven A. Moss as chair of the Suffolk County Human Rights Commission (Co. Exec.)

LEG. CILMI:
Motion.

P.O. LINDSAY:
Who made the motion?

LEG. MURATORE:
Motion.

P.O. LINDSAY:
Legislator Muratore, seconded by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)
P.O. LINDSAY:
1844, Approving extension of license for Sayville Ferry Service, Inc. For Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove, Water Island and Sailors Haven. (Lindsay) I'll make the motion.

LEG. MURATORE:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1978, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 7 Twelve Pines and McKeon Rolling Steel Door Company (BR-0799.10). (Co. Exec.)

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1979, Amending Resolution No. 1053-2008 in connection with improvements to the Yaphank County Center Wastewater Treatment Plant (CP 8158). (Co. Exec.) Do I have a motion?

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1980, Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 11 - Selden with the owner of Eranta, LLC (BR-1581). (Co. Exec.) I'll make a motion.

LEG. MURATORE:
Second.

P.O. LINDSAY:
Second by Legislator Muratore. All in favor? Opposed? Abstentions?
MR. LAUBE: 
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY: 
2037, Directing the Department of Public Works to hold public hearings on new bus fares. (Lindsay)

LEG. SCHNEIDERMAN: 
There was some discussion about this from the DPW Commissioner. I don't know if you saw that memo, Mr. Presiding Officer. I don't know if you're able to make any of the changes to free up the language to consider other rates. I would say table it one cycle and see if we can -- I’ll make a motion to table.

P.O. LINDSAY: 
Okay, motion to table. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE: 
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY: 
2042, A resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 – Southwest (infrastructure improvements) (CP 8170). (Co. Exec.) Motion by Legislator Horsley, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE: 
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY: 
2043, Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 – Southwest (infrastructure improvements) (CP 8170). (Co. Exec.) Same motion, same second, same vote all right?

MR. LAUBE: 
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY: 
On the accompanying bond 2043A, (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $5,200,000 bonds to finance a part of the cost of the increase and improvements of facilities of Suffolk County Sewer District No. 3 - Southwest (Infrastructure Improvements) (CP 8170.319) same motion, same second, roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. HORSLEY: 
Yes.

LEG. D’AMARO: 
Yes.

LEG. COOPER: 
Yes.
LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent)

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2044, Amending the 2011 Capital Budget and Program and appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181). (Co. Exec.) Legislator Horsley.
LEG. HORSLEY:
Yes.

P.O. LINDSAY:
Motion. Legislator D’Amaro, second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Same motion, same second on the accompanying bond resolution 2044A (Bond Resolution of the County of Suffolk, New York, authorizing the issuance of $4,500,000 bonds to finance a part of the cost of improvements to the facilities of Sewer District No. 3 - Southwest (Infiltration/Inflow) (CP 8181.112, .311 and .510), roll call.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. HORSLEY:
Yes.

LEG. D’AMARO:
Yes.

LEG. COOPER:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent)

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
Yes.
LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Motion. 2045, Amending the 2011 Capital Budget and Program, transferring funds from the assessment Stabilization Reserve Fund, and appropriating funds in connection with improvements to Suffolk County Sewer District No. 22 – Hauppauge Municipal (CP 8171). (Co. Exec.)

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. HORSLEY:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
Motion.

P.O. LINDSAY:
2046, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2011 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 3 – Southwest – UV Project – Planning (CP 8183). (Co. Exec.)

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)
P.O. LINDSAY:
2047, Transferring Escrow Account Revenue Funds to the Capital Fund, amending the 2011 Capital Budget and Program and appropriating funds for improvements to Suffolk County Sewer District No. 13 – Windwatch (CP 8123). (Co. Exec.)

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
Motion by Legislator Kennedy.

LEG. NOWICK:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1925, Declaring November “Elks National Veterans Remembrance Month” in Suffolk County. (Stern)

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, second by Legislator D’Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1897, Adopting Local Law No. -2011, A Local Law to expand the hardship criteria for real property redemptions. (Browning)

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. STERN:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1934, Authorizing the renewal of the lease of premises located at 53345 Main Road, Bldg.
MR. NOLAN:
I think it was amended yesterday.

P.O. LINDSAY:
I've been told by Counsel this has to be tabled because it was just amended yesterday. So I'll make a motion to table.

LEG. CILMI:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1938, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Edwin Lebron and Mildred Lebron, his wife (SCTM No. 0100-039.00-01.00-093.000). (Co. Exec.)

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro.

LEG. COOPER:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1939, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Geiger Properties, LLC (SCTM No. 0103-019.00-05.00-059.000). (Co. Exec.) Do I have a motion?
Motion by Legislator D'Amaro, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1957, Authorizing the placement of certain properties owned by the County of Suffolk in public use pursuant to Section 406, New York State Real Property Law. (Co. Exec.)

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Do I have a second?
LEG. BROWNING:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1959, Authorizing transfer of surplus County servers to Ward Melville High School Computer Repair Lab. (Viloria-Fisher).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher, second by Legislator Muratore. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1986, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Guillermo Almanzar (SCTM No. 0100-200.00-02.00-014.000). (Co. Exec.) Motion by Legislator D'Amaro, second by Legislator Stern. With a little help. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1987, Authorizing the License Agreement for use of County premises located at Building 16, North County Complex, Hauppauge, NY by the Suffolk County Society for the Prevention of Cruelty to Animals. (Co. Exec.)

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher.

LEG. BROWNING:
Second.

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

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1988, Authorizing the lease of premises located at 20 Pinehurst Drive, Bellport, NY for use
by Suffolk County Department of Fire, Rescue and Emergency Services. (Co. Exec.) Has to be tabled.

LEG. BROWNING:
Tabled?

MR. NOLAN:
We got the public hearing on this.

P.O. LINDSAY:
Oh, okay.

LEG. BROWNING:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Browning. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1989, Authorizing the License Agreement for use of County premises located at 30 East Avenue, Yaphank, NY by the American Red Cross.(Co. Exec.)

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning. I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1992, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-592.00-07.00-026.001). (Co. Exec.)

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)
P.O. LINDSAY:
1994, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-183.00-01.00-009.000). (Co. Exec.)

LEG. BROWNING:
Same motion.

D.P.O. VILORIA-FISHER:
Same second.

P.O. LINDSAY:
Motion by Legislator Browning, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1995, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-960.00-02.00-001.000). (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
1996, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-975.80-05.00-025.000). (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2023, Authorizing the sales of surplus property sold at the November 15, 2011 Auction pursuant to Local Law No. 13-1972 as per Exhibit “A” (Omnibus Resolution)

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Absent: Legislator Montano)

P.O. LINDSAY:
2038, Amending the schedule of fees in connection with the purchase of the Suffolk County Tax Map and other items pertaining thereto. (Lindsay) I make a motion. Do I have a second?

LEG. CILMI:
Second.
P.O. LINDSAY: Second by Legislator Cilmi. All in favor? Opposed? Abstentions?

LEG. ROMAINE: I'll abstain. I had a question.

P.O. LINDSAY: You had a question. I'm sorry.

LEG. ROMAINE: I apologize. How much of the rate's going up for the tax maps?

P.O. LINDSAY: Do you have them, Robert, in front of you?

LEG. ROMAINE: Generally speaking how much percentage-wise? You know, Mr. Presiding Officer, rather than hold up the proceedings, I'll withdraw my question. I'll just abstain on the motion. Thank you.

MR. LIPP: Sorry.

P.O. LINDSAY: It's a good time for him to research that because I'm going to call a short recess for caucus.

LEG. ROMAINE: Okay.

P.O. LINDSAY: Right, Jon?

LEG. COOPER: Please.

P.O. LINDSAY: Okay, we'll take five minutes.

(THE LEGISLATURE RECEDED FROM 5:00 PM TO 5:20 PM)

P.O. LINDSAY: Okay. We're back in session. Want to call the roll, Mr. Clerk?

MR. LAUBE: Sure.

(ROLL CALL BY MR. LAUBE, CLERK)

LEG. ROMAINE: Present.

LEG. SCHNEIDERMAN: Present.
LEG. BROWNING: Here.

LEG. MURATORE: Here.

LEG. ANKER: Here.

LEG. EDDINGTON: Here.

LEG. MONTANO: (Absent)

LEG. CILMI: Yep.

LEG. BARRAGA: Here.

LEG. KENNEDY: Yes.

LEG. NOWICK: Here.

LEG. HORSLEY: Here.

LEG. GREGORY: Here.

LEG. STERN: Here.

LEG. D'AMARO: Here.

LEG. COOPER: Right behind you.

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

P.O. LINDSAY: Here.

MR. LAUBE: Seventeen. (Absent: Legislator Montano)

(SIDEBAR CONVERSATION)
P.O. LINDSAY:
Oh, we did vote but then Legislator Romaine asked for a clarification.

MR. LAUBE:
I never called the vote.

P.O. LINDSAY:
Okay, so you never called the vote so we didn’t vote on it. Robert, do you have the --

MR. LIPP:
Yes, I do.

P.O. LINDSAY:
Go ahead.

MR. LIPP:
Okay. The problem was that there are a lot of different changes. Make a long story short, number one, a lot of fees are adjusted to increase the sales volume, but the department couldn’t come with a revenue impact so it remains to be seen what it does. Among other things, depending upon the size of the map, it’s going to go up by just one dollar, so a small size, I’ll call it size B, will go up from four to $5 or 25%; size C from six to $7 or 16.7%, size D from $16 or 6.7%. Also the maps processing fee for a custom map will go up from 20 to $30 or $10; that’ll be a 50% increase. And the tax map section assembly will go up by $2 from five to 7 percent (sic) or 40%. Five to seven dollars.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
Yes. I’m for it.

P.O. LINDSAY:
Does -- anybody else? We have a motion and a second, am I correct?

MR. LAUBE:
Yes, you are.

P.O. LINDSAY:
All in favor? Opposed? Abstentions?

MR. LAUBE:
Just one opposition? All right. Sixteen. (Legislator Montano Absent. Legislator D’Amaro opposed)

P.O. LINDSAY:
Okay, back on page 8, 1964, Of the Legislature of the County of Suffolk, repealing its cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, thus restoring its percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York. (Lindsay) I will make a motion to approve.

LEG. COOPER:
Second.
P.O. LINDSAY:
Second by Legislator Cooper. Mr. Lipp, you had a chart that you worked on. Do you have that with you?

MR. LIPP:
Yes, Presiding Officer. We made some modifications to the previous Fiscal Impact Statement. Quite simply I looked at the prices this morning, even what the current price is and the difference between regular and premium and diesel because it affects the overall blended price. So to make a long story short, I could give you very quickly a) a range and b) what I think the best case -- the most likely scenario will be. Okay?

So based upon today's current prices, I found that the revenue impact is, roughly speaking, about seven, $800,000 in revenue additional. Okay? So what I think is the current low price, if you will, of 3.50 for regular grade, we're likely to bring in close to $4 million based upon current blended prices that would -- under the assumption -- so that's the low end. Okay?

And I would say the high end probably would be, the realistic number, $4 price, which would bring in over ten million -- and by the way, these numbers are based upon a March 1st start date so it's two months into the year. So that's in an annualized number. And I would say that the middle price of 3.75 moving forward given the upside risks being greater than downside on prices, is probably the best is -- most likely scenario, which would be $7.7 million for the ten-month period. In terms of who bears the burden and what the savings would be, and feel free to ask questions at any time, if we make the assumption, and it's very difficult to determine really mathematically in terms of calculations whether or not the consumer is getting the full gain or not. That being said, under the assumption that the consumer would get the full loss, if you will, if the cap was rescinded under -- under the most likely scenario, what I'm saying $3.75 per gallon moving forward, that would be like $13 for the entire year or a little over a dollar a month, assuming like a typical average driver.

So the point to be made there, and this is totally up to you, is you're saving $13 hypothetically as an estimate per year to the driver. And in return you're getting -- or you're costing the driver that. And that's only if it's fully passed on. Okay? If it's not passed on, the driver isn't getting all of that. Okay? And in return you're getting $7.7 million, which -- and that's just from March 1st to the end of the year, which would help fill what we in Budget Review Office thinks as a very large budget problem. And this would help, partially fill it, but perhaps not the whole way.

P.O. LINDSAY:
Okay. Does anybody have any questions of Mr. Lipp on that? Legislator Kennedy.

LEG. KENNEDY:
Well, you know, Mr. Chair, I think I'm just going to offer that, you know, this cap on the tax was put in place at a time when we had gasoline prices that had gone as high $5, and in some cases even higher. And it was designed -- oh, yeah, for premium, absolutely. I can tell you because I paid it. Well, that's German revenge. But, you know, we came together as a body to attempt to try to provide relief for the tens of thousands of motorists that were out there in order to give them some benefit and to recognize the, you know, intense sacrifice that they were making at the pump. And it seems to me that what we're doing with this is, we're acquiescing to a less than perfect collection system at a state level and saying that because State Taxation and Finance, petroleum distributors and petroleum retailers are not implementing what we passed, we're going to turn around and we're just going to go back in and take the money.

And quite candidly I think that's the wrong posture for us to have. I think -- we felt that it was the right thing to do. We have no control over where the price at the pump might go per gallon. Everyday we read about, you know, the stretch is all over the place. And it's not too farfetched that we might see that 4.50 or $5 per gallon price come back. And the only thing we will be able to say
to our constituents is, "well, you know, we thought you needed a break, but we just couldn't get it together so we took a step back from it."

We don't do that. When any one of us brings an issue forward, whether it's Legislator Romaine with geo-engineering or myself with some of the things I've brought forward, we've looked at issues and we've done our level best to try to address them. And where there's a place for us to legislate, we do so and we go forward and we abide by it. We hold to it. We don't turn around and say because the state doesn't do the system right or the feds don't do it right, for that matter town or villages, we might as well just throw our hands up and take a walk. Oh, and by the way we'll profit from it. I think that we're moving too hastily and quite frankly I also think it's the wrong thing to do to link positions that we worked --

P.O. LINDSAY:
There is no linkage.

LEG. KENNEDY:
Well, you know, that's some of what's been asked of me and some of what -- what have spoken. No, I don't see any linkage in this bill, Mr. Chair, but there's been a lot of talk that, you know, the proposed revenue that come out of this will now be applied for restoration positions. I just think it's wrong to go ahead and back away from this. I think we should at the very least try to get at some of what the mechanics are. And for that matter, I'll make a motion to table. I'll make a motion to table.

P.O. LINDSAY:

LEG. BROWNING:
Okay. If we were to raise the General Fund property tax to make up for that seven million or whatever that number is that you just gave me, the nine -- what would the General Fund property tax have to be?

MR. LIPP:
The $13 savings would be offset assuming that you had to raise property taxes and replace -- it
would be -- cost of about $seventeen.

**LEG. BROWNING:**
But then, again, it's -- only the homeowner is going to have to pay that where, you know, with the gas tax, everybody's paying it. My kids who live at home and drive would be paying that tax also.

**MR. LIPP:**
Correct.

**LEG. BROWNING:**
It's visitors, people who come here to visit in the summer are going to pay that tax. So, you know, that's -- it's a very hard decision to make.

**MR. LIPP:**
And just for your information the calculation for the savings, what we did is we assumed 12,000 mile driving per year and 20 miles per gallon fuel economy.

**LEG. BROWNING:**
I just think it's something we have to look at. I know, John, you mentioned about tacking it to something. I think we should be looking at it as a possibility of maybe restoring some jobs, you know, who wants to see people losing their jobs and being on the unemployment line. You know, if I have to make a choice when we have no money, you know, this is a tough choice to make, but I think I have to support this at this time.

**P.O. LINDSAY:**
Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**
I never supported this. So I -- I never supported the cap because at $13 per year, let's get real. This isn't going to make somebody lose their house. It's not going to make anybody go hungry and it's adding $7.7 million in ten months to our budget, which, John, I know how you rolled up your sleeves and worked so hard on that budget, and you know the kind of holes we have in that budget. And to tell the people of Suffolk County who were astounded when they read the newspaper the day after our Department of Health Services and our Department of Social Services were both here, and talked about the loss of services that this County would realize, were we to lose the number of functions that are available to the people of this County -- if we can restore and assure the -- to the people of this County $7.7 million in services in the mission, the core missions on which this government -- under which this government operates, for $13 a year, I don't believe there would be one person who would say that's unfair. They might grouse because people grouse about tax and grouse about having to spend a penny.

But, you know, you're not doing anybody -- if we were to put all that money into saving jobs, well, the problem we're having in our economy is that people are losing their jobs. And when you have people lose their jobs, you have people who aren't buying anything. And if you have people who aren't buying anything, we cannot get out of this hole that we're in nationally in our recession. If we can save $7.7 million worth of jobs, that helps our recovery. That helps our sales tax. That's helps our economy. That helps our services and it helps everybody, all of the ships rise.

For $13 a year, I think it's a tremendous bargain and it won't be felt by people. And you know what? If they feel it that badly, my goodness then maybe they can carpool and save money. How about personal responsibility for saving money? It's -- I think it's very -- a really specious argument to say that we're hurting people by costing $13 a year for a 7.7 million hole being saved in our budget.
P.O. LINDSAY:
Legislator Anker.

LEG. ANKER:
From what I remember the information given to us by some of the organizations out there, it has basically the wholesalers with the largest profit; in other words, the constituents, the residents, people getting the gas are not benefitting from this. And, again, from what I understand, if anyone wants to clarify, that, you know, this legislation was created to help our residents save money on their gas, but from what -- the information and the research, the wholesalers are the ones getting the benefit. And I don't feel that this legislation is benefitting our residents. So I would like to, again, get a clarification on that.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
I'm sitting here pondering this and listening. And I listen to one side and you certainly do make sense. And of course my colleague who originally passed the legislation, that makes sense as well. I hate -- I don't usually like to put things off. God knows I'm glad we closed that last public hearing, Legislator Romaine.

(LAUGHTER)

But as much as I don't like to -- because I'm hearing something different from Robert and then I hear something different from Legislator Viloria-Fisher, and I do respect my colleagues, I would like to support Legislator Kennedy's tabling motion. And that's not -- I'm not doing that to -- to not make a decision. I just -- after listening to Robert and listening to different numbers and wondering to myself, this extra money, now that I hear where it is going, I'm conflicted. And I would just like -- we're meeting again in 14 days. I don't know if that's going to make a difference on the tax warrant or anything else, but 14 days might help me to make a better decision. And I ask that maybe we could support a tabling motion just for one time just so I can digest now what I've learned today. Thank you.

P.O. LINDSAY:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
We all know it's a tough economy. We all want to give some relief to the people who are, you know, struggling to get by. And we know it's a difficult time for the County. And certainly if we didn't have that hole that Robert talked about, I'm not even sure of the size of that hole, but I suspect it's around $100 million, in that range, you know, if that weren't there, maybe we could give this type of relief, but frankly we just don't have the flexibility to do that.

I have been looking hard, though, to find whether the consumer is actually getting the relief. And I got the numbers. The Presiding Officer was able to go back for two years. I was able to determine the baseline before the cap in terms of Suffolk's prices being slightly higher than Nassau's. And I was able to look at the last five months where we've had the cap. And I want to take you back to July because July was when we had the highest gas prices. They were over $4 a gallon, where you'd expect to see the most savings for our consumer. In fact, based on my analysis, we should have seen a three cent per gallon -- 3.24 cents per gallon savings to our consumer. We didn't. We saw some savings. It was less than a penny. Point nine. Nine tenths of a cent.

That means basically 72% of the savings went to the retailer and the other 28% went to the consumer. So the truth is, yeah, we probably are seeing some relief. But the retailers and
distributors are seeing most of this. And I think that's sad. There are better ways to provide relief. If we could afford to provide relief, and right now we're not in a climate where we can, so maybe when that hole is filled, we can revisit this and put that cap in place, Jon, that you talked about, that failsafe so if gas spikes again, but this is not the time to do it, not when we have so many holes to fill just to keep the County operating.

**P.O. LINDSAY:**
Legislator Cooper.

**LEG. COOPER:**
I'm going to ask a question of my -- I'm 56. I don't know how many of you are my age or older. You'll see. How many of you -- how many of you remember Mayberry RFD? Remember Andy Griffith, Barney Fife? Thanks. You, young whippersnappers, it was black and white. But anyway, Mayberry RFD, remember Barney Fife, he was the Deputy Sheriff and he's given one bullet? And if there's some threat to Mayberry, Barney asks Andy the Sheriff, you know, can I go get the bullet to put into the gun? I'm comparing Suffolk County now to Barney Fife. And we have reached the point, and you all know this --

**D.P.O. VILORIA-FISHER:**
Are you Opie?

**LEG. COOPER:**
Sure, I'll be Opie, because Opie is extremely well to do these days, I understand. But I mean it's reached the point where we can't afford to buy toilet paper. I know that there was a major County department that was asked to print out a document recently. And they told the individual that asked them for a copy of this report -- they explained that they ran out of print cartridges for their printer, they didn't have money in the budget for print cartridge. This is a $15 print cartridge and they asked the department that requested the report whether they had a spare print cartridge that they could buy.

So it's reached this point here in Suffolk County that they've run out of toilet paper, we've run out of print cartridges. And this is an opportunity for us to provide revenue, reliable revenue in 2012 and ongoing years that's going to be critically needed. It's not going to cost Suffolk County residents a penny because they're not seeing the savings now as it is. I think it's pretty clear to most independent observers that it's the oil wholesalers that have been benefitting from the tax cap. So this is a painless way for us to provide several million dollars that are desperately needed. We can determine at a later point what that's going to be used for, but we have no choice. If we're responsible, we have to vote to approve this. Thank you.

**P.O. LINDSAY:**
Legislator Romaine.

**LEG. ROMAINE:**
Yes, I just would say that as a member of the Budget and Finance Committee, I heard testimony from the Gasoline Retailers Association that in fact these savings were being passed onto the consumer. And that Committee questioned them. You know, you sure it's not getting to the wholesaler, and he's getting this profit that the consumer -- because we -- you know, there's evidence that -- it's been said that the consumer isn't seeing it and they repeatedly said "no, the consumer is seeing this."

**LEG. SCHNEIDERMAN:**
They lied.
LEG. ROMAINE:
So, you know, that's the testimony that I heard from the Gasoline Retailers Association that would be knowledgeable about the distribution of gasoline, and who's seeing what and who's not. And they indicated that, in fact, this cap was benefitting the consumer. So I'll just leave it at that. That's the testimony we heard. We have verbatim transcripts. I would invite anyone to take a look at Budget and Finance. I certainly would support tabling this for two weeks. I think that we should really engage in a thoughtful discussion of if this is the way that we want to go.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Chair. This body has historically regardless of bickering, partisan differences, ideological differences, have always seemed to -- in the end has come back to practicality and what's reasonable. Years ago, and I wasn't a member of this body, but there was discussion, I remember reading in the Newsday and other papers, that discussions over the sales tax holiday, and that provided a relief to many shoppers prior to school. And I think it was about a $35 million hit to our budget. And during those economically stressful times, this body had decided to rescind that, that policy.

Here we're talking about a gas cap with good intentions. No one can discern with great clarity what savings is being passed onto the consumers or not, but we're having a prolonged debate over something that we can't definitively define, but yet historically we have taken away a benefit, a clearly defined benefit to consumers in Suffolk County and those that come across our borders.

So I think we need to do -- and now we have a worse economic climate than we had then. So I think we need to do the fiscally prudent thing. It's unfortunate that we can't define this relief, if there is any, or define the savings or cost or whatever there may be. But I think it's clear, the impact, that it will have as far as generating revenues for our budget. And we need to recoup any funds or revenues that we can. Thank you, Mr. Chair.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
I -- you know, Mr. Chair, it occurs to me, and I'll go back to my initial comments and I'll make this offer to each one of my colleagues. Legislator Anker, I think you spoke well about the fact that we've acted, but there are some current concerns. Legislator Romaine spoke about Long Island Gasoline Retailers' testimony. It occurs to me as I'm sitting here looking at the Taxation and Finance website that tomorrow morning I should be on the phone with the Commissioner, Commissioner Maddox, who I had asked to go ahead and direct his regional office representative to appear before us to explain why the resolution that we put forward is not being properly implemented.

And if it's not, then the next logical conclusion would be to have him bring charges of fraud regarding the distributors. I will go back again to, Mr. Chair, what we spent the better part of almost three months doing in wrestling with what I've called many different things regarding that purported budget that was given us by the Executive's Office, and what we took from 710 layoffs down to 88. And, yes, we need revenue, but we cannot tax our way out of an economic recession. And that's in essence what we're doing.

Legislator Viloria-Fisher, you're correct, $13, I made the argument as a matter of fact when we went up 2% on the special district, that $27 was the price -- less than a price of a 7/11 cup of coffee each month. And that was done specifically to address what Legislator Cooper had spoken about, the
phenomena of the police force with a single bullet to pass around. But at some point we need to be able to say as the stewards and the policy making body that we have to tighten our own belt. And in essence what we’re saying is, is we went into the public’s pockets but we’re not willing to do it ourselves. We have to be able to say we will reconstitute government. We will pare it down where we can. We will stop being all things to all people and that we will -- we will make every effort to try to be as lean as we can. I’d ask you to give me two weeks and at least try to get somebody from Taxation and Finance to address why they are not implementing what we put in place.

LEG. NOWICK:
Can I ask one question?

P.O. LINDSAY:
I have a list so I’ll -- all right? I’ve given everybody a chance to speak and I wanted to speak. And I disagree with Legislator Viloria-Fisher. There is no cost because there is no savings. I went to -- I tried -- I put two aides on trying to track the cost of gasoline between Nassau County and Suffolk County. It was an easy comparison. Nassau doesn’t have a cap. We have a cap. And we could not find that data. We went to Triple A, we went to all different kinds of agencies. Finally when I talk to LIGRA, they said there is an industry website, but you have to pay to get that data. So I paid. I paid out of my own pocket. I got the data for six months. From June to October, I guess, five months. And you would have expected that the price of gasoline in Suffolk County would have been cheaper than Nassau County, but it wasn’t. One month it was cheaper. Next month it was more expensive. There was no correlation to the taxing at all.

I further went forward. Myself and Mr. Lipp met with the LIGRA executive board after they testified here about this whole issue of how gasoline taxes are collected. And Mr. Lipp went further than that. He talked to the people in State Taxation that set the gas price. And some of it is collected on the wholesale level and some on the retail level. And what the LIGRA people wanted is all to be collected on the wholesale level. And the only way that can be done is by statewide legislation. LIGRA wanted us to get behind a proposal to do it in just Suffolk County. He got it confirmed. They will not even consider that. They will not even consider it. You would have to get legislation passed by the state Legislature to do what they want on a statewide level.

So that isn’t realistic. And, Legislator Kennedy, in all due respect, and I mean you sat next to me through a tortuous budget process and we reviewed what we did with the incoming County Executive last night for four hours and it was tortuous. I went home sick again because it’s very, very upsetting, our fiscal crisis. But to say that we didn’t pare down government is inaccurate. I mean God almighty, we collapsed about seven departments. We laid off six commissioners, a couple of deputy commissioners. I laid off people, even my own staff. I had to tell them this week. That isn’t any fun. I mean, I don’t know what else we could have done to pare down government without making portions of what services we provide non-existent.

And I’m all ears, if somebody has any ideas how we can save some more money without dramatically hurting vital services that we provide. And you and I talked about this repeatedly, almost department by department, where we went through functions, do we need this, do we need this? We asked ourselves that over and over again and debated it among ourselves.

LEG. KENNEDY:
Yep, we did. We’re going to have to do more of it come July.

P.O. LINDSAY:
Well, we probably are, we probably are, unless we get some help. We need help.

LEG. KENNEDY:
Yes, we do.
P.O. LINDSAY:
So I don't know how -- you know, I think that's inaccurate about us paring it down. Legislator Eddington.

LEG. EDDINGTON:
Yeah, I thought I was going to make it without saying anything but, Legislator Cooper, you stimulated me with your analogy of Barney Fifer.

LEG. COOPER:
Please clarify that.

(LAUGHTER)

LEG. EDDINGTON:
That's why I tried not to talk, but anyway --

(LAUGHTER)

The analogy of the bullet is scary. But when you mention the lack of toilet paper, I was on an aircraft carrier out at sea for 32 days. And after 12 days we ran out of toilet paper. It's a place you don't want to be. I may ask the police to tighten their belts, but I'm not going to ask them to tighten every part of their body. So I'm going to support this now as long as we make sure we allocate some money for toilet paper. And it would be nice to have some bullets for the cops.

P.O. LINDSAY:
Legislator Nowick.

LEG. NOWICK:
This is going to sound corny, this conversation has gone down the toilet. But what I don't understand, Robert, is where did we get the information? Legislator Romaine says that the Gasoline Retailers Association come before us and testify that the -- they are seeing results from this. And then on the other hand we hear differently that the wholesalers are the ones that are benefitting from this. Where did we get that information because it is so --

MR. LIPP:
My understanding is LIGRA, the gas association, what they were really saying is, their biggest complaint was that they think there's significant amount of cheating out there in this market, probably a lot more than in other markets. And they think that if law could be changed where it's collected at the wholesale distribution point, then you could avoid a lot of the cheating going from the truckers to the gas station and at the gas station. And he thinks that we could actually perhaps save a lot of money by avoiding that cheating. That being said, the only way to do that, that is to have the entire tax collected at the distribution point, is if the state allows it. It's a statewide system. Okay? And the only way you could have that kind of system is if it is a cap cents per gallon because --

LEG. NOWICK:
Robert, I don't mean to stop you --

MR. LIPP:
It's okay.

LEG. NOWICK:
How do we know he's telling the truth? I mean we're hearing two conflicting --
MR. LIPP:
Well, I'm not quite sure what you're asking because --

LEG. NOWICK:
Legislator Romaine said they came before us and said that they -- did they not come before us --

LEG. ROMAINE:
Budget and Finance, absolutely.

MR. LIPP:
Well, I don't think that --

P.O. LINDSAY:
Just to clarify it, is -- the data that I produced was from an independent website that the industry uses of average prices. They could say whatever they want. This is the cost of gasoline in Suffolk compared to Nassau. And there wasn't -- there wasn't a change so they could say whatever they want. And the commodity is so volatile, when I go home, I go down 111. There's a gas station on the corner that I think yesterday they were 3.89. They're about 40 or 50 cents -- or 30 or 40 cents more than any other gas station around. And they're always that way.

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

P.O. LINDSAY (Continuing):
If he raises -- you know, we cut the tax. If he raises his price a penny or two cents, who would know the difference? It isn't as if you go into a store and you buy a blouse for $10 and you know that the sales tax on that is eight point -- what is it, three six? Six two five. It is -- because it isn't assessed at the pump. So it's so fluid, there's -- you know, you could say it to the State all you want that you're not enforcing the tax, there's no way of enforcing it under the system that it is now; there's no way. I'm sorry, too.

LEG. NOWICK:
No, no, that's okay. I mean, it still brings me back to what I said originally. There's so much conflicting information, I find it very confusing. I would like to have the testimony that Legislator Kennedy talked about, something where I know once I voted I could be really sure that when I walked away I said, "Wow, I did the right thing."
So again, I'm going to ask that --

P.O. LINDSAY:
I would look at the data produced, and we'll give you the site of -- it's the industry's website, the numbers don't lie. Legislator Browning.

LEG. BROWNING:
John, I have to say, I know that you sat in the Budget Working Group and to say that we need to tighten our belts, I sat in the Working Group too and I'm sitting there going, "I can't believe the mess that we have right now." Where are we going to do that?

I'll give you an example. When you say about doing more with less, I mean, we have County workers in the room right now, ask them what they can do if we cut another $7 million out of our budget? I talked to a DPW worker and he told me that they have the zone and the zone that he worked in is from Exit 59 to Exit 68, and he has -- him and his crew have to work all of the County roads. They also move furniture, they do multiple -- they have multiple tasks that they're required to do. There's 12 of them, a total of 12 in that zone. And I said, "Well,
that explains why William Floyd Parkway looks the way it does, because they can't get to it." They can't clean up the weeds, they can't clean up the sand, it's a mess. And now I know why, because there's only 12. Tell me they're not doing more with less. They're covering from Exit 59 to Exit 68; that's ridiculous.

So I don't know. I think anybody who votes against this, probably this is not going to -- it will probably get vetoed, it probably won't have the votes to override the veto. So if you're going to vote no, I recommend that you come back before the end of the year and tell us where we're going to get that money. And we're going to take it off the County workers with more layoffs? Go ahead, you do what you think you need to do, but you better come up with a reason or an answer as to where you're going to get that money.

P.O. LINDSAY:
Legislator Cooper.

LEG. COOPER:
Further to Legislator Nowick's comments that there was conflicting information before us; to make it even more confusing, I spoke with, it was either Bill Schnell or Kevin {Beyer}, and they told me repeatedly that there was no way that this savings was going to be passed along. Either Bill or Kevin told me that since it was only half of a percent or a penny per gallon, there was absolutely no way to track that. And as Legislator Lindsay mentioned, you could go to a corner with four gas stations on the four corners and you can see a ten cent per gallon difference between one gas station and the next, and if you go back the next day it's flipped and the gas station that was ten cents higher than the other one on one day now is ten cents lower than the others. It's insane, there's no rhyme or reason, I don't know how they do it. But there's absolutely no way to track a half-penny or three-quarters of a penny one way or the other.

And again, what's frustrating to me is in my private meetings with LIGRA on multiple occasions, they told me this. They were actually the first ones that told me this. So if they haven't changed their testimony now, I don't know the rational for that. But logically, it doesn't make sense. Unless we change the way that the tax is collected, then -- again, I believe that we're just putting extra profits into the pockets of the oil wholesalers and we're ultimately punishing the residents of Suffolk County in the process.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Thank you. I really would like to take this from a different angle, from the standpoint of our constituents or consumers. You know, over a year ago we made the decision, based on Muratore's bill, to eliminate that tax above $3. And I can't speak for others, but certainly I went out to the people that I represented and indicated that, and they were happy about that because that was a savings to them. Now we find ourselves in a situation, and there's debate on both sides as to whether or not there's any real savings, of having to rescind that commitment. That's a tax increase in the minds of many people, my same constituents. They're going to feel we short-sticked them, we stuck it to them.

Now, someone earlier said, "Oh, it's only another 13 or $15." Well, in December, but it was $27 last month when we did the Police District increase. And then we've got to figure, you know, what about that bus business? There's going to be a dramatic increase there of $2, or 2.50 depending upon what routes. And I'm looking at a bill, and I'm still kicking this thing around, on Canon, cutting their connection fee by 50% where the County is going to lose $680,000. I have to say to myself, "Well, why are we losing that? Are they going to leave?" They've gotten all sorts of tax breaks to begin with. They absolutely need this? But the point is we have a series of events here and we keep on
going down the same road which results cost my constituents money. And Mr. Lindsay may be right. I don't know if the savings is passed on or not, but I do know this; they'll come to me and say, "Barraga, what'd you do there? You reduced the taxes and then you stuck it to us again."

In another year and a half, you'll all get to read about it again when those brochures go out. You made a commitment, live with the commitment.

Circumstances may have changed, but I think overall you've got to live with the commitment you've made to the consumers and constituents that you represent. There is no connection between this bill and how the money is being used, but this is the second bite at the apple. The first time I think there was a connection in terms of trying to offset what was going to happen at the local township level on out-of-County tuition. We made the decision 12, 13, 14 months ago, live with it, I think on the merits. And I don't like the political downside for any of us, I think it sends the wrong message.

**P.O. LINDSAY:**
Okay. Legislator Muratore.

**LEG. MURATORE:**
You know, I've have sat here for this cycle and I've sat and I've raised the Police District tax the cost of a cup of Starbucks a month. I've raised fees for tax maps and other stuff for the price of a bag of Doritos. But I'm not going to take away a small savings from the taxpayers that might buy some toilet paper, so I'm going to be voting no to rescind this.

**P.O. LINDSAY:**
Who else? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
You know, we did make a decision some time ago to do this, I was part of that decision, and we believed it would be passed along. And we have data now, that's what I -- you know, we keep talking about what LIGRA said and whether it's being passed down or not. I got the data, the Presiding Officer spent hundreds of dollars getting the data, partly so I could do this analysis. And I could tell you, at the height of the gasoline price where we should have seen more than three cents a gallon less in fees, we only saw a savings of one penny. So that other two cents, more than two cents, 75% of the savings was being kept by the retailer or the distributor. And that's not the only month, in other months as well it's not being passed down. Also, we made this decision at a time when we didn't know the extent of the County's budget problems. Now we know there's this $100 million hole.

So, you know, maybe if we were making the decision today, we'd make a different decision; in fact, I suspect we will make a different decision. If we don't do this and we have to fill the hole in another way, we end up with property taxes; that means every resident of this County has to shoulder that burden. With this gasoline cap removed, at least it's being spread out to people who visit Suffolk County and are picking up some of the burden, people who work in Suffolk County but don't live here. If you want to concentrate this burden that we're in on the residents of Suffolk County, then don't lift this cap, leave it in place. But if you want to potentially provide some relief to the taxpayers, the property taxpayers of Suffolk County, I think the responsible thing to do is eliminate the cap.

**P.O. LINDSAY:**
Okay. We have a motion to table and a motion to approve; the tabling goes first. Roll call.

(*Roll Called by Mr. Laube - Clerk*)
LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

MS. LOMORIELLO:
He left the room.

P.O. LINDSAY:
He went to the men's room, pass over him.

LEG. D'AMARO:
No to table.

LEG. STERN:
No to table.

LEG. GREGORY:
No.

LEG. HORSLEY:
No.

LEG. BARRAGA:
Yes.

LEG. CILMI:
Yes.

LEG. MONTANO:
(Absent).

LEG. EDDINGTON:
No.

LEG. ANKER:
No.

LEG. MURATORE:
Pass.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
No.
P.O. LINDSAY:  
No.

LEG. COOPER:  
No.

MR. LAUBE:  
Five.

MS. ORTIZ:  
Muratore.

MR. LAUBE:  
Oh, Muratore, I'm sorry. Legislator Muratore?

LEG. MURATORE:  
Yes to table.

MR. LAUBE:  
Six.

P.O. LINDSAY:  
Okay, to approve.

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

P.O. LINDSAY:  
Yes.

LEG. COOPER:  
Yes.

LEG. D'AMARO:  
No.

LEG. STERN:  
Yes.

LEG. GREGORY:  
Yes.

LEG. HORSLEY:  
Yes.

LEG. NOWICK:  
No.

LEG. KENNEDY:  
No.

LEG. BARRAGA:  
No.
LEG. CILMI:
No.

LEG. MONTANO:
(Absent).

LEG. EDDINGTON:
Yes.

LEG. ANKER:
Yes.

LEG. MURATORE:
No.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

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

MR. LAUBE:
Ten.

P.O. LINDSAY:
Okay.

In the packet, Procedural Resolution No. 37-2011 - Approving a partial settlement of AWP litigation (Presiding Officer Lindsay).

MR. NOLAN:
That's the only thing in there we're voting on.

P.O. LINDSAY:
I'll make a motion.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
The manilla folder is the Tax Warrants:
2096-11 - Authorizing a Chargeback for Out-of-County Tuition (Presiding Officer Lindsay). I'll make a motion. Do I have a second?

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

LEG. COOPER:
Second.

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

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
2097-11 - Levying unpaid water rents (Presiding Officer Lindsay).
I'll make a motion.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
2098-11 - Implementing Budget, Staff and Taxes for the year 2012 (Discretionary) (Presiding Officer Lindsay).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. I'll second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

LEG. CILMI:
Opposed.

LEG. ROMAINE:
Opposed.

MR. LAUBE:

P.O. LINDSAY:
2099-11 - Implementing Budget, Staff, and Taxes for the year 2012 (Mandated) (Presiding Officer Lindsay). Same motion, same second, same opposition; is that okay?
MR. NOLAN:
Same vote.

P.O. LINDSAY:
Same vote.

MR. LAUBE:

P.O. LINDSAY:
2100-11 - Authorizing that the tax warrants be signed by the Presiding Officer and Clerk of the County Legislature and that they be annexed to the tax rolls for the collection of taxes (Presiding Officer Lindsay).

D.P.O. VILORIA-FISHER:
Same motion.

P.O. LINDSAY:
Same motion, same second. All in favor? Opposed? Abstention?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Okay. Red file, CN's:

2114-11 - Adopting Local Law No. -2011, A Local Law to lower the sewer connection fee for Canon USA, Inc. (D’Amaro). We had the Public Hearing earlier and closed it. Do I have a motion?

LEG. D’AMARO:
I would offer a motion to commit to committee, unless it's the pleasure of the Legislature to consider it today; either way.

P.O. LINDSAY:
That's fine. Will you second that, Legislator Horsley?

LEG. HORSLEY:
Yeah, I'll do that, sure.

P.O. LINDSAY:
Okay.

LEG. D’AMARO:
To the motion to approve?

LEG. HORSLEY:
Unless someone wants to vote on it.

LEG. KENNEDY:
On the motion, Mr. Chair?

LEG. D’AMARO:
Which motion?
LEG. KENNEDY:
Commit to committee.

LEG. D'AMARO:
Okay.

LEG. KENNEDY:
Yeah, I just wanted to ask, this -- I understood that this was something that was -- where is it timing-wise, Legislator D'Amaro?

LEG. D'AMARO:
Right. The timing is that, you know, the project is substantially along in Melville.

LEG. KENNEDY:
Okay.

LEG. D'AMARO:
And they need to hook-up.

LEG. KENNEDY:
But a cycle, in other words a normal cycle is not going to --

LEG. D'AMARO:
Right. And there's also issues with -- under their agreement with the County, when the funds need to be paid.

LEG. KENNEDY:
Okay.

LEG. D'AMARO:
So that's why it needs to be done before the end of the year.

LEG. KENNEDY:
So it is time sensitive, then, that there's some kind of determination --

LEG. D'AMARO:
Right, yes. The reason why I asked for a CN was then we could vote it today or we could send it to committee and vote it at the next cycle --

LEG. KENNEDY:
Okay.

LEG. D'AMARO:
-- so that we don't go into next year when you'd have to start the process over again and they'd start missing their deadlines.

LEG. KENNEDY:
Okay. Thank you.

LEG. SCHNEIDERMAN:
On the motion? On the motion? Legislator D'Amaro, the only difference between this and the bill that's in committee is this forwards the money for this Phase II, right?
LEG. D’AMARO:
Yeah, the bill that’s in committee now is replaced by this. This is an amended bill that comes up with more of what I believe is a compromise, trying to address the concerns that some had expressed with respect to the hook-up fee going from 30 to 15. And what it does, just very briefly because if it’s going to committee we can talk about it there, is that the compromise was that Canon is willing now for their Phase II of their project to put the connection fee at $30 per gallon up now and pay that to the County on a non-refundable basis whether or not the Phase II would go forward.

So we can crunch the numbers in committee. Just very briefly, though, because we’d be getting the Phase II funding upfront, the County on a cash-wise basis would not be taking as much of a hit as if we just cut the connection fee from 15 -- from 30 to 15 on the Phase I which is under consideration in the bill also. And there are some other reasons and rational for going to the $15 per gallon; if you want to hear the explanations, I’m happy to do that now. If you want to wait for committee, we can do it there.

LEG. SCHNEIDERMAN:
Yeah, let’s do it in committee.

P.O. LINDSAY:
If we’re going to commit it --

LEG. D’AMARO:
Yeah, that’s fine.

P.O. LINDSAY:
Okay. Legislator Romaine, did you still want to comment?

LEG. ROMAINE:
No, it’s going to committee.

P.O. LINDSAY:
Okay. Okay, yellow folder.

LEG. D’AMARO:
We voted?

MR. LAUBE:
Wait, I need a vote.

LEG. SCHNEIDERMAN:
We didn’t vote on committing.

P.O. LINDSAY:
Okay. I have a motion and a second.

MR. LAUBE:
No, who was the motion and the second? A lot of people --

P.O. LINDSAY:
Motion by Legislator D’Amaro, second by Legislator Horsley to commit to committee.

MR. LAUBE:
Thank you.
P.O. LINDSAY:
All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
Okay, yellow folder, and I’m going to go through them really quickly, we have a lot of Late Starters:

2092 to Public Works -- I would like to waive the rules and make a motion to lay the following **Late Starters** on the table:

2092 to Public Works; 2093 to EPA; 2094 to Public Works; 2095 to Budget & Finance; 2101 -- is that right, George?

MR. NOLAN:
Yes.

P.O. LINDSAY:
Ways & Means; 2102 to Health & Human Services; 2103 to Public Works; 2104 to Budget & Finance; 2105 to Ways & Means; 2106 to Ways & Means; 2107 to Ways & Means; 2108 to Ways & Means; 2109 to Ways & Means; 2110 to Ways & Means; 2111 to Health & Human Services; 2112 to Health & Human Services; 2113 to Health & Human Services; 2115 to Health & Human Services; 2116 to Public Safety; 2117 to Ways & Means; 2118 to Budget & Finance; 2119 to Budget & Finance; 2120 to Budget & Finance; 2121 to Public Works; 2122 to Public Works; 2123 to Public Works; 2124 to Public Safety; 2125 to Public Safety; 2126 to Public Works; 2127 to Public Works; 2128 to Economic Development; 2129 to Economic Development; 2130 to Public Works; 2131 to Parks; 2132 to Public Safety; 2133 to Parks; 2134 to Vets & Seniors; 2135 to Public Works; 2136 to Budget & Finance; 2137 to Parks; 2138 to Public Works; 2139 to Health & Human Services; 2140 to Public Works; 2141 to Parks; 2142 to Parks; 2143 to Public Works; 2144 to Parks; 2145 to Parks; 2146 to Public Safety; 2147 to Parks; 2148 to Parks; 2149 to Parks; 2150 to Public Works; 2151 to Public Works; 2152 to Parks; 2153 to Parks; 2154 to Parks; 2155 to Health & Human Services. That’s all of them?

MR. NOLAN:
Yes.

P.O. LINDSAY:
Okay. I made the motion, I need a second.

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

LEG. CILMI:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. All in favor?  Opposed?  Abstentions?

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

P.O. LINDSAY:
I will accept a motion --
LEG. BARRAGA:
So moved.

P.O. LINDSAY:
-- to adjourn by Legislator Barraga. Seconded --

LEG. MURATORE:
(Raised hand).

LEG. CILMI:
Second.

P.O. LINDSAY:
Seconded by Legislator Muratore. All in favor? Opposed?
We are adjourned.

MR. LAUBE:
Seventeen (Absent: Legislator Montano).

(*The meeting was adjourned at 6:19 PM*)

{   } - Denotes Spelled Phonetically