SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
NINTH DAY
JUNE 9, 2009

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY
SMITHTOWN, NEW YORK

Minutes Taken By:
Alison Mahoney, Lucia Braaten & Diana Kraus - Court Stenographers

Minutes Transcribed By:
Alison Mahoney, Lucia Braaten, Diana Kraus & Kimberly Castiglione
P.O. LINDSAY:
Okay. Could I have all Legislators to the horseshoe, please? Everybody quieted down nice. Welcome, everyone. Mr. Clerk, would you call the roll, please?

MR. LAUBE:
Yes, sir. Good morning.

(*Roll Called by Mr. Laube - Clerk of the Legislature*)
LEG. D'AMARO:
Here.

LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Fourteen.

LEG. SCHNEIDERMAN:
Call me again.

MR. LAUBE:
Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Here.

P.O. LINDSAY:
Okay. Could I have everybody rise for our salute to the flag that will be led by Legislator Jack Eddington.

Salutation

If you could remain standing, and I'd like Legislator -- oh, wait, first we have the National Anthem; I'm sorry. We have this morning with us a wonderful young woman by the name of Emily Izzo who is the niece of Legislative Aide Ginny Sohr. She lives in North Babylon and graduated last Saturday from St. John the Baptist High School in West Islip. She received a Performing Arts Award for Vocal Performance at graduation. Emily is a member of The National Honor Society and will be attending the Northeastern University of Boston in the fall. Emily?

Single of The National Anthem

Applause

If everyone would remain standing, I'm going to have Legislator Jack Eddington do the introduction of our visiting Clergy.

LEG. EDDINGTON:
Good morning. It's my pleasure to introduce Rabbi Joel Levinson. He's been a Rabbi for 12 years and a Spiritual Leader of Temple Bethel in Patchogue. Prior to this service, he was at Temple Beth Salom in Florida, New York. He graduated from Brooklyn College with a BA in Economics and a Minor in Philosophy. He's been working for 25 -- he worked for 25 years in banking and financial services; you got out at the right time. He obtained Academy from Jewish Religion in 1999, he served as Jewish Chaplain and continues at Brookhaven Memorial Hospital. He’s on the Ethics Advisory Committee, he served actively in Good Shepherd Hospice. He's married to Annette for 38 years and has two children.

Rabbi Levinson is a spiritual leader for our community and he's a friend. He's a friend to all. He really believes that God has recreated us all in his image and likeness and he has a great sense of
humor and just draws people to him of all denominations.  Rabbi Levinson?

**RABBI LEVINSON:**
Thank you very much.  God of all creation, let us feel your presence as we address the needs of our community.  May the goals that we set for ourselves and the means that we choose to implement them be in accord with your will.  Make us conscious of our responsibility as leaders of our community by the example we set here and the policies we adopt.  May we help our diverse community to appreciate our heritage and work together for the greater good of all.  Grant us the wisdom to build on past achievements, the humility to learn from past mistakes and the courage to think new thoughts and consider new ideas.  May we listen to each other with respect and judge each other as we would like to be judged.  Guide us with your wise counsel and establish the work of our hands as we attend to the needs of your people.  Let us say amen.

*Amen said in Unison*

**P.O. LINDSAY:**
Okay.  Everybody could be seated -- oh, wait a minute, wait a minute.

(*Laughter From Audience*)

I'm not on my game today.  Before you sit down, I'd like a moment of silence to let us remember all those men and women who put themselves in harm's way every day to protect our country.

*Moment of Silence Observed*

Please be seated.  Now all we have to do is follow the prescription that the Rabbi imparted to us.  Great wisdom, Rabbi; it must come from being married 38 years.

**RABBI LEVINSON:**
I will tell her that.  Thank you.

**P.O. LINDSAY:**
Okay.  We have a number of presentations, but before we start the presentations, I'd like to recognize Kathy Devine who is an old and dear friend of mine and is an instructor at the EJ Bosti Elementary School in Bohemia and she has a whole class.  Kathy, if the class could stand up?  Come on, kids.  Wonderful.  Thank you for visiting with us.  Thank you very much.

*Applause*

We start off, we have Legislator Kennedy is first up, he will present a proclamation to Reverend Earnest Edward Robinson, and afterwards we're going to hear from Reverend Robinson's Church Choir.  So Legislator Kennedy?

**LEG. KENNEDY:**
Good morning, Mr. Chair.  And thank you.  It's my great privilege today to ask to come to the podium Reverend Robinson and his wife.  The Reverend actually maintains a congregation in my home community, Nesconset.  He has been an ordained minister for 15 years and I've had the great privilege to attend his services and come to know first hand the good works that the Reverend and his congregation do, not only in Nesconset and Smithtown but throughout all of Suffolk County.

As we just had an opportunity to meet some of the Legislators, it's no secret that Reverend Robinson is known to many around the horseshoe.  His involvement in his ministry takes him to areas where youth are at risk, youth are in need, and he meets that call time and time again to inspire all of us to be better people, to follow the callings of God and to take a proactive stance to intervene for those among us who have needs at any level.  Each and every one of us know that it's important, always, but especially at this time, to recognize those spiritual leaders among us who all are inspirational but
all deserved of recognition in each of our own communities.

So it's my great privilege to go ahead and to, on behalf of the 1.5 million people of Suffolk County today, recognize you, Reverend, for your 15 years of ministry and great work and to pray and ask that you continue to serve all of us and all our needs here in Suffolk County and to say thank you. Thank you so very much.

**Applause**

**REVEREND ROBINSON:**
I just want to give honor to God, who's the head of our lives, and to all of the dignitaries that are here serving our communities and the constituency of this great community. We certainly are grateful to Mr. Kennedy who does an impeccable job reaching out and being inside the community, because you cannot help the community if you don't know what the community needs. And we're so grateful that he gets his hands dirty and makes sure that things are accomplished and we're just grateful and honored at the recognition that you served us today.

**LEG. KENNEDY:**
Thank you. Thank you, Reverend.

**Applause**

And now I believe we're going to have members of the church choir perform for us, Mr. Chair, to go ahead and give us some further inspiration. Thank you. Yes, absolutely, right up in front. Go ahead.

**REVEREND ROBINSON:**
I just want to encourage you this morning, I know that we are dealing in some -- some tough times as a country, really as a global community, and we just want you to know that God is faithful and every promise that he's made, he is faithful to complete it and he is faithful to provide for us. So our first song that we're going to sing to you is that "God is faithful".

"God Is Faithful" Sung by The Glory of Judah

**Applause**

Sometimes when we also are thinking about the faithfulness of God, it is also imperative that we look back what he has brought us from as we say we're grateful for what he has done.

"Hallelujah" sung by The Glory of Judah

**Applause**

**P.O. LINDSAY:**
Thank you very much, Reverend Robinson, for bringing The Glory of Judah Choir. What an entertaining morning, huh? Next up is Legislator Fisher and Romaine are going to do a tango --

(*Laughter From Audience*)

-- followed by Legislator Alden who is going to tell jokes.

Next we have Resolution No. 927-2007, Establishing a Pool Smart Public Education Campaign to Promote Pool Safety. Posters were judged by the Budget Review Office and we are pleased to have the winners of the poster campaign with us today. And the first up is Legislator Romaine's Office had the 3rd Place Winner with a poster created by Jillian McMahon, Grade 5, Clayton Huey Elementary School in Center Moriches.
LEG. ROMAINE:
Thank you, Mr. Presiding Officer. I'm joined with Jillian McMahon and her mother, and where is her art -- her mother is taking a photo, and her art teacher.

As you know -- this is her poster, she's the 3rd Place Winner. Pool safety is a major thing because every summer it seems that we have some tragedy in Suffolk County, and Jillian's poster, "Always Swim With a Friend" is something that is very helpful. Jillian lives around the block from me. I know her mother very well, she actually was a -- watched my dogs, my five dogs, so I know her family, and I know the art teacher. And Center Moriches Schools has a tremendous art program, this is only one example. A weekend ago they were painting a huge mural in the town to cover up the graffiti that was done earlier.

I'll just end by giving this proclamation to Jillian for her art work in helping us with pool Safety in Suffolk County. Jillian, great job. This is a proclamation where we're naming the day in the 1st Legislative District for you and your art work, because art does convey a message. Thank you so much. That lady is the President of Probation Officers and she's helping us out with some photos.

MISS McMAHON:
Thank you.

LEG. ROMAINE:
Thank you. Okay, we'll go outside, absolutely.

P.O. LINDSAY:
Next is Legislator D'Amaro's office had the 2nd Place Winner with a poster created by Michael Strenta, Grade 5, JFK School in Deer Park.

LEG. D'AMARO:
Yes, good morning, Mr. Presiding Officer. Mike, is he here today? Where is he? Come on up. Oh, here he comes, okay. And Michael this morning is joined by his parents as well as the Principal, Principal Bonner from the JFK School in Deer Park.

Mike was the 2nd Place Winner of "Be Pool Smart Contest" that we ran here in Suffolk County. And drowning is a very serious issue for children in New York State, as well as in our County and across our nation. It is, in fact, the second leading cause of unintentional injury related death nationwide and it is the third leading cause of child death here in the State of New York. So all of these children participating in this contest are helping to raise awareness, to let their peers know that there are certain rules that you need to follow when you go to a swimming pool.

Mike did a great job with his entry, it's called "Be Pool Smart", and you can see his entry has all of the different rules that we're trying to get across to our young children here in Suffolk County. And I want to congratulate him as well as his parents, as well as Principal Bonner, for all of your participation and your work on this poster. It's a great way for us to be raising awareness and to help all of our children here in Suffolk County. So Mike, congratulations.

And also, to recognize Michael this morning, I'd like to present him with a proclamation on behalf of myself, the people of the 17th Legislative District, as well as my colleagues here today in the Suffolk County Legislature for his 2nd Place finish. Thank you.
P.O. LINDSAY:
Okay. Next, Legislator Nowick's Office had the 1st Place winning poster. And please forgive me if I don't pronounce the name correctly; the 1st Place Winner is Merve Kadayifci, Grade 5 from Accompsett.

Applause

LEG. NOWICK:
Congratulations. And this is your whole family. Well, 1st Place Winner with this beautiful poster. We're very, very proud of you. And just let me say how important this really is.

You know, as I look out in my backyard at the beauty of the swimming pool and the joy, I also know there could be a tragedy there unless everybody is careful. And you obviously know the important rules, your poster shows that. You obviously know how important it is, your family knows how important it is. Merve, I'm going to ask you to please, besides this beautiful, beautiful poster, and it is wonderful, I am going to ask you to continue to spread this word around, your friends, your family, your neighborhood, continue, "Be Pool Smart."
And also, I see that your teacher, Robert Springer, is here?

MR. SPRINGER:
Yes.

LEG. NOWICK:
Congratulations to you as well.

MR. SPRINGER:
Thank you so much.

LEG. NOWICK:
And to all of you, continue to spread the word, it's very, very important. You can save a life. And this poster, we have for you, we have a County Legislative Proclamation and this beautiful, beautiful color poster that's -- a picture speaks a thousand words, and this is beautiful. And congratulations to you and to your family. We'll go outside, we'll take a photo with your family.

Applause

P.O. LINDSAY:
Okay. Thank you, Legislator Nowick.

On May 10th, 2009, the Suffolk County Police Department's Marine Bureau Officers, Robert Manning and George Lewis and Charlie Abbene rescued a 12-year old youth after his boat capsized in the Great South Bay. Legislator Browning will be presenting a proclamation to the Marine Bureau and these officers on behalf of the members of the Suffolk County Legislature. If the officers are present, if you would come forward, please?

LEG. BROWNING:
I have to tell you, what happened was someone gave me a letter from the little boy that was rescued to say thank you. The family could not be here today, but they didn't want us to not continue with giving the proclamations.

You know, as a parent, too, these -- you know, the children went out on a boat, on two separate boats and one boat capsized, and I believe the boy was 12-years old. And I have to say, thanks to our Marine Bureau and their very quick response, things could have turned out worse for this family. So I think it's appropriate that we say a special thank you to our Marine Bureau for a job well done.
We know they're right there, and especially with the summer season coming, we know that we're definitely going to need them for many, many more rescues, hopefully not as many this year than they've had to do in the past.

And again, I would like to say thank you to each and every one of you. George is also -- lives in my district. But I think sometimes they're not appreciated for everything they do, but we want to let you know that we do appreciate you. Thank you. You want to join us, Bill?

Applause

You want to join us, Bill?

P.O. LINDSAY:
Pardon?

LEG. BROWNING:
You want to join us?

P.O. LINDSAY:
Okay, I'll be right with you. Next up is Legislator Losquadro will present a proclamation to Teresa Ward from Teresa's Cleaning Service who was recently honored by the President as the Small Business Person of the Year.

LEG. LOSQUADRO:
I actually have two proclamations, Mr. Chairman, but we'll do Teresa first.

Many of you probably will recognize the name of Teresa's Family Cleaning, you see their trucks driving around. Small businesses, as we know very well as elected representatives, are the backbone of our economy, and it was really a great honor to see this business being as successful as it is, right in the heart of my Legislative District, be honored as -- Teresa be honored as the Small Business Person of the Year for 2009 by the Small Business Association.

And it's not just the success of Teresa's business that garnered her recognition. Theresa has done a lot of charitable work as well. It's always a painful thing, but Teresa's sister passed away five years ago, but like many people who are successful, she channelled the emotions that she had and the difficult time she was going through into something positive and she founded the New York Chapter of a group called Cleaning for a Reason. They clean the homes of women with cancer at no cost, and they have also recently begun working with Habitat for Humanity; is that correct?

MS. WARD:
Yes.

LEG. LOSQUADRO:
To clean and prepare the houses for people before they move into them. So this is someone who not only is a pillar of our business community, but someone who realizes the value of giving back as well. So a round of applause for Teresa.

Applause

And she said the reason she got into this business in the first place was she was a compulsive cleaner, so we'll give you one more thing on the wall to dust. But I have a proclamation here for you, so congratulations. Thank you.

MS. WARD:
Thank you very much.

D.P.O. VILORIA-FISHER:
Thank you very much, Legislator Losquadro. Congratulations. Legislator Kennedy.

LEG. LOSQUADRO:
I just have -- I have one more proclamation, Madam Chair.

D.P.O. VILORIA-FISHER:
Oh, okay. That's not the one for BNL, is it?

LEG. LOSQUADRO:
Yes; that's going to come later?

D.P.O. VILORIA-FISHER:
We're doing those later.

LEG. LOSQUADRO:
Okay. Thank you.

D.P.O. VILORIA-FISHER:
Legislator Kennedy will present a proclamation to Laura Sherland, Finalist for the National Dunkin Donuts Baking Contest. Oh, thank you. I thought that was permanently on. Okay, that was to Laura Sherland.

LEG. KENNEDY:
Hi, Laura.

D.P.O. VILORIA-FISHER:
Oh, Laura, that looked delicious.

MISS SHERLAND:
Thank you.

LEG. KENNEDY:
Legislator Nowick is going to join us as well. Laura is from our Smithtown School District.

LEG. NOWICK:
Hi, Laura.

MISS SHERLAND:
Hello.

LEG. NOWICK:
Congratulations.

MISS SHERLAND:
Thank you.

LEG. KENNEDY:
We run the gamet in Smithtown, as we do in all towns, and we have the privilege and honor today to go ahead and honor Laura Sherland. Laura is a student at Marist, and as a matter of fact, she's pursuing fashion. She's an accomplished student and her, I guess, skills are eclectic. As many of you may see, Laura was a finalist in the National Dunkin Donuts Recipe, or new donut competition. Out of 130,000 submissions, Laura actually came in, I believe it was number two?
I'm not really sure.

**LEG. KENNEDY:**
She came very close, Ladies and Gentlemen. And what she was able to do was she came up with the unique recipe for a Dunkin Donut. Every one of us has, at one time in our lives, had a Dunkin Donuts, and I guess you wonder how do they come up with them. Well, talents like Laura actually bring these great creations forward.

But in all sincerity and honesty, Laura was able to go ahead and receive not only a free year's worth of donuts, but tuition towards her education in her pursued fashion and design. She'll be traveling to Florence, Italy, where she's going to go ahead and get even more education and background in design. And these are the young people that we look to, Ladies and Gentlemen, to go ahead and lead us into our future.

So we're proud to acknowledge her Smithtown heritage, her Smithtown roots and congratulate her on her great success with Dunkin Donuts. Thank you, Laura. And Lynne, please.

*Applause*

**LEG. NOWICK:**
Laura, let me offer my congratulations. Where are the Smoreos? I'm starving, I'm in the mood. This has to be your father with the big smile.

**MISS SHERLAND:**
Yes.

**LEG. NOWICK:**
Yes. Congratulations to you, too. All I can think of is that commercial, "Time to bake the Donuts." Congratulations.

**MISS SHERLAND:**
Thank you very much.

**LEG. KENNEDY:**
Thank you. Here we go. All right.

Thank you, Mr. Chair.

(*Photograph Taken*)

**MISS. SHERLAND:**
Thank you.

**P.O. LINDSAY:**
You're welcome. We missed one, Legislator Stern. We've got a beauty queen, yeah, present a proclamation to Ms. Gail King who was just crowned Ms. New York Senior America 2009.

**LEG. STERN:**
Thank you, Mr. Presiding Officer. Good morning, everyone. Ms. New York Senior America Pageant honors and salutes women of achievement who have attained the age of 60, and with their talent, abilities and positive projection of aging best exemplify what senior women can and do accomplish. So it is really a great pleasure to welcome Gail King who was just crowned the 2009 winner of the Ms. New York Senior America. So it is a pleasure to present this Legislative proclamation and wish her congratulations and every success in the coming year. We're really looking forward to all of the great work that you're going to do. Congratulations.

*Applause*
**MS. KING:**
Thank you so much, Legislator Stern. I am proud and humbled to be here today, but I'm even more excited to be Ms. New York Senior America because it affords me the opportunity to give back to my community and to work on causes that are so dear to my heart. This pageant is a one of a kind that has been in existence for 24 years, and the company I'm keeping is just incredible. They are women who are known for their knowledge, their expertise, their talent and their acts of altruism throughout the State.

I am thrilled to be working with Legislator Stern today in the fields of literacy, cancer reform and awareness, as well as animal rights. I am working on a program right now involving seniors and elementary children in which they're going to have a book club entertained by the Cameo Club which are women from the pageant. And in this particular program, we're going to be working with seniors in communication, reading, sharing books, having fun, we're going to be become pen pals as well.

In the area of cancer awareness, we are going to be doing so much and have already succeeded, also with the help of Legislator D'Amaro who helped me on Saturday, and then I was a participant in the Race for Life which helped in raising over $100,000 for cancer reform and research. In a couple of months, I'm going to be a guest for pancreatic research in their walk.

And finally, the third area is for animal health and that's going to be with The Little Shelter who does not euthanize animals. I'm trying to come up with different ideas to help raise money so that more animals will be adopted.

You know, in the pageant, I used the work of *The Odyssey*, because I believe we learn so many lessons from our books, and in it I had mentioned, it's not the final destination but rather the journey that's important. I'm going to implore and ask each and every one of you to help me in my journey to make this a better year and to use this sash and tiara to help my fellow man kind. Thank you. I'm Gail King, Ms. New York Senior America.

**Applause**

**P.O. LINDSAY:**
Thank you, Ms. King.

Next we have Legislator Schneiderman will present a proclamation to Amy Van Scyoc, Intel Finalist from East Hampton High School.

**LEG. SCHNEIDERMAN:**
At the next meeting.

**P.O. LINDSAY:**
Next meeting, okay. She isn't here, all right; nobody told me.

And then we have proclamation will now be presented to Brookhaven National Laboratory Science Fair Winners, and the first one up is Legislator Horsley and Kindergartener Olivia O'Hara from West Babylon. Is Olivia here?

**LEG. HORSLEY:**
Oh, great. Olivia.

**P.O. LINDSAY:**
Come on up, Olivia.

**Applause**

**LEG. HORSLEY:**
Go, Olivia. Congratulations. It's nice meeting you.

**MISS OLIVIA O'HARA:**
Yep.

**MISS O'HARA:**
That's my sister.

**LEG. HORSLEY:**
And this is your sister? So you're in kindergarten. And what are you in?

**MS. O'HARA:**
I used to be in preschool, now I'm --

**LEG. HORSLEY:**
Preschool? Okay.

**MISS OLIVIA O'HARA:**
She's officially a kindergartener, but she just turned five.

**LEG. HORSLEY:**
She's officially a kindergartener next fall, I got it. All right.

Well, I wanted to congratulate Olivia today because she used the process of the scientific method; I remember that in college and I didn't understand it, but you do, so I'm very impressed. What Olivia did in the elementary science fair, and she is the 1st Place Winner in the Kindergarten Division. And what she did was she discovered that cinnamon repels ant. By using a natural method of ridding themselves of ants, she discovered that if they were put in one petri dish with strawberries and the like, the ants love that, but if you use it with cinnamon, you surround it cinnamon, they don't come. Did you guys know that?

"No" said in unison

No, me either. Well, we owe that to Olivia. And I'm here on behalf of the 1.5 million people of Suffolk County to say congratulations, job well done. And we're -- I'll tell Mr. Cunningham next time I see him. Oh, he's here.

**MR. CUNNINGHAM:**
Hi, Wayne.

**LEG. HORSLEY:**
That you're the tops. Congratulations.

*Applause*

And may I give you this present; may I present this to you? You Want to take a picture? Come on, let's go out there.

**P.O. LINDSAY:**
Okay, the next recipient in the 1st Grade Category -- is Legislator Kennedy back in the room? All right, I'm going to skip over that until he comes back in the room.

Legislator Alden, the 2nd Grade winner is Ricky Frosch. Ricky? Come on forward, Ricky.
Nice medal.

LEG. NOWICK:
Ricky, you're looking good.

LEG. ALDEN:
Hey, Ricky. Ricky Frosch is a 2nd Grader at Sycamore Avenue Elementary School in Bohemia who came in 1st Place in the 2nd Grade Level at the Brookhaven National Laboratory's Annual Science Fair.

Ricky is an avid hockey fan who loves to watch NHL games and loves to play roller hockey. His project, "Hockey; A Cool Sport. Does temperature effect the puck's speed and stick handling?" Ricky answered his question and saw first hand the reason why NHL teams keep their hockey pucks, where?

MR. FROSCH:
I forget.

LEG. ALDEN:
That's all right, in the cooler, because cold pucks go faster and are easier to stick handle. So now how much of hockey do you actually play?

MR. FROSCH:
A lot.

LEG. ALDEN:
A lot? Like every day? But you actually study, too, right?

MR. FROSCH:
Uh-huh.

LEG. ALDEN:
Because both of them are important. And being in the science end of this, this is very, very important for Americans, our survival going into the next century. So congratulations.

Applause

P.O. LINDSAY:
Okay. We'll go back to Legislator Kennedy who has the 1st Grade Winner, Emma Claps from Hauppauge.

Applause

LEG. KENNEDY:
Well, thank you, Mr. Chair. Once again, I'm happy to be here with my friends from the Pines Elementary. We have Emma today and our principal and some of the other folks from Pines Elementary.

Again, I guess the theme that we have today is what truly intelligent young people that we're blessed with here in Suffolk County. Emma's project actually was about the perfect icicle. And I know I've often wondered about icicles and whether or not there's something that we can actually go ahead and drink and do whatever with. But Emma worked and did the research on it and she found out icicles are just fine, aren't they? Absolutely, positively.
I'm pleased to be here today to go ahead and recognize Emma's work and her family, her Mom and Dad and her brother and our principal from Pines Elementary. And I want to say on behalf of all of our 1.5 million residents, Emma, congratulations, and keep up the questioning. That's what we need with our young people, question, question, question. Thank you.

*Applause*

**P.O. LINDSAY:**
Okay. Next is Legislator Nowick, the 3rd Grade Winner, Jenny Dworkin.

**LEG. NOWICK:**
Hello, Jenny. Come on up. And this has got to be your parents who are here. And am I thinking that your teacher is here?

**MS. DWORKIN:**
Yes.

**LEG. NOWICK:**
And your science coordinator is not here?

**MS. DWORKIN:**
No.

**LEG. NOWICK:**
Come stand over here so everybody can see you in the Legislature. By the way, Jenny had a concert this morning at 8:30, so she is the overall young lady here that does it all.

Jenny Dworkin; did I say it right, Dworkin?

**MISS DWORKIN:**
Yeah.

**LEG. NOWICK:**
Yes. Is a 3rd Grade student at the Belrose Avenue Elementary School in Northport. Jenny has always been good at noticing patterns, I understand, and she's been good at seeing the whole picture. As a lefty, she was curious to determine if left-handed people would be able to see hidden pictures more quickly than right-handed people. So Jenny tested all of the 3rd grade students in her school, some of the 5th graders and her gymnastic class, right? She gave each student a sheet of paper with hidden pictures on it. They needed to find and circle as many hidden pictures as they could and what they needed to do is hand in whether they were male or female, correct, and the amount of pictures that they saw. She discovered that lefties did find more hidden pictures than righties; very interesting. She also noticed that girls found more hidden pictures than boys; big surprise, we knew that.

(*Laughter From Audience*)

And her study concluded that lefty girls found more hidden pictures than anyone else. Congratulations. Wonderful thinking, thinking outside of the box. You have a future and your parents and the teacher must be very proud of you, as we are at the Legislature. Congratulations.

*Applause*

And how did your concert go; did it go well?
MS. DWORIN:
Oh, amazing.

LEG. NOWICK:
Thank you. Would you like to come take a photo? Come on, Jenny.

P.O. LINDSAY:
Okay. Next up is Legislator Losquadro, 4th Grade, Haley Lindell.

Applause

Haley -- oh, here she comes.

LEG. LOSQUADRO:
Congratulations, Haley. I'll tell you a little bit about Haley's project, it has to actually do with the area of science known as ergonomics, the study of how things affect the human body.

And Haley noticed that kids at school wear different types of backpacks and she wondered how those different backpacks and the way that people wore them affected their posture. So I won't go through all the different steps and tests that she did, but she did find out that no matter what style of backpack you wear, it's better to wear it tight than it is loose, it's better for your posture. And even though it may not be the most convenient or fashionable thing to wear, a backpack made for camping is the best type for your body, although we probably want something a little more fashionable not to walk around school with.

So I just want to say congratulations to Haley on a job well done. We know we're going to get great things from you in the future, so keep up the good work and we hope to have you back here next year to win the 5th grade award. So congratulations.

Applause

And we have a certificate here for you and we'll step outside and grab a picture. Thank you.

Applause

P.O. LINDSAY:
Thank you, Legislator Losquadro. The 5th grade recipient is in Legislator Viloria-Fisher's district, it's Dalila Diamond, and Dalila was here but I understand took hill. Is Mr. Diamond here to accept? Please come forward, Mr. Diamond.

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

MR. DIAMOND:
Thank you so much.

D.P.O. VILORIA-FISHER:
Yes, Delilah is out in the car feeling very, very ill.

MR. DIAMOND:
Yes, she is.

D.P.O. VILORIA-FISHER:
And so her Dad, Ronald Diamond, is here to accept her award. You know, I really want to congratulate Delilah not just for the hard work and perseverance that she put into this, but the timeliness of her project. Because we're all looking at ways to find alternative energy sources, and
Dalila's project was a study on windmill blades and which type of blade shape is the most efficient for windmills and produces the greatest energy for its size.

So what she did was she focused on harnessing wind energy and the specifics of wind turbine blade design, and she worked on the hypothesis and ultimately demonstrated that wind turbine blade design is fundamental to efficiency and that curved blades converted more power than straight blades. So for her timely project and her winning of the prize, I congratulate her and I hope that she feels better.

MR. DIAMOND:
Thank you so much.

D.P.O. VILORIA-FISHER:
Thank you so much, Mr. Diamond. Good to see you.

MR. DIAMOND:
Thank you, all.

Applause

P.O. LINDSAY:
And the last winner of the Brookhaven Lab Award is in Legislator Browning's District, the 6th Grade Winner is Pierce Field. Come on forward, Pierce.

Applause

LEG. BROWNING:
I think -- Pierce is in 6th grade and I think he would like to talk about his project. He goes to the William Floyd Middle School and my son is an 8th grader in the william Floyd Middle School. So I have to say, I'm very proud of the children in William Floyd and the things that they have been doing lately. But Pierce, would you like to talk about your project?

MR. FIELD:
My project was about bowling. And I did how different oil patterns affect your bowling game, and there's seven different oil patterns, five of them are pro patterns for, like, sports shots which are, like, different lengths of the lane gets oil. So there are the shark, cheetah, viper, scorpion and the chameleon.

LEG. BROWNING:
Which one won? Which was the best one?

MR. FIELD:
The best oil pattern for the sport shot was the chameleon; I got a 215, a 190 and a 177. And on the other two shots which are the house shot and the regular, non-oil pattern, I did the best on the non-oil pattern; I got a 215, a 220 and a 222. My highest game is a 266.

UNKNOWN AUDIENCE MEMBER:
Wow.

MR. FIELD:
And my highest series is a 721.

LEG. BROWNING:
Oh, wow. Thank you.
I have to say, I don't think I ever want to go bowling with you because I do a lot of gutter balls. But congratulations, and thank you for your good work.

P.O. LINDSAY:
Okay. Legislator Cooper, you ready?

LEG. COOPER:
I'm ready.

P.O. LINDSAY:
Legislator Cooper will present a proclamation to Police Officer Andrew Fiorello for his exceptional work as a school resource officer.

LEG. COOPER:
And I'm being joined by Legislator Lou D'Amaro. It's my great pleasure and privilege to honor Officer Andrew Fiorello, the 2nd Precinct School Resource Officer serving Huntington High School and Walt Whitman High School.

Officer Drew, as he is fondly known by students and administrators alike, has been with the School Resource Officer Program since its inception of in May of 2004. His performance has succeeded even the most unenthusiastic expectations and he's become a model of professionalism in excellence for others to emulate throughout Suffolk County.

Officer Drew mentors at-risk students and regularly acts as a liaison between students, school officials, the Police precinct and social service agencies. He interfaces with Precinct Investigators and has assisted in many criminal investigations, enhanced anti-gang efforts and successfully provided intervention for at-risk youth. Officer Drew also attends and participates in many school programs and activities such as athletic events, school plays, homecomings and proms. He's become a true icon in the Huntington and South Huntington School Districts.

Parents love him, students respect and trust him, and school and Police officials rely heavily on him. Officer Drew is truly an asset to the south -- to the Suffolk County Police Department and to the residents of Huntington. And on behalf of the Suffolk County Legislature and the 1.5 million residents of Suffolk County, I'd like to congratulate you and present you with this proclamation, and may this summer and next school year be safe and calm.

OFFICER FIORELLO:
Thank you so much.

LEG. D'AMARO:
Yes, just very briefly, I'd like to also thank Officer Drew. He is with the kids in Walt Whitman High School, which is in my district, at a very crucial time in their lives. He presents a terrific role model figure for them to emulate and follow and he's very, very effective at what he does. So Officer Drew, I add my thank you to that of Legislator Cooper's to you for all the work that you do for our students and for our children. Thank you.

P.O. LINDSAY:
Okay. I think that concludes all the proclamations. Does anybody -- nobody else has any? Thank
God.

All right, now we're -- we have a report from the Comptroller's Office; is the Comptroller's Office here? Yep, okay. I acknowledge a representative from the Comptroller's Office to speak on IR 1420, requesting Legislative approval of a contract award to provide recovery identification and segregation services for the Department of Audit & Control. Please come forward, you can sit at the table if you feel more comfortable.

**MS. IOLI:**
Presiding Officer and Legislature, my name is Janet Ioli, I'm the Deputy Comptroller of Suffolk County. I'm here basically to explain a little bit about this RFP for segregation services.

It came about, oh, about a year ago. The Comptroller and Alan Schneider, the Personnel Director, had discussions and felt that the County does this work and they're going to continue doing the segregations. However, this program hasn't been reviewed by anyone for as long as I could remember, as long as the County has been doing this. They felt it would be a good idea to have an independent company come in and basically audit to see how the County is doing.

The program saves the County a considerable amount of money in insurance claims. We had gone out for an RFP, did the proposer's conference, there were maybe six companies there at the proposer's conference. When it came time to -- for the proposers to send in their proposal, only one company, Second Look, responded. We reviewed the proposal, found that it was a good, solid company and decided they would be able to do a good job for the County. And now we're here because there was only the one proposal, we had to come to the Legislature for approval.

**P.O. LINDSAY:**
So it's a soul-source bid. How much was the bid, do you know?

**MS. IOLI:**
The County will receive 75% of what is saved by this company, whatever savings they find.

**P.O. LINDSAY:**
So it's a contingency contract.

**MS. IOLI:**
Yes.

**P.O. LINDSAY:**
Okay. Do any of my colleagues have any questions? Legislator Alden.

**LEG. ALDEN:**
That was the main thrust of the questions that I had asked. Do you know who the principal is of that company, and if you could put that on the record for us?

**MS. IOLI:**
Ed Jordon is the President and Joseph Garafola is the Vice-President.

**LEG. ALDEN:**
Thank you. And it's a how many year contract?

**NS. IOLI:**
I believe they're going to be going back three years, but the length of the contract I don't believe has been determined yet. The contract is not written.

**LEG. ALDEN:**
Okay. And it will be cancellable by us at our option?
MS. IOLI: Absolutely, yes.

LEG. ALDEN: And this is to determine if there's anybody, any other insurance companies that could contribute to settlements that the County would have to pay out?

MS. IOLI: Actually, I have Leslie Baffa from Risk Management who does this work, she could probably answer that question better than I. But what it is is that they're going to make sure that we received, I believe, the amount of money that we could have gotten from the other insurance companies. It's not that another insurance company will -- you can answer it.

MS. BAFFA: Yes, they'll look at something that we settled. Maybe we said 60% was State Farm's fault, 40% was ours, or maybe this company will look at it and say, "You know what? It should be 70/30," and they'll try and get that extra 10%.

LEG. ALDEN: Okay. Thank you. Those were all the questions that I had.

P.O. LINDSAY: Legislator Romaine.

LEG. ROMAINE: A quick question. Will this company that you're anticipating, will they use any County space, any County electrical power or anything of that, any office space in County buildings?

MS. BAFFA: Yes. Part of the contract is we didn't want the files to leave the building, so they would come into my conference room or something like that and review the files there.

LEG. ROMAINE: But do they work out of County offices; is that their workplace?

MS. BAFFA: No, they have their own office.

LEG. ROMAINE: They have their own office, so they don't work out of -- is that true for all of your contacts with Insurance & Risk Management, all your insurance? That's all -- they have all separate offices, no one uses the County office as their prime office?

MS. BAFFA: We do have vendors that work on-site simply because that's the best cost to the County.

LEG. ROMAINE: What type of vendors would those be?

MS. BAFFA: Medical bill auditing review, they saved the County $3 million last year. They come in, they're there required by contract three days a week. We cannot have the Worker's Comp files leave, according to law, and they also answer questions on-site.

LEG. ROMAINE: Okay. Thank you very much.
MS. BAFFA:
You're welcome.

P.O. LINDSAY:
Anybody else? Thank you very much, Ladies.

Okay. We're at the point where we're going into the Public Portion. Brianna Velazquez. Is Brianna in the room? I know her Mom is with her. Oh, there's Brianna. Come on forward, Brianna. Don't be nervous. Donna, you want to come with her and we'll put you on right after her, okay?

D.P.O. VILORIA-FISHER:
Just go to the mike, Brianna.

MISS VELAZQUEZ:
Hello, Presiding Officer. Which one am I talking to?

MISS VELAZQUEZ:
Everybody.

MISS VELAZQUEZ:
Okay. Hi, guys.

(*Laughter From Audience*)

Okay. So I got into a car accident with my Mom and we're trying to pass a law, right? I guess, to put cameras in the lights so when somebody passes a red light, you can see who it is, I guess; right?

MISS VELAZQUEZ:
Yes.

MISS VELAZQUEZ:
I think we should do this so we can save a life, like ours was almost lost. And it changed our life and I just want to save somebody else's life, you know? And I think it would be a good idea. So I guess just like my Mom, I saw her laying across me, I don't want that to happen to anybody else, you know? It was hard.

P.O. LINDSAY:
Thank you, Brianna. Donna, you want to jump in next?

MISS VELAZQUEZ:
Thank you. It's been a long time that we started with this, back in 2001 was my ask. I'm the fortunate one because I truly don't remember it. You know, I was broad-sided by somebody who had passed a red light, there were no witnesses except for my daughter, she was only in 1st grade at that time. Had there been a camera in the traffic light, they would have caught the person actually going through it and broad-sided me, because that accident put me in my coma for three and a half weeks. You know, I'm lucky to be here but, like I said, I'm the lucky one, I slept through it all. But when my husband got that phone call and my Mom and my Dad, you know, they weren't told anything except that they should come -- they should go to Stony Brook because I was heliported there.

Now, you know, this means the world to me. My father loved it. You know, we did a press conference, Mr. Lindsay invited me to do a press conference to speak out about it. My father took this to the grave. He died on 9/11 and nothing would make me, my family and possibly a life that we can save with these cameras. You know, we have big brother everywhere, but this is a big
brother that's going to help, not destroy. You know, just please. You know, I took a sliding home run in here today. So just please, look in your heart and pass this. And that's about it.

P.O. LINDSAY:
Thank you, Donna.

MS. VELAZQUEZ:
Thank you.

P.O. LINDSAY:
Donna fell on the way into the building this morning, that's what she's talking about. Are you all right?

MS. VELAZQUEZ:
A little scratches, but I'm a Mom of four, so I can get through it.

P.O. LINDSAY:
Okay. Thank you, Ladies, for coming.

LEG. NOWICK:
Thank you.

LEG. ALDEN:
(Inaudible).

P.O. LINDSAY:
Donna, if you need a card of a lawyer, you might have someone up here.

(*Laughter From Panel*)


MR. WEMYSS:
My name is Bob Wemyss, I'm representing North Shore Bayman's Association. On the agenda you have IR 1546 which is to schedule a public hearing for aquaculture bill. I've read the proposed legislation as basically guaranteed to give away natural clam beds. That the State legislation that--the authorizing statute doesn't permit the leasing of lands that have natural clam beds.

The problem with the County's proposal is that it essentially grandfather's people who have oyster grants to allow them to be able to, quote/unquote, cultivate hard claims. Well, the hard clams that are on these old oyster grants are natural hard clam beds that were never meant to be privatized in the first place. The oyster commissioners that privatized them over a hundred years ago were run out of office for illegally granting productive under water lands. Any of these grants that are over 25 acres, and all the ones that are going to come before this Legislature are over 25 acres, were granted illegally, that was part of the findings of fact in this 1916 case where the oyster commissioners were run out of office.

Now, the Planning Department, in their committee proposing this project, has totally ignored that fact. They've come up with no contingency to comply with it, with the authorizing statute to prevent natural clam beds from being gifted, and I mean gifted. We're talking about the same properties that aquaculture technologies several years ago illegally dredged over a million dollars worth of clams from that these so-called aquacultures are looking to privatize. They're going to be able to
apply for a lease and eventually get a right to dredge these natural clams. Well, it's a criminal thing that happened a hundred years ago here, it happened in most of the towns on Long Island. The public bottom was given to a couple of big companies. And we fought them in Huntington, Long Island Oyster Farms, they fought them on the south shore in the former Bluepoints. It was always the County and town boards that were giving away the public resources.

This bill is not about aquaculture. It looks on its face like it's for leasing small parcels and that's part of it, but behind it, the majority of the land they're talking about is these old oyster grants that as oyster grants are worthless. All the non-user clauses, all the things that the County was supposed to enforce about these oyster grants over the last hundred years haven't been enforced. Now we're asked to believe that the letter of the lease law will be enforced by the same agency that has been in charge of enforcing the oyster grants? At any time the County could have taken these lands for taxes. Some of these taxes were left unpaid for decades, the County never acted.

This Legislative body voted to take a particular parcel of property for -- because of public need, and when the owner bought a tax deed on the property, the County went to court and basically folded, handed it over. Nobody even considers the Public Trust Doctrine with these properties. What needs to happen here is this resolution needs to be not laid on the table, it needs to be taken off the table until each one of the Legislators can review it and not just accept what the Executive has come up with. This is ridiculous. It's an insult to all the men on this Island who made their livings for their families digging natural hard clams. It's wrong. And you're going to give millions of dollars worth of hard clams to people who have been paid by the County. You have Greg Rivara and Karen Rivera who have 205 acres off Shelter Island, it's a natural clam bed. There -- the one works for Cornell Cooperative Extension, basically on the County payroll using our money to lobby to get control of these -- to privatize these beds.

**P.O. LINDSAY:**
Bob, you're out of time, a long way's back. You're allowed three minutes.

**MR. WEMYS:**
Well, you know, I got five minutes at these --

**P.O. LINDSAY:**
You get three minutes here. You get three minutes here.

**MR. WEMYS:**
I got five minutes at these Aquaculture meetings. Every meeting is at two o'clock in the --

**P.O. LINDSAY:**
Bob, just calm down. Calm down.

**MR. WEMYS:**
Two o'clock in the afternoon when a working man can't make it.

**P.O. LINDSAY:**
Bob, calm down. Calm down. You get three minutes here under Public Portion; that's the rules for everybody, I let you go over four.

What I was going to suggest to you, and I don't know whether you've talked to Legislator Schneiderman or not, he's the Chairman of the Environmental Committee. I think it would behoove you to sit with Legislator Schneiderman and to go over this whole issue. It isn't on our agenda today.

**MR. WEMYS:**
Well, then don't lay it on the table. It's on -- it's on here, don't lay it on the table today.
P.O. LINDSAY:  
I can't not do that. You're out of time. Thank you for your comments. I would suggest that you reach out to Legislator Schneiderman.

I'm going to switch the order a little bit here and recognize Basia Braddish who is with the County Attorney's office and she has another meeting she has to attend and she wants to talk about a couple of IR's.

MS. BRADDISH:  
I can't tell you it's a meeting. My two sons are playing in the Long Island Championship this afternoon.

P.O. LINDSAY:  
That's important.

MR. NOLAN:  
That's more important.

MS. BRADDISH:  
I have three IR's on -- in Ways & Means, they're all leases in the Ducks agreement. The first one is 1441, the DCJS. It's office space for the DCJS in the Police Department, 240 square feet, $3,840 a year that they pay us. That's the one.

The Sills Road garage lease is under IR 1442, and Legislator Alden had had some questions in the Ways & Means Committee. I believe we provided the committee members some -- through the Chair, some information regarding that lease that Legislator Alden requested. And he also had a further inquiry about whether there was any State reimbursement and I believe the answer is 35%.

LEG. ALDEN:  
Thirty-five?

MS. BRADDISH:  
Thirty-five percent. I don't know if you have any other questions regarding that lease?

P.O. LINDSAY:  
The only thing, Basia, you should have come right at the beginning under -- public officials have a different opportunity to speak than the public and we can ask questions. I'm going to allow any questions at this time because you're not going to be here when we address these. Does anybody have any questions? Are you done with the resolution?

MS. BRADDISH:  
That one, yes.

P.O. LINDSAY:  
You are. Okay. Nobody -- are you satisfied, Legislator Alden?

LEG. ALDEN:  
Well, with Basia we're okay. But I actually sent an inquiry to the Commissioner that he didn't get back to me on.

P.O. LINDSAY:  
Can she answer your inquiry?

LEG. ALDEN:  
Here's what I -- here's the question I asked him; "If this program is to continue for the foreseeable future, please advise me as to whether or not your department has looked into using County space
in Yaphank and constructing a building to house the necessary vehicles. This would be a lot more cost efficient in the long run."

**MS. BRADDISH:**
There is no -- we did look, we always look first for County space, there is none available. As far as building County space, that is a policy that I believe is being examined on a County-wide basis for all our needs as they arise. But right now this lease is expiring.

**LEG. ALDEN:**
Right, but in Yaphank there's acreage and that's what I meant. For a long-term plan, there's acreage that the County owns and we can easily put up one of those strap-steel buildings or a butler-type of building that would house these vehicles, so.

**MS. BRADDISH:**
This doesn't even just house vehicles, just the crane alone that lifts the vehicles I believe is over a $100,000 expenditure. That was one of the problems when we were looking at other facilities, was it was almost cost prohibitive to move because of the equipment necessary to facilitate the repairs of the vehicles.

**LEG. ALDEN:**
Right. But Budget Review always testifies to us that if the program is going to go on for X number of years, then it's always more efficient to us, for us to actually build a building and own the building rather than go out and rent. So that was my question to the -- and you don't have the answer to it. So, thanks.

**P.O. LINDSAY:**
Basia, are you done?

**MS. BRADDISH:**
One more.

**P.O. LINDSAY:**
Okay. One more, go ahead.

**MS. BRADDISH:**
The last agreement is the Ducks agreement, and I just -- I don't know if anybody has any questions regarding the extension of the Ducks Stadium lease, license.

**LEG. KENNEDY:**
What's the duration?

**P.O. LINDSAY:**
Somebody asked what's the duration.

**MS. BRADDISH:**
It's a ten-year license, but there is an option to renew. However, it would be subject to Legislative consideration at that -- in ten years.

**P.O. LINDSAY:**
Okay. Anybody else have any other questions? Okay. And I'm sure, Ben, later on, when these issues come up, you're versed on a lot of them as well. Thank you, Basia. I hope --

**MS. BRADDISH:**
I appreciate you taking me out of order.
P.O. LINDSAY:
I hope your son wins his game.

MS. BRADDISH:
Two sons.

P.O. LINDSAY:
Gail D'Ambrosio.

MS. D'AMBROSIO:
Good morning. My name is Gail D'Ambrosio and I'm the President of the Suffolk County Probation Officer's Association union. I would like to thank Presiding Officer Lindsay and Legislator Losquadro for their introduction of this year's Home Rule Message 14 on our behalf. This Home Rule Message requests that the State of New York in Senate Bill 4872 and Assembly Bill 7171A, to amend Section 209(4)C of the Civil Service Law, to extend the Binding Arbitration Law provisions to Suffolk County Probation Officers.

Binding arbitration is important to our 286 members. It is an effective tool in the event that good faith negotiations fail to achieve a fair contract in a timely manner. Last year, the full Legislature unanimously approved this Home Rule Message. I am hoping that you will continue to support us and thank you in advance for your consideration. Myself and/or our Vice-President, Gilda Avram will be here for a while to answer any questions if they arise. Thank you.

D.P.O. VILORIA-FISHER:
Thank you, Gail. Our next speaker is Michael Coles.

MR. COLES.
Thank you. My name is Michael Coles and I'm here in my capacity as the Chairman of the Town of Shelter Island's Community Land Preservation Board, the Board that is charged with overseeing the expenditures of the Island's 2% tax on certain real estate transfers. This board shares the strong opposition to IR 1458-2009, already expressed in writing by our Supervisor, James Dougherty, to your Presiding Officer.

I also have a personal interest in opposing this bill, having been actively involved in conservation issues on Long Island for well over a quarter of a century. Most recently as Chairman of the Trustee's of The Nature Conservancy's Mashomack Preserve.

Shelter Island has an enviable successful record of open space preservation through sensible application of our 2% funds, through substantial private donations towards the same ends, and through effective and valuable cooperation of Suffolk County. The importance of open space preservation is well recognized in our community. Visitors to Shelter Island, many from the rest of Suffolk County, who contribute significantly to our economy go there to enjoy our beautiful bays and beaches, our extraordinary nature trails and our peaceful vistas. They do not go to view development.

Voters on the Island aware of the economic benefits and always concerned about the state of our aquifer have twice voted overwhelmingly, 78%, in favor of the continuing the 2% program; such support seems to be stable in good times as well as bad. IR 1458 would, we believe, got the County's extraordinarily important contribution to these valuable and popular programs. It would cause considerable distress in our community. Should it learn that this Legislature has taken funds clearly intended by County voters for land preservation and reallocated it towards property tax stabilization.

Land values are down significantly representing a unique buying opportunity for the town and the County. On the other hand, open space lost to development will never be replaced. I'm here to respectfully request that the Legislature votes to end this unfortunate legislation and to continue to
ensure that funds are available to protect our remaining water sheds and vistas. Thank you very much for hearing me.

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

**P.O. LINDSAY:**
Okay. Charles Murphy.

**MR. MURPHY:**
Charles Murphy, North Shore Baymen's Association, resident of the Town of Huntington.

With my license, I have a license in the Town of Huntington and also a State license, I can harvest shellfish in the Long Island Sound and the Peconic Bays. Right now we have a situation in the Town of Huntington, we have a red tide, and all our waters in the Town of Huntington are closed for shellfishing. This will leave me areas in Long Island Sound to go harvesting clams and oysters and scallops and also the Peconics. We have always been opposing leasing of bay bottom to private individuals.

In the Town of Huntington, 50% of my fee that goes in the town goes into a grow out facility and we grow clams and we put it out there for anybody who -- anybody in the Town of Huntington can just go after these clams. And now as you understand -- Mr. Wymss just spoke about this area they want to lease out in the Peconics; this is a productive area; they are hard clams out there naturally put there by Mother Nature. And right now my area is closed in Huntington. It gives me an opportunity to go out in this area where you -- where the Legislature wants to lease this area to private individuals.

We are not against aquaculture. Our town, I just mentioned, grow out facility, we put out clams for everyone to harvest. With the shedding of all the jobs throughout the country, our country is in very bad shape. To take away public lands to give the private individuals will put baymen out of work. I've been a baymen for 50 years. I have seen what happens when the Long Island oyster farms lease their land in Huntington and the Bluepoint had land in the Great South Bay; they raped the bays and left it fallow. The Town of Huntington is now putting clams back in these areas and giving us opportunities to work it, but unfortunately, right now this area is closed because of the red tide. But I can go and stake land which is Long Island Sound and the Peconics, in these same areas where these people want to lease and claim that they are going to grow clams.

If you -- if there's a dredge made that will only dig what they put down, then I would be in favor of it; there's no such thing. They will come up with natural clams, not the clams that they grew. It takes anywhere from five to seven years from a small clam to get -- to get to be legal size to sell. They're all interested in the natural clams. It's happened in the Great South Bay where Blue Point has had it, it happened in Huntington when Long Island oyster farms had it.

If anybody up there would like to ask me a few questions. This is very important. I've been a baymen for 50 years and I could see these lands being taken away from us. Right now the State will give assignments out where someone can grow clams under an assignment, not in the bottom, on racks and grow them to a certain size and sell them on the open market; we're not opposing that. We're opposing natural clams being harvest; it's been done before and -- I'm sorry, I'm up here to day it again because I was opposed to it when the Long Island oyster farms did it back in '76 in the Town of Huntington. And eventually we got them out of there and now these lands are open to the public. Thank you for listening to me.

**P.O. LINDSAY:**
Thank you, Mr. Murphy. And I would suggest, just like I did to the other gentleman, that you touch base with Legislator Schneiderman who is the head of our Environmental Committee and brief him, because it seems like it's an issue that a lot us could use some education on. Thank you. Forgive
me, but I bypassed -- John Turner was the next in line. John, are you here?

MR. TURNER:
Good morning, Presiding Officer Lindsay and members of the Legislature. Let me start by saying how much fun and entertainment you have at these Legislative meetings. I have the privilege of going to every Town of Brookhaven Board meeting and they pale in comparison to the proceeds.

I am here this morning on behalf of the Town of Brookhaven to express the town's opposition to Introductory Resolution 1458. I hope to be back here for the hearing at 2:30, but I have, unfortunately, a wake I need to attend to that begins at two, so I wanted to make sure that I was able to at least today put down the town's -- share the town's perspective with you about this resolution in the event that I can't make it later on.

The reason why we oppose 1458 is that over the past decade, the Town of Brookhaven has worked in great partnership with Suffolk County on acquiring key open spaces throughout the town. The town is committed and spent $130 million over that span of time and we have committed $50 million for open space in farmland acquisitions over the next five years. And we do not believe that this is a prudent measure nor the right time to advance a proposal that would take away approximately one-third of the open space funding over the next three years.

I want to just echo the sentiments of the gentleman from Shelter Island. I have the privilege of actually negotiating a lot of the acquisitions on behalf of Town of Brookhaven and this is by far the best time that we have seen in a very long time for the acquisition of land. I don't need to tell you this, you see that with regard to the impact on the real estate and the economy, the real estate industry. There are many, many, many deals to be had. And I would argue that instead of actually diminishing the County's commitment towards open space acquisitions, the County should consider bolstering it.

I'll just give you two quick examples. Within the last month I was able to negotiate a parcel. The town goes through a process similar to the County; a property that was appraised at $45,000, we got that property for $22,500. Another acquisition in Middle Island, a key acquisition in the compatible growth area, the Pine Barrens, was appraised at two million four -- $540,000, we got that for $100,000 less than that. So there are great opportunities to be made and the land acquisition dollars the County has will never go further than over the next couple of years given the current situation with the real estate market. So again, for those reasons, the Town of Brookhaven opposes IR 1458 and you can anticipate a Sense Resolution coming from the Brookhaven Town Board in the very near future.

Let me just close on one other comment and that is just with regard to the SEQRA and how this proposal complies with SEQRA. I have, again, the privilege on behalf of the Town of Brookhaven, being Director of the Division of Environmental Protection, to make dozens of SEQRA determinations every year. And to me, this is certainly a proposal that is subject to the State Environmental Quality Review Act Rules and Regulations. And I would humbly submit to you that this should be categorized as an "Unlisted Action" and given a "Positive Declaration" for which an environmental impact statement should be prepared, given the fact that it may have a significant deleterious adverse impact upon the environment. So I wanted to just present that to you as well.

And again, I just appreciate the opportunity. I hope I'll be able to see you back at 2:30 when the Public Hearing takes place, but I wanted to get, in the event I can't, just to share the Town Board's thoughts with you on this matter. Thank you.

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

P.O. LINDSAY:
Okay. I need a motion to extend the motion Public Portion by Legislator Beedenbender. Seconded by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen (Not Present: Legislators Losquadro & D'Amaro).

P.O. LINDSAY:
Okay. Next up is Kevin Peterman.

MR. PETERMAN:
Good morning. It's Kevin Peterman from The Faculty Association at Suffolk Community College.

First, I want to thank you for including some of the Capital Projects in your Omnibus bill; it's certainly much appreciated. Unfortunately, I'd like to urge you to consider one more project that I think is vitally important, I spoke about it at last week's committee meeting, and that's the library, the Learning Resource Center at the Grant Campus. It's in the County Exec's budget, I believe, for planning money for 2012. My concern is if it's in 2012, we probably won't see it til 2020.

One of the concerns I have is dealing with the problem that we already -- that we have right now with the Grant Campus. The library that we're in currently we moved into over 18 years ago and we had way less than 4,000 students, and currently we're way over 8,000 students. It only has two group study rooms. In fact, we have trouble with students when we have a class in there, we have to actually ask students to leave so that the class can get in and work on the computers; there's only like 26 computers in the whole library. It's a serious problem and I'm very concerned about it being pushed out too far. And the reason I'm concerned is 18 years ago when the building was built, because -- in my opinion, because it took so long to get the shovel in the ground, the money that was appropriated couldn't buy as much as it should have. The building was originally supposed to be 25-feet longer, the building is 75-feet wide and two-stories high. So as a result, when that building was constructed, it was already undersized from what it was originally designed.

So I can only urge you to consider a resolution to include the library in 2010 for some planning money, I believe it's $1.6 million. I'm very, very concerned about us going so far out that the library will become again undersized. Thank you very much.

P.O. LINDSAY:
Thank you, Kevin. Next we have, it looks like George Tvelis?

George Tvelis.

MR. TVELIA:
Good morning. I'm George Tvelia, I'm the interim Executive Dean for the Grant Campus. I want to begin by thanking the Legislature for all your support over the years. The college certainly could not grow to the extent it has without your strong support, and I'm here today to seek additional support. The college requests that the $1.6 million for planning be advanced to the 2010 budget year to support our Library and Resource Center.

I echo the sentiments of the previous speaker, Kevin Peterman. The library that we are currently using was built in 1990, or opened in 1990. At that time, we had less than 4,000 students on the campus. This past fall we had over 8,500 people on campus using the same facilities, so the facility is becoming extremely stressed.

The Resource Center that we are proposing to be built will also contain our Academic Skills Center and that is also another area that is well over used. In fact, this past March, when we look at the numbers of students that used the Academic Skills Center, that increased some 174% over the previous March with over 14,000 students coming in to use the center. So all of our resources are being extremely stretched and we really need the new building to help the students in the future and to prepare for the future growth of the campus. I respectfully request that you add that $1.6 million
to the 2010 budget cycle. Thank you very much.

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

**P.O. LINDSAY:**
Thank you very much. Peter Busacca.

**MR. BUSACCA:**
Thank you, Mr. Presiding Officer. My name is Peter Busacca, I am the President of the Port Jefferson Station-Terryville Civic Association, and also a member of the Committee for a New 347. We have lobbied the New York State Department of Transportation on issues of safety for 347, and our corresponding secretary, Donna Velazquez, spoke here earlier today about the importance of having cameras at red lights. And I'm just here to testify -- to back her up and also to testify that I've had one accident years ago, right before the DWI laws came into effect. And more recently I prevented an accident from happening when a -- when I had the green light going through the intersection of Norwood Avenue and Terryville Road and Nesconset Highway, a very complex intersection, as I proceeded with the green light going through -- on Terryville Road south, a car came speeding right through their red light and almost collided with me, but my defensive driving skills prevented that accident from happening.

So I'm just here to support the issue of having cameras at red lights here in Suffolk County and I hope that the Legislature agrees with this idea. Thank you very much. Have a good day.

**D.P.O. VILORIA-FISHER:**
Thank you, Peter.

**P.O. LINDSAY:**
Thank you, Peter. Okay. That concludes the cards. Is there anyone else in the audience that would like to address us under the Public Portion? Seeing none, I'll -- I accept a motion to close the Public Portion.

**D.P.O. VILORIA-FISHER:**
So moved.

**P.O. LINDSAY:**
By Legislator Viloria-Fisher. Do I have a second?

**LEG. BARRAGA:**
Second.

**P.O. LINDSAY:**
By Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
Okay. Okay, next on the agenda is the Capital Budget. Does everybody have the Capital Budget? It's three documents.

**D.P.O. VILORIA-FISHER:**
Everybody but our Counsel.

**MR. NOLAN:**
We're working on it. Here you go. Thanks for your copy.
P.O. LINDSAY: Everybody's all set? Okay. What I'm going to do is I'm going to ask Ms. Vizzini to go through it and then to see if Legislator Beedenbender who chaired the Capital Budget Working Group has any comments that he wants to add to Ms. Vizzini's comments. Go right ahead.

MS. VIZZINI: Thank you, Mr. Presiding Officer. You should have before you an index of all the Capital Amending Resolutions. The index also tells you each and every Capital Project, there were 51 Capital Projects that were addressed in the Omnibus legislation and there are two stand-alone resolutions. I would just like to take a few moments to summarize what's in the Omnibus for you. And I want to thank the Working Group very much for the time that you dedicated to putting this together for your colleagues and for the County.

The Capital Omnibus, first of all, recognizes the current operating budget shortfall spanning 2009-2010. This adopted program is $44.1 million less in serial bonds than our current Capital Program, and the first year, 2010, is $17.6 million less in serial bonds than the current 2009 Adopted Capital Program.

The Omnibus reprograms 51 projects to assure that this planning and budget document provides sufficient funding for public safety, including public safety communication, maintenance and strengthening of County infrastructure, roadways, energy conservation, educational facilities and sewer infrastructure. As I indicated, the index details all the projects. A few of the highlights are as follows.

We are restoring the funding for the gymnasium at the Eastern Campus and providing additional funds for security modification and infrastructure improvements at the college. We are providing funding for energy conservation to maximize Federal stimulus funding and focus on retrocommissioning ten of our largest energy-consuming facilities to promote energy efficiencies.

We are advancing funding, meaning that the funding was included but not in the year that we believe to be appropriate, for such projects as environmental clean-up to conform to EPA and DEC requirements, replacing major building systems, elevator safety controls and palm and fingerprint ID equipment for the Police. Additionally, we are providing reprogramming of sewer infrastructure for the Smithtown-Kings Park area.

We are providing funds for median improvements on County Roads, sidewalk improvements for safety concerns and funds for expanded space at the CPEP Program at Stony Brook University. And we are changing the method of funding for the electronic medical records in our Health Department since we received the unfortunate news that they would not be funded through stimulus funds.

We provide $65 million is sewer bonds at the Southwest Sewer District for the Southwest Sludge Treatment and Disposal Project. We are working on that, it reflects the fact that in subsequent years we will need to have more money for this.

The last page of the 54-page Omnibus shows you the illustrative fiscal impact. The impact of all these changes on a County-wide General Fund is based on the change in serial bonds. The serial bonds are increased by 8.9 million in 2010 and, over the three-year program, 30.4 million; this would have a fiscal impact of about $5.05 per year, or $76 over the life of the bonds. If you have any questions, I'd be happy to respond.

P.O. LINDSAY: Do you want to add anything to that, Legislator Beedenbender? No. Okay.

LEG. BEEDENBENDER: Just real quick.
LEG. BEEDENBENDER:
I just wanted to, first off, thank BRO for the help during the Working Group. As a working group, we really tried to focus us on the fact that this is a planning document, so while we didn’t -- while we did add some back into 2010 based on either DPW recommendations, department requests or priorities that we thought were of the Legislature, we did put a lot of projects in the out years with the understanding that this is a guideline; it’s our plan, our path to the future and we’re recognizing the things that we are going to need to do; whether it’s the outfall pipe, the sludge treatment project, road projects in Legislator Eddington’s district or Legislator Gregory’s district or all of our districts.

There’s a significant number of road projects in here as well. In addition to the fact that we realize there are a lot of things, whether it’s infrastructure or energy planning, that the County wanted to be ahead on. So Gail did mention it in her report, but there is a significant commitment, a significant monetary commitment to energy efficiency and retrofitting some County buildings. Like Gail said, the ten largest County buildings are the ones we’re going to target for an opportunity to save money on energy costs and also reduce their carbon footprint.

So I think we did a good job here. We made a lot of tough decisions. There are a lot of things in here that are viable projects that we simply did not choose to move forward, there are some priorities that we chose to move forward. So if there are any other questions, I’m here to answer.

LEG. MONTANO:
Just a quick question, Gail. I’m looking at page three, the last item, Capital Project No. 7065, establishment of dog runs at County facilities, adds 80,000 for construction in 2011 and 80 for construction in 2012. Can you just give me an explanation of what it is that we’re doing here in terms of $160,000?

MS. VIZZINI:
This is for the construction of dog runs, they have been successful in parks such as Blydenburgh. There are sites that need to be located, the Parks Department is working to determine what is an appropriate site, certain things have to be taken into consideration. And this would provide for any kind of construction, fencing or materials needed.

LEG. MONTANO:
Do you have sites in mind? I mean, we’re spending 80,000, but do you have particular sites or particular parks that have been identified or discussed during the Capital Budget process?

MS. VIZZINI:
That is the primary concern. The funding is put in 2011, so that the Parks Department can continue its work on identifying the specific sites. We do not have the specific sites.

LEG. MONTANO:
Okay. Thank you.

P.O. LINDSAY:
Legislator Alden and then Romaine.

LEG. ALDEN:
And Brian offered to give some more of an elaborate answer. What was the amount of money that we’re putting in towards this sludge treatment for the sewers?
**LEG. BEEDENBENDER:**
The sludge treatment was in subsequent years and I believe it was $65 million; is that correct, Gail?

**MS. VIZZINI:**
Yes, that's in the sewer district bonds.

**LEG. BEEDENBENDER:**
Just in the sewer district bonds.

**LEG. ALDEN:**
Why would we consider spending $65 million for sewers and anything to do with a sewer?

**MS. VIZZINI:**
Well, first of all, if you recall, the incinerators are no longer up-to-par at Southwest. And earlier on, I forget the precise year, we had 40 something million dollars to replace the incinerators, which was then cannibalized as an offset for other needs. Since then, this body has passed legislation firming up our debt service policies and we can no longer use sewer bonds to offset General Fund needs. So this is something that the Department of Public Works is pursuing in terms of how do we manage the sludge, that product that is produced at Southwest.

**LEG. ALDEN:**
Specifically, though, in the Working Group, was there discussions about what we're doing with the sewers and why we should even consider in future years $65 million of expenditures?

**LEG. BEEDENBENDER:**
Well, the discussion was specific to the sludge treatment. Exactly what Gail said, the original plan several years ago was that the incinerator would be used, and right now we're trucking most of this off Long Island and we have to pay that cost, as well as we have to find a place that will take it and that place keeps moving, they're moving further away for places that will take it. So the discussion during the Working Group was that we really need to eventually find a better solution to paying truck after truck after truck to ship it further and further away. We have to find a way to treat and dispose of this in a more local, with a more local answer.

**LEG. ALDEN:**
Does that mean we made a mistake and put sewers in and now we're stuck with this huge cost? And this is a huge cost.

**LEG. BEEDENBENDER:**
Right. I don't think that it's a mistake that we put sewers in; I think sewers were a great -- we're going forward now, they cost more than they should have when we put them in, but this is the end product. I think an incinerator would be better, but that's not -- that was not the will of the Legislature at the time, nor the will of the community, so we have to find another solution.

**LEG. ALDEN:**
But in policy decision, did we make a huge mistake and should we just cut our losses and walk away from this? Because I see a standalone in here that I would like to ask Legislator Horsley about; why are we going to saddle the people of Suffolk County with hundreds of millions dollars worth of expenses going forward? Was it a mistake for sewers, or is it a mistake to keep dumping money down the drain, so to speak?

**P.O. LINDSAY:**
I mean, just to add my two cents. What are you suggesting, that we close down the sewer plant and go back to cesspools in this area?
LEG. ALDEN:
No, I'm absolutely not suggesting that. I'm questioning what the policy and what the determination of policy was by the Working Group, whether we're going to keep spending hundreds of millions of dollars on sewers going forward and what the original intent was on those sewers. And if that's still something that we really want to spend that much money going forward on, I'd like to hear that expressed, too, before I vote on this Capital Project.

LEG. KENNEDY:
Mr. Chair?

P.O. LINDSAY:
I'll put you on the list, Legislator Kennedy.

D.P.O. VILORIA-FISHER:
You want to go on?

LEG. HORSLEY:
Yeah, please.

P.O. LINDSAY:
When the sewer plant was built initially, there was an incinerator and there was an outfall pipe. And here we are 25 years, or more than that, 30 years later, and the outfall pipe is danger of rupturing and needs to be replaced. And the incinerator was shut down I guess two or three years ago with plans of rebuilding it and there was a change in direction there because the community was in an uproar over operating the incinerator again, and we're faced now with trucking sludge. Like Legislator Beedenbender said, I think we're going to West Virginia with it now and Ohio and, you know, what happens is the states that are accepting our sludge finally say, "I don't want it anymore and you've got to find a new place." So it isn't a long-term solution, eventually we're going to have to find a local solution with whatever technology is. And I don't have the ultimate answer, but I think it would be prudent in the out-years to put aside some money to look into the solution.

LEG. ALDEN:
But the question still remains and remains unanswered; what is the benefit of sewers and is that benefit enough to warrant us even considering going forward with hundreds of millions of dollars worth of projects related to sewer ing?

P.O. LINDSAY:
Okay. I think we all have to answer that question ourselves. Legislator Romaine.

LEG. ROMAINE:
Yes, actually I have two questions for Gail.

LEG. ALDEN:
But Mr. Presiding Officer?

P.O. LINDSAY:
You're not done? Go ahead.

LEG. ALDEN:
My question was -- and Mr. Beedenbender was the Chairman of that committee, so it wasn't discussed at all.

LEG. BEEDENBENDER:
Legislator Alden, you have -- yes, you are correct, we did not discuss whether or not we should stop having sewers. I'm -- I don't understand your question.
The discussion we had was that we have the largest sewer treatment plant in the County, the Bergen Point plant that serves -- well, you know, it serves the most people of any sewage treatment plant and it has needs. And there are large capital needs that are borne by the members of that district, so there’s sewer district taxes and that’s protected by the Sewer District Stabilization Fund. So the discussion that was had was the outfall pipe needs to operate, we cannot have it fail and go through and affect the salinity of the Great South Bay.

There is going to need to be an answer to the sludge treatment plant. DPW has given us this number, this plan, this thought about what it would cost and we concur that we need to put it in our planning document as a recognition of the fact that we have to address this problem for the sewer district -- the sewage treatment plant that is operating for a large portion of our County.

LEG. ALDEN:
So there were assumptions made, then -- to get to the point that you actually are describing now, there were assumptions made that the sewer -- sewers and the sewage treatment plant is an integral part of our future and the future for Suffolk County. That has to be an assumption, otherwise you wouldn’t be willing to spend hundreds of millions of dollars of taxpayers money going forward.

LEG. BEEDENBENDER:
Yes, that is the assumption.
LEG. ALDEN:
But it was never -- right, it was not something that you discussed, not something that we developed a policy on recently.

LEG. BEEDENBENDER:
Legislator Alden, I think, you know, it would be my interpretation -- and if I'm wrong, you can certainly correct me -- this Legislature as a whole has approved studies for new sewer districts; approved a study for a sewer district in Legislator Losquadro's district, there's a bill before us today to look at sewer district in Legislator Browning's district. We just approved a study to look County-wide on how we can expand sewers throughout the entire district. Legislator Kennedy and Legislator Nowick are looking for a sewer district in Kings Park. So it was my assumption that as a whole this body was talking about sewers and was eager to pursue them, and I did assume from that that we would not wish to go back and allow the larger sewer district, perhaps the most successful one, to fail.

LEG. ALDEN:
I'm just perplexed, then, that coming forward we haven't developed a -- it doesn't sound like a viable plan to protect drinking water. Is it sewers that protect drinking water or is it some other expenditure of County money that protects drinking water? Is that the underlying assumption that that's how we protect drinking water?

LEG. BEEDENBENDER:
Well, listen, I'm not an expert. I think I said what we talked about during the Working Group. All I can say is that it's my understanding that, you know, sewers are definitely a protector of drinking water and we have a sole-source aquifer, the only thing that's beneath our feet. The best way we can avoid contaminating with nitrogen is by having a sewage treatment plant that eliminates as many cesspools as possible. If that's not true, then I don't know what I've been listening to.

LEG. ALDEN:
Thank you for that statement. I appreciate it. That was an honest answer.

P.O. LINDSAY:
Okay. Legislator Romaine.
LEG. ROMAINE:
Yes. Gail, could you compare, if you would, this year's proposed budget to last year's proposed adopted Omnibus Capital Program?

MS. VIZZINI:
It --

LEG. ROMAINE:
In terms of percentage of increase, decrease, etcetera, etcetera.

MS. VIZZINI:
What we did in our Omnibus last year?

LEG. ROMAINE:
Yeah. The adopted -- well, the Omnibus was adopted, so it's an adopted Omnibus. From the adopted Omnibus to the proposed Omnibus for this year, could you do a comparison of whether it's increased, decreased?

MS. VIZZINI:
Well, I don't have Omnibus to Omnibus, but as a result of the Omnibus we have the Adopted Capital Program --

LEG. ROMAINE:
Right.

MS. VIZZINI:
-- which is what I had indicated earlier. The first year, 2010, is $17.1 million more -- less, rather, than current year.

LEG. ROMAINE:
So this is -- if we adopt this, we're adopting a Capital Budget that, in fact, is a reduction over the previous year.

MS. VIZZINI:
That is correct. It is also a reduction of 44.1 million which is in the body over the three years.

LEG. ROMAINE:
Right.

MS. VIZZINI:
Those are the serial bonds.

LEG. ROMAINE:
Okay.

MS. VIZZINI:
Which is, I believe, your General Fund concern.

LEG. ROMAINE:
Right. Let me move on to my last question which is 8180. Again, that $65 million for the sludge treatment proposed -- disposal project. Do we have any -- has there been any even rudimentary details of what this project would involve? Obviously it's not going to involve incineration. How else are they planning to dispose of the sludge? Is there any rudimentary that this is what we're planning to do, roughly, and we'll get back to you with the details?

MS. VIZZINI:
In our review of the Capital Program for you, we provide some highlights, most of which we had gotten from the Department of Public Works.

**LEG. ROMAINE:**
Right.

**MS. VIZZINI:**
I think that is the concern, that there is not -- there are alternatives that are under consideration. As you recall, several years ago --

**LEG. ROMAINE:**
So we don't know which one and at 65 million, could be 75 million or 105 million, because essentially what we're doing by approving this project is writing a blank check.

**MS. VIZZINI:**
What we're doing -- first of all, I would like to indicate for the record that this was a Budget Review Office recommendation.

**LEG. ROMAINE:**
Right, I understand that.

**MS. VIZZINI:**
There are three major things going on at Southwest.

**LEG. ROMAINE:**
Right.

**MS. VIZZINI:**
Their expansion of the capacity; the outfall pipe, which is not included in the Omnibus.

**LEG. ROMAINE:**
Right.

**MS. VIZZINI:**
Although there is a standalone resolution; and what to do about the sludge. This has been an ongoing issue that has been addressed in numerous Budget Office reports.

The Working Group accepted the premise that this is a planning document and this $65 million in subsequent years reflects the fact that there will be an expense associated with sludge management.

**LEG. ROMAINE:**
Now, let me ask you this. I'm familiar with the other sewer districts the County operates, and usually when they incur expense, it's an expense to the ratepayers, those who benefit, those who are within the district. Why would this be a Capital Program that -- is this going to be paid back by the people within the Southwest Sewer District, or is this going to be borne by everyone in the County? And if that's the case, then don't we open the door for other sewer districts to come in with special needs and say, "Well, this should be funded by Capital Program and not out of the sewer district"?

**MS. VIZZINI:**
As you know, the County owns several sewer districts.

**LEG. ROMAINE:**
Twenty-two or 23.
MS. VIZZINI:
Correct.

LEG. ROMAINE:
I was reading a planning document from 1986, I believe it was, talking about sewer districts in my old files, and remarkably nothing much has changed since that time.

MS. VIZZINI:
In regards to Southwest, it is the largest -- it's actually -- although where it is located, it probably only services those employees -- those residents. However, it is also the place where if any of us have our cesspool pumped, that is where it goes; so in a certain sense, it services the entire County.

It has been our policy, our practice, our budgetary policy to maintain the infrastructure of what is now a facility that's in excess of 30-years old. We maintain that facility through the Capital Program.

LEG. ROMAINE:
Is that true for other sewer districts? Some of which are also 30-years old, 25-years old. Is that true, that we use --

(The following was transcribed by Kim Castiglione, Legislative Secretary)

MS. VIZZINI:
Yes, absolutely. There is a whole separate section in the Capital Budget presentation for sanitation projects. Those are the buff-colored pages; they're actually differentiated.

LEG. ROMAINE:
Okay.

MS. VIZZINI:
You know, I think where you are going with this is, and I will do the best I can to respond to your questions, is in the Operating Budget the debt service for those projects are paid and the expenses for the individual sewer districts are paid by the ratepayers, but those rates are stabilized by our Quarter Cent Program through the Assessment Stabilization Reserve Fund.

LEG. ROMAINE:
Which is for both County and non-County municipal sewage treatment plants, is that correct, since that fund, that stabilization fund is a Countywide expense.

MS. VIZZINI:
That's a more technical question than I am able to answer. Our practice has been --

LEG. ROMAINE:
I believe the answer is yes because I know that the Riverhead Municipal Town Sewage in Riverhead Town is subsidized -- gets a --

MS. VIZZINI:
There are several town municipal sewage treatment plants that receive monies. I think it adds up to about 500 and something thousand dollars annually from assessment. There is a transfer to them.

LEG. ROMAINE:
Right.

MS. VIZZINI:
But the rate stabilization is primarily used currently for the County owned sewer districts.

LEG. ROMAINE:
Okay. I would ask you to go back and look at the minutes of the Legislature, I believe it was in the late 90's, and the opinion because the question was asked of Legislative Counsel, at that time Mr. Sabatino, and he expounded on that, what the intent of the legislation was for that stabilization fund. Because I also believe legislative intent always trumps County Attorney opinions obviously in a court of law. I am not a lawyer, but they tell me that legislative intent is far more important than some opinion, even if it's made by a County Attorney.

MS. VIZZINI:
I agree with you. I think among the many people who are supportive of maintaining sewage infrastructure and expanding it is this Legislature with our sewer enhancement study that we are conducting and about to receive the RFPs as well as the Budget Review Office.

LEG. ROMAINE:
I would ask you to go back and look at the minutes of that meeting. You can contact my office, we'll tell you the citation and you can go back and read Mr. Sabatino's comments because there is a question about stabilizing the municipal sewage treatment plant, non-County owned in my district, and that's the Calverton Plant, which we've been trying to get some correspondence on. Between the Budget Office and the County Attorney's Office they have rejected that, but they haven't given me a legal reason why in light of the fact of Counsel's opinion. So I'd ask you to do that. I appreciate that.

MS. VIZZINI:
I would be happy to look at it, but again, as you indicate, you are not an attorney, I am not an attorney either, so we need to reach out to Legislative Counsel.

P.O. LINDSAY:
Okay. Legislator Kennedy.

LEG. KENNEDY:
Mr. Chair, I was going to take the opportunity to speak about the budget amendment two, but I just -- having been a member of the Working Group, I did want to weigh in regarding the discussion about sewering et al.

We talked about a whole variety of different aspects. Much of it I think came back to work that's still going on with Public Works. Certainly there's been no definitive method, I guess, yet to address the issues that we're being advised about with the outfall pipe, whether or not it's going to be replacement, whether or not it's going to be below grade boring, whether or not it's going to be sleeting. I think the Working Group did come to the agreement that the pipe is going to have to be addressed in one fashion or another and so that's what drove the decision making associated with the additions into subsequent years with the funding there.

As to disposal, I agree with many of the things that Legislator Alden has spoken about as far as some kind of ultimate need to make a decision there. But again, I believe that Public Works is supposed to be bringing us forward. Some of the competing technologies I have investigated through myself and actually came as a result of an invitation that Legislator Horsley extended a year ago to technologies that are in place in other states that actually utilize the sludge for combustion and energy generating purposes and have just had contact again with a firm out in Jersey. Also, there is technology that's up and operational now in Philadelphia that we're trying to get the additional information on as far as a method to address the sludge.

I think you are right, Legislator Alden, we have a County-wide pledge, if you will, to address sludge that's coming out of our 22 or 23 waste treatment plants, but also residue from our 100 plus private plants that are situated throughout our many town houses, condominium complexes. It is
something that we're going to have to address and address shortly.

I'm hoping that Public Works is going to bring forth some meaningful recommendations for us. I'm certainly not an engineer nor scientist, nevertheless I want to make sure that we do what's necessary to preserve the aquifer and not literally burn up $7 million a year loading this stuff in freight cars and trying to find someplace throughout the nation to dump it. It brings back visions of the Islip garbage barge from 20 years ago which nobody wants to be in place of.

Turning to a separate topic, the western campus library is something that I think is critical and questions that I had during the working group, which at that time weren't answered but now have been answered by the college that there really is an ability to progress the projects, the planning and design processes being completed now for the Ammerman Campus and so advancing the $1.6 million to 2010, none of which only 800 grand, $800,000 would be County expense, I think is prudent and reasonable. As we just heard, the enrollment there has more than doubled. I myself have taken courses there this past spring and I can say firsthand it's desperately needed to put the library resources on the campus. So I would encourage my colleagues to go ahead and support that budget amendment and know that we raised those questions in the Budget Committee. I wasn't able to bring the answers forward to the committee, though, so I think that's the reason for the amendment. Thank you.

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

D.P.O. VILORIA-FISHER:
Thank you, Legislator Kennedy. Legislator Horsley.

LEG. HORSLEY:
Yes. Thank you, Madam Chair. Just -- I hope we're not going to go back to having to justify the needs and reasons why sewer Suffolk County makes sense from both the environmental, economic development and every other reason why we're moving towards a sewer Suffolk County. But what I wanted to talk to you about -- and it's -- first of all, let me -- Brian, let me just say first that this is a great document you've put forward, it's had a lot of thought behind it and a lot of compromises and the like. But I wanted to speak to item number, sponsor No. 3, which is the outfall at the Sewer District No. 3, and the rationale that I've heard why we're not going to be putting monies into 2010, its planning and the like, is because that we can wait another year and we want to move that money out one more year and it's better because of our economic situation, etcetera.

Well, we have had -- just recently we had an engineer take a look at the Southwest outfall pipe and the out -- and the engineer said this is the worst pipe, the condition of this pipe is the worst he's ever seen an outfall pipe in any other study in the globe. So we went out and we got two more engineers to tell us exactly the same thing, that this outfall pipe is going to go; it is going to start to leak, it is going to start to leak in the Great South Bay. Our pristine and one of our most fortunate areas of our entire County, the Great South Bay, is going to have a leaky outfall pipe in it.

And I understand why we have to watch our pennies and dollars, that makes perfect sense. But the reality is we have to take caution that we are not mixed up with our concern about dollars and with our responsibility to our environment. That is the reason why I put the stand alone in. This resolution advances Sewer District Bonds as far as $2 million for planning from 2011 to 2010 and 50 million for construction from -- for subsequent years to 2010. I think we should -- we should be ready. Like the Boy Scouts, we've got to be prepared. And this pipe is going to go. We've had three engineers tell us it's going to go, it's going to go soon. And every day we're listening to the pinging as the wires around the pipe is starting to corrode and fall apart.

So I think it is responsible. I'm not saying move the 150 million into next year, all I'm saying is we should be ready for when this thing goes and if it goes, that this Legislature was ready to take a
stand today. This is sewer monies, these are not coming out of our general obligation monies. And it may be that we don't need it, but it's got to be there.

Now, the only other alternative when I talked to Gail is, yeah, well, where can we get the money if it does go? She says, "Well, we could take it out of maybe the expansion monies," but the expansion monies were going to be somewhat -- they're going to be expended next year. So I think we've got to -- we've got to as a Legislature stand up for a situation that could be critical and this Legislature I can't believe would ever stand by and let that happen to the Great South Bay and the people of the south shore of Long Island to have a leaky outfall pipe into the Great South Bay. So I recommend that we pass the outfall at Sewer District No. 3, $50 million for next year's budget.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. Legislator Horsley, as the representative of that district, I certainly -- and as somebody who has been talking about sewers forever, I certainly understand your concern.

The one thing I just wanted to, I guess, correct. The discussion in the Working Group was not based on the dollars and cents. In fact, our starting point was move it up into 2010 and that's where we were for a while. The reason it was put in the way it is put in and it was left the way the County Executive proposed it is because all the information we were given was that there was really no circumstance or set of situations where we could begin to spend this money in 2010. So while I understand your concern and you did make several valid points, I just want to let you know that this was not -- we shouldn't spend this money and we have to keep the size of the budget down, because that's, in fact, where we started at our first meeting. At our second meeting, we got more information that told us that there would be no situation where we could spend it in 2010, which is why we left it as the County Executive proposed it. So I just wanted you to know that we weren't being pound foolish, we were -- it was a discussion, it was a long discussion; besides the college, probably the longest discussion that we had. And that's how we arrived at our conclusion.

LEG. HORSLEY:
I respect your statement.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Although I wasn't a member of the Working Group, I'm actually going to follow up on Legislator Beedenbender's point. The Executive, it would appear, has firsthand information on this. So my question -- and I do want to address it to Legislator Horsley. My question is the Executive has firsthand information from the Department of Public Works, etcetera, etcetera; why is it that the Executive did not put this money in 2010? What does he know that we're not aware of? Why -- I know you're making the recommendation because you see a danger and I appreciate you alerting us to this on behalf of your district, and certainly I'm sympathetic to that and I understand the problem, but if the Executive did not recommend it, he must have some additional information that I'm not aware of. And I think Legislator Beedenbender said that information obviously led the Executive not to put this in in 2010. Maybe you could address that. I'm sure you've had discussions with the Executive on this issue.

LEG. HORSLEY:
I have not had a discussion at this point.

LEG. ROMAINE:
Nothing.
P.O. LINDSAY:  
All right.

LEG. ROMAINE:  
Obviously the -- I would hope at some point in this discussion, Mr. Presiding Officer, a representative from the County Exec's Office could come forward and explain what the reasoning was not to put this in for 2010, so I could judge that against the eloquent appeal of the Legislator from the -- and my glasses are failing me, 13th?

LEG. HORSLEY:  
Fourteenth.

LEG. ROMAINE:  
Fourteenth District, so I could judge the factual information presented by the Executive's representatives against the appeal of the Legislator from the 14th. Thank you.

P.O. LINDSAY:  
I have Legislator Alden on the list, but I was going before you, so I'm just going to weigh in, all right?

LEG. ALDEN:  
Okay.

P.O. LINDSAY:  
The history of the outfall pipe is the Legislature put it in the budget last year and we put $150 million stretched over three years, as I recall. And the reason for that is nobody really knows how much it's going to cost to repair the thing. That's why the engineering studies are going on now and they have various different methods, from replacing the pipe entirely to patching it from the inside out to even running it, not burying it, but running it on top of the bay, which I just can't possibly imagine, but these are the some of the things that are under study. And we put the money in as a planning document so that when the engineering work is done and the recommendations come back to us, that we'll be prepared in our planning document to go forward with the repairs that we have to do; there's no ands, ifs or buts, we have to do it.

LEG. ROMAINE:  
Do we have an emergency response? Suppose it snaps tomorrow, suppose it starts leaking tomorrow?

P.O. LINDSAY:  
Well, one of the things that we did in last year's Capital Budget is we put money in that Public Works could purchase additional pipe and be ready for that eventuality to patch it up so that it doesn't spew into the Great South Bay. So we addressed that short-term eventuality last year.

My only problem with moving the $50 million forward is I don't know whether the engineering study is going to be complete with a final recommendation to know which way we're going to proceed next year, all right? And if it's more than the $50 million, we still can't proceed because we have to bond the whole project in order to start the project. So even if you voted for the $50 million, there's a strong possibility for one of two reasons; either we don't know what to do by next year or we don't have enough money to do the job correctly. So that's my only concerns about the whole addition. I unequivocally know we have to repair the outfall pipe; it's just procedurally how's the best way to plan for it. Legislator Alden.

LEG. ALDEN:  
First, so I'm not misunderstood on this point, I want to commend Legislator Horsley and Legislator Beedenbender for their compassion and their outspokenness on the subject of drinking water
protection. And I believe that my voting record has shown that I share your compassion and the willingness to represent my constituents and actually commit some of their funds to protect that very valuable, not just valuable, it's life-sustaining; without it we don't exist on Long Island.

But going back to a question on whether this was taken up at the Working Group -- and again, I wasn't a member of the Working Group, but a number of years ago we started getting ourselves in a little bit of a problem with the carrying charges on our bonding, and I believe that that got up to the point where we were expending close to $99 million or would have expended $99 million on our debt and we ended up -- the solution to that problem was to sell off our revenue stream into the future where we got a discount -- and that's not a good thing, that discount's a bad thing -- but we got a discount on the amount of money that we would have had coming into Suffolk County.

So in the Working Group, was it discussed how we got into that problem, because it's a massive problem, how were we going to avert that problem in the future and what our plan is to possibly replace that revenue stream?

**LEG. BEEDENBENDER:**
Yes, Legislator Alden, we did have a discussion about -- in fact, the first thing, before we started off, Budget Review provided us with a chart and I think at one point Budget Review did provide that to all the Legislators, although I'm not sure, that discussed exactly the issue you're talking about, the ever rising debt as associated with the jail, with land preservation and the carrying costs of the debt service.

So one of the things -- and as you look through, there are some of the things in here that are popular programs that were cut out. For example, on page three, item 6418 and 70 -- 6412 and 6418 are downtown revitalization programs and that was one of the things we decided, while nice, was not an absolute priority and didn't need to be part of the Capital Budget in 2010. So -- and as Gail did testify, this is significantly -- this is less than last year's adopted and less years -- significantly less than this year's actual when you account for all the stimulus funding that's involved. So we are trying to decrease the size of what would be allowed in the Capital Program, which as you know is the maximum amount, and each year we never authorize the entire program, we usually end up authorizing less. So if the total amount we could possibly authorize is less than last year and the actual would be even less than that, then I think we are -- we need to be in the direction that would lower the debt service cost and stop increasing the amount that we'd be bonding. So I think this plan does address that.

**LEG. ALDEN:**
I'm just guessing here, but it seems we got ourselves in a major problem. And what was the debt service up to, Gail? Maybe I was wrong on the 99 million.

**MS. VIZZINI:**
Well, it is that if you consider what we are also paying off budget through the proceeds of the tobacco securitization. In the Operating Budget, we're down to I think -- my recollection is about 51 million it's showing in the Operating Budget, in the General Fund.

**LEG. ALDEN:**
My point would be that as the lookback so that we can go forward, how did we get ourselves into a position where we had to sell off a huge revenue stream?

**MS. VIZZINI:**
Well, that was one of the alternatives that the Legislature approved to the budget shortfall.

**LEG. ALDEN:**
Budget shortfall, but we raised our debt service from -- what's the number ten years ago; debt service was how much? Just an approximation.
**MS. VIZZINI:**
It was probably somewhere between -- I know we were using the number 80 for quite some time. I mean, we have -- we own, operate certain buildings, infrastructure has to be maintained, roadways, what have you. So the dollar amount has been in the $80 million area at some point. We are probably now at the highest. You've got -- based on Budget Review's projections, because we're going to be bonding for the jail, finally.

**LEG. ALDEN:**
That's after we got ourselves to the point where $99 million a year has to be dedicated to debt service. Even if it's from 80 to 99, that's a $19 million a year increase going into a period of time when, what happened, the economy sunk, and that's a normal business cycle. So we didn't prepare very well, that's a mistake. We didn't prepare very well, even if it's just an ordinary business cycle. I want to make sure that going forward, because this is -- maybe, this might be the last Capital Budget and Program that I vote on, although there are other options where --

**P.O. LINDSAY:**
Are you going to change the term limits?

**LEG. ALDEN:**
No. But I understand that as other Legislators have done in the past, too, that once you break that chain, that there's an option to run again for office.

**P.O. LINDSAY:**
Are you going to move?

**LEG. ALDEN:**
If that's incorrect, then maybe I'll stand corrected when I look into that, but I understand that that is an option that's open. But I want to make sure that the last one I vote on is going to be something solid, it's going to have been well thought out, taken into consideration what happened in the economy, what happened with us around this horseshoe as far as loading on the debt and getting to the point where we had to sell off a revenue stream that we still haven't replaced, and there's no plan to replace that revenue stream today.

So I just want to make sure that this was well thought out, well prioritized by every Legislator that's sitting at this horseshoe, that we're not just on blind faith going to say, "It will be provided." Unfortunately when we say that, it will be provided, it's through taxes and it's the constituents of this Suffolk County that get it laid on themselves. And if they operate their houses the way we operate around here, they'd all be in bankruptcy court.

So I just -- I just wanted some assurances that we took all those into consideration, that this was well prioritized. And I wasn't -- as I've said, I wasn't on the Working Group, and this is not confrontational, I'm just asking for -- you know, I want to hear that the right questions were asked and I want to hear that the debate took place. Because otherwise then we have to have that debate today, what our top priorities are, whether we're going to take the people's money and cause them to go into debt for the next 10, 20 or 30 years to provide what services to them, in what priority.

**P.O. LINDSAY:**
All right. Does anybody else want to comment on this? Legislator Cooper? Cooper? Legislator Cooper?

**LEG. COOPER:**
Yes.

**P.O. LINDSAY:**
Did you want a short recess you said?

**LEG. COOPER:**
Yeah, I wanted to request a five minute recess, please.

**P.O. LINDSAY:**
Okay. What I'm going to do is I'm going to grant the recess and a five minute stretch on, but at five after twelve we're coming back and we're going to vote on the Capital Budget before lunch.

**LEG. COOPER:**
You got it.

**LEG. MONTANO:**
Five after twelve?

**P.O. LINDSAY:**
Five after twelve.

**LEG. BEEDENBENDER:**
We'll take a ten minute, five minute recess.

**P.O. LINDSAY:**
Okay. We have a motion to call a short recess. We'll be back at five after.

(*The meeting was recessed at 11:58 AM & was reconvened at 12:09 PM*)

**P.O. LINDSAY:**
Okay, I'm two minutes late for my proclaimed deadline; the five minute recess took twelve. Mr. Clerk, you want to start calling the roll?

**MR. LAUBE:**
Yes, sir.

(*Roll Called by Mr. Laube - Clerk*)

**LEG. ROMAINE:**
Present.

**LEG. SCHNEIDERMAN:**
Here.

**LEG. BROWNING:**
Here.

**LEG. BEEDENBENDER:**
Here.

**LEG. LOSQUADRO:**
Present.

**LEG. EDDINGTON:**
Here.

**LEG. MONTANO:**
Here.

**LEG. ALDEN:**
Here.

**LEG. BARRAGA:**
Okay. We're back in session. Does anybody else want to make any comments on the Capital before we vote? Okay, seeing none, before us is Resolution No.1, Capital Omnibus Resolution, amending the Proposed 2010-2012 Capital Program and Proposed 2010 Capital Budget to provide energy conservation, environmental protection, economic stimulus and improvements to County roads. I'll make a motion.

LEG. BEEDENBENDER:
Second.

D.P.O. VILORIA-FISHER:
Brian seconded it.

P.O. LINDSAY:
Brian seconds it. I'm going to ask Mr. Zwirn the question of what do you think about this?

MR. ZWIRN:
Thank you, Mr. Presiding Officer.

D.P.O. VILORIA-FISHER:
In 15 words or less.

MR. ZWIRN:
Yeah, I'll be very brief. The County Executive appreciates the work that was done by the Legislature and the Omnibus Committee on this. And on each of the individual projects that have been
included, it would be hard to find no merit to them, or they are meritorious, he doesn't argue with that. But he has to look at this as a County-wide issue. BRO has pointed out that you have rising debt in an economy that's in recession with sales tax continuing to drop. To pay back the debt service on these projects is going to be sizeable, and that's why he came in with a very tight, he thought, and appropriate Capital Budget.

With respect -- for example, just with the $65 million for the sludge treatment. The report isn't done yet and we don't how much money is going to be needed and it is very unlikely that anything could be done in 2010. It's just not going to happen; you have to have planning, engineering has to be done. With respect to the outflow pipe, there is an emergency plan, a backup plan in place if something should happen. Pipe is being purchased because it's a very specialized type of pipe, to be able to patch the program, if it happened. But the experts can't agree on when this -- this pipe could last another 10, 20, 30 years; maybe not, but we're making -- we're going ahead as if that's not going to be the case and moving as quickly as possible.

He's just saying that when BRO talks about the rising debt level that the County is facing, and especially in light of what's going on today with the economy, to be very, very cautious, to be very conservative, and that he would encourage you to consider this very carefully and to reconsider his original Capital Budget that he put forth. He thought it was wise, he thought it was conservative and addressed all the problems and prioritized them across the County. Thank you.

LEG. ALDEN:
Can I ask a question?

P.O. LINDSAY:
Yeah, Legislator Alden would like to ask you a question.

LEG. ALDEN:
Ben, as we both know, this is a planning document and that was stated already by Legislator Beedenbender, so we don't have to go back over that. And really, I think the -- in the workings, the way it actually gets to the point where maybe we're building up the debt service is when we appropriate the money, and today we're not appropriating any money, we're not really approving any projects; that comes in subsequent resolutions. I think that's where the County Executive and the Legislature have to work very, very closely, especially this year, to reprioritize things that we already have in the works and to reprioritize things that are going forward so that we don't get ourselves in a situation like we did within the last two years where our debt service has to be reduced at the cost of our income going forward. And that's what I would ask, that just we work together for the rest of this year and then, again, whoever gets elected, you'll have a new Legislature and that the County Executive works together with that new County Legislature going forward to make sure that we don't have happen what did happen last year and the past year. Thanks.

MR. ZWIRN:
Mr. Presiding Officer? We appreciate your comments, Legislator Alden, and we agree, we're going to have to work together very carefully and very closely, especially in these tough economic times.

But one of the reasons when you talk about the advancing of money, and I presume you're talking about tobacco securitization, which was designed to try to pay down some of the debt and that was one of the advantages of it, and this sort of counteracts what we tried to do earlier this year.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Ben, I don't so much have a comment as much as I guess just a request. Having been a member of the Working Group, we looked at the whole myriad of projects that were in there and the sewering issues have several different facets to it, and we heard about what's going on out in Public Works now. Do we have any kind of timeframe as far as something that's going to come out of them conclusively about the outfall pipe or about technology to employ regarding the sludge instead of, you know, trucking it off Island. And if so, are we at all going to get copies of whatever that, you know, conclusion is, whatever these studies are that are being done?

**MR. ZWIRN:**
Absolutely, of course.

**LEG. KENNEDY:**
Okay. Do we have any timeframe?

**MR. ZWIRN:**
Carmine can give you the timeframe.

**MR. CHUISANO:**
I believe on the Sludge Management Plan, I think there's a timeframe of early 2010 where they have to select a preferred alternative, and at that point they would start doing some preliminary engineering, I believe, would be the sequence.

As for the outfall, I don't know if there's a specific deadline for determining the preferred alternative, which they are currently reviewing about four or five alternatives, but once that is done, I mean, that is in progress, but once that's done, they would still need to do -- you would need to still do all the engineering work, you would still need to do the SEQRAs and you would still need to get the approvals from DEC. So that process alone is probably good for a year and a half. And that's why when we did the budget for the outfall pipe, we did not include any money until 2011 because that's probably the earliest that the money could be start to be utilized for a construction of a new alternative for the outfall.

**P.O. LINDSAY:**
And guys, just to make an observation. The sludge treatment is in subsequent years.

**MR. CHUISANO:**
Yes, it is.

**P.O. LINDSAY:**
The money is added in subsequent years, it has no impact next year or for the next four years. And I would hope that we would have our act together, that we would know which way we're going to go with the treatment of sludge by then.

**MR. CHUISANO:**
Well, I think by 2010 you would have a better idea when you're looking at the 2011 Capital Budget and you would probably have also a better idea as to the cost, because right now there is no alternative selected. The calculation for the 65 -- the 65 million was based on a calculation of what the operating costs would be able to cover, so it is not tied to a preferred alternative or even an alternative at all.

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

**MR. CHUISANO:**
So you would be voting on something --

**P.O. LINDSAY:**

4
Thank you. Thank you.

**LEG. KENNEDY:**
So in twelve months from now, we should have something more concrete in front of us in both these areas.

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

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

**P.O. LINDSAY:**
Okay. Last word, because I really want to vote before lunch.

**LEG. HORSLEY:**
Yes. Ben, just a quick question on the pipes that have been -- that are going to be placed down at Bergen for emergency purposes. I've been hearing now for quite a while that they're on the way; are they on the way?

**MR. ZWIRN:**
I'd have to double check, but I know they have been ordered.

**P.O. LINDSAY:**
This doesn't have anything to do with what we're voting on. Why don't you --

**LEG. HORSLEY:**
It does have something to do with it if I have to deal with the placement of the $50 million or not.

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

**LEG. HORSLEY:**
That I am assured that we are protecting the Great South Bay.

**MR. ZWIRN:**
Yes.

**LEG. HORSLEY:**
Thank you.

**P.O. LINDSAY:**
Okay. Anybody else want to talk; no? All right. We have a motion and a second to the Omnibus Resolution which is 1. And unless there's a movement to do something different, we're just going to do one vote on the whole Omnibus, so roll call.

(*Roll Called by Mr. Laube - Clerk*)

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

**LEG. BEEDENBENDER:**
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. ALDEN:**
Yes.

**LEG. MONTANO:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. ROMAINE:**
Yes.

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
Geez. That's --

**D.P.O. VILORIA-FISHER:**
What about me?

**MR. LAUBE:**
Oh, Viloria-Fisher. I'm sorry, I marked the wrong box here. Viloria-Fisher?
D.P.O. VILORIA-FISHER:
Yes.

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. That's quite an accomplishment.

D.P.O. VILORIA-FISHER:
Yeah. I don't think I've ever seen that.

P.O. LINDSAY:
I want to congratulate Legislator Beedenbender and Browning, Eddington, Kennedy and Schneiderman for the work that you did on this project. Thank you very much.

(The following was transcribed by
Kim Castiglione, Legislative Secretary)

We're up to stand alones which the first one it will be No. 2, it's Resolution 2159, Learning Resource Center, Grant Campus; advances $1.6 million for planning for subsequent years, 2010, to provide the Grant Campus with sufficient library and student support space to accommodate the growth and enrollment and to remedy the library space which is deficient according to SUNY guidelines.

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. ALDEN:
Second.

P.O. LINDSAY:

(*Roll Called by Mr. Laube - Clerk*)

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. GREGORY:
Yes.

**LEG. HORSELEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. BEEDENBENDER:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

**LEG. ROMAINE:**
Yes.

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

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

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
Boy, I tell you, I could feel the love.

**D.P.O. VILORIA-FISHER:**
Renee, cosponsor.

**LEG. COOPER:**
Tim, cosponsor.

**P.O. LINDSAY:**
We're up to *No. 3, 8108, the outfall at Sewer District No. 3, Southwest; this resolution advances Sewer District bonds as follows, $2 million for planning from 2011 to 2010 and $50 million for our construction from subsequent years to 2010.*

**LEG. HORSLEY:**
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley.

LEG. ALDEN:
Second.

P.O. LINDSAY:

(*Roll Called by Mr. Laube - Clerk*)

LEG. HORSLEY:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
No.

LEG. D'AMARO:
No.

LEG. STERN:
No.

LEG. GREGORY:
No.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
No.

LEG. BARRAGA:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
No.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

LEG. SCHNEIDERMAN:
P.O. LINDSAY: Okay. I want to make a motion to take Resolution 1311 out of order with due respect to the Velazquez Family. I'll make that motion. Do I have a second?

LEG. COOPER: Second.

LEG. MONTANO: What page is that, Mr. Lindsay?

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

MR. LAUBE: Eighteen.

D.P.O. VILORIA-FISHER: Public Safety.

P.O. LINDSAY: It's before us and it's on page seven of the paper agenda, **1311, and it's a Local Law to implement a Red Light Camera Program (Presiding Officer Lindsay)**. And I'd like to make a motion to approve.

LEG. NOWICK: Second.

P.O. LINDSAY: Seconded by Legislator Viloria-Fisher. On the question, would anybody like to make a comment on the question?

LEG. MONTANO: Sorry. Could you give me a brief explanation on this particular one?

P.O. LINDSAY: Sure.

LEG. MONTANO: Because I thought we had done this.

P.O. LINDSAY: Sure. I'd be happy to. We passed actually a similar resolution in 2001 and we have been trying to
get the State approval to implement this system since 2001 and finally this year the State did give us the approval to go forward with the system, but unfortunately the legislation that -- the State enabling legislation does not mirror the legislation we passed in 2001. So we had to tweak it a little bit, and that's what this resolution is about. Yes, Legislator Romaine.

**LEG. ROMAINE:**
Yes, a quick question. When a -- if this resolution passes, if a vendor is going to be selected will that be done by RFP or bid? The reason I ask is obviously I would prefer bid. It's straightforward. I think it's a straightforward thing and I want to raise that issue now that it be done by RFP or bid.

The other question I want to ask is has the Executive Branch started to prepare specifications on this at this point.

**P.O. LINDSAY:**
If you allow me, I think I could answer both of them, but Mr. Hillman, come forward. I already had some preliminary meetings with Public Works and they have expressed to me that it was their intention to develop a specification and to bid this for an all encompassing contract, a company that would install and maintain the system and assist with the issuance of the summonses. One of those companies has already come in to talk to me. I believe there is -- it is a pretty specialized field. There's only about three or four companies nationally that does this system and I think might have proprietary rights to some of the technology, so. And one of the companies has offered to me, which I just passed on to Public Works yesterday, a specification that was developed by the Police Chief's Association of the United States, which I passed on to Public Works. I talked to the Commissioner about it and they seemed eager to take any help they can get in developing the RFP. Mr. Hillman, do you want to add anything to that?

**MR. HILLMAN:**
No. If there's any specific questions I'll be happy to answer them.

**LEG. ROMAINE:**
Thank you. Obviously we'll follow the process with great interest.

**P.O. LINDSAY:**
Legislator Montano.

**LEG. MONTANO:**
Hi, Bill. Just quickly, have we gotten to the point where we're outlining or thought about the selection process for the intersections that will be covered? Because we only have 50 -- there are only going to be -- there's only enough room for 50 intersections in this bill. There's probably a greater demand and there are several factors that would go into play in terms of selecting an intersection. You know, I have some ideas myself. Have we gotten to that point yet or we're still not there. And if we have gotten to that point, could you just explain to me briefly within the next minute or so, you know, where we're at with that.

**MR. HILLMAN:**
Yes, we have reviewed numerous intersections, our traffic safety group has taken the lead on that. We have met with the Police Department. Safety is obviously the utmost. So what we've done is obviously someone running a red light, a right angle accident, is the outcome of that. So we've reviewed our traffic data, we've worked with New York State DOT and their traffic data and identified I think a 160 intersections throughout the County that have the highest ranking of right angle accidents.

**LEG. MONTANO:**
The reason I ask is that, you know, obviously when I was with the Attorney General's Office I represented DOT in a lot of these intersection accidents and I know some of them. In my district I
believe the last time I looked I had one of the intersections that had the highest accident rate on all of Long Island, but I have not yet seen a list or have gotten any indication as to where these sites are and whether or not the site I have in mind is one of those on the list. Do you know when the Legislature -- do you know if we have been made privy to that information and if not, when do you intend to share that with us so that, you know, hopefully we'll have some input in our district in terms of where these sites are -- where these cameras are going to be located; am I correct?

MR. HILLMAN:
Yes, a presentation will be given to the DPW Committee this coming Tuesday on the red light cameras and the potential locations will be discussed.

LEG. MONTANO:
At that time, right.

MR. HILLMAN:
Correct.

LEG. MONTANO:
Thank you.

MR. HILLMAN:
In addition, when the ultimate vendor is selected there -- you know, we're not going to go in with 50 locations and say to the vendor these are our 50 because they need to take into account lighting, geometrics, a lot of things that we don't operate the system, we don't know all the details, so their expertise and insight will be critical.

In addition, part of the RFP will be for them to go out and actually study some of these locations to make sure they're the right locations.

LEG. MONTANO:
Thank you.

P.O. LINDSAY:
Yeah, I just wanted to, before I recognize Legislator Kennedy, Legislator Barraga just brought up an issue. Do you know, Bill, I'm under the impression this is 50 intersections that we can camera.

MR. HILLMAN:
I believe so.

P.O. LINDSAY:
It's not 50 cameras.

MR. HILLMAN:
Fifty intersections, correct.

LEG. MONTANO:
Okay, I thought 50 cameras.

P.O. LINDSAY:
It can be multiple cameras in an intersection.

MR. HILLMAN:
Oh, I see what you are saying. Yes, 50 intersections.

P.O. LINDSAY:
Okay. Legislator Kennedy.
LEG. KENNEDY:
Thank you, Mr. Chair. My only question here is, and I guess it's actually for BRO as well as for the Executive's Office. It seems that in our discussion we're talking about bids and RFP's. Did we have a threshold discussion as to the cost impact or revenue impact from purchase acquisition and operation of the system ourselves as opposed to a private entity who would come in at our request to go ahead and operate it, and what the cost or in the alternative how much we would turn over to a private operator in a revenue stream.

MS. VIZZINI:
Most of those questions will be answered through the RFP process and in responses to the RFP. The fiscal impact statement was predicated on what New York City has and we're estimating a net revenue of $89,000 per camera. The City has a company that, my understanding or my recollection is, installed, established and runs it for them. We're expecting revenue in the amount of about $4.4 million.

LEG. KENNEDY:
I see, but I also see that gross ultimately if we spun it out over five years there's some 22 or 23 million that might be thrown in total off the operations. Obviously -- and a portion of that is going to go to the vendor as revenue and we'll wind up receiving --

P.O. LINDSAY:
As we're getting close to the hour that we have to recess for lunch, the only thing that I would say, Legislator Kennedy, is the resolution before us doesn't go into the specifics of the vendor or how it's going to be implemented. It just authorizes us to go forward with this system and that will be a battle for another day, which will start next week when we start to hear about how the Executive Branch intends to implement this resolution.

LEG. KENNEDY:
That's fine, Mr. Chair. I don't want to delay any longer. I've gotten an interest and I'll work with Public Works directly as to what the comparison would be for revenue and our own operation.

P.O. LINDSAY:
That's certainly an appropriate discussion to have after we pass the resolution.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
Is there any other questions, being that we have about a minute? Okay. Maybe we can do it this way; we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Just love it. Okay, and with that I thank Velazquez mother and daughter for sticking with us and coming and chatting and sticking with this whole battle for eight years. We're adjourned for lunch. Two-thirty public hearings.

(*The meeting was recessed at 12:32 PM*)

(*The meeting was reconvened at 2:40 PM*)

P.O. LINDSAY:
Could I have all Legislators to the horseshoe, please? We're ready to resume the afternoon portion
of our meeting. You want to call the roll, Mr. Clerk?

**MR. LAUBE:**
Will do.

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

**LEG. ROMAINE:**
(Not present).

**LEG. SCHNEIDERMAN:**
Here.

**LEG. BROWNING:**
Here.

**LEG. BEEDENBENDER:**
Here.

**LEG. LOSQUADRO:**
Present.

**LEG. EDDINGTON:**
Here.

**LEG. MONTANO:**
Here.

**LEG. ALDEN:**
Here.

**LEG. BARRAGA:**
Here.

**LEG. KENNEDY:**
Here.

**LEG. NOWICK:**
(Not present).

**LEG. HORSLEY:**
Here.

**LEG. GREGORY:**
Here.

**LEG. STERN:**
Here.

**LEG. D'AMARO:**
Here.

**LEG. COOPER:**
(Not present).

**D.P.O. VILORIA-FISHER:**
Here.
P.O. LINDSAY:
Here.

MR. LAUBE:
Fifteen.

_Public Hearings_

P.O. LINDSAY:
Okay. The first Public Hearing this afternoon is on **Procedural Motion No. 9-2009 - Authorizing the inclusion of new parcels into existing agricultural districts in the Towns of Brookhaven, Riverhead, Southampton and Southold (Presiding Officer Lindsay).** It doesn't appear that I have any cards on this subject. Is there anyone in the audience who would like to address us on that subject? Seeing none, I'll make a motion to close. I have a second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not Present: Legislators Romaine, Nowick & Cooper).

P.O. LINDSAY:
Next up is **Public Hearing on IR 1290-09 - A Local Law to enact a rating policy for food establishments (Losquadro).**

LEG. LOSQUADRO:
Motion to recess.

P.O. LINDSAY:
Let me see if I got anybody that wants to talk.

LEG. LOSQUADRO:
I'm sorry. My apologies.

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

LEG. BEEDENBENDER:
Recess.

P.O. LINDSAY:
To recess by Legislator Losquadro, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not present: Legislators Romaine, Nowick & Cooper).

P.O. LINDSAY:
Next up is **Public Hearing on IR 1314-09, A Local Law to authorize a County registry for domestic violence offenders (Gregory).** And it doesn't appear that I have any cards on that as well. Is there anyone in the audience that would like to speak on this subject? Seeing none --

LEG. MONTANO:
Who's bill is that?
LEG. GREGORY:
Motion to recess.

P.O. LINDSAY:
Motion to recess by Legislator Gregory. I’ll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen (Not present: Legislators Romaine, Nowick & Cooper).

P.O. LINDSAY:
Public Hearing on IR 1415-09 - A Local Law banning the sale of dropside cribs in Suffolk County (Horsley). I do not have any cards on the subject.

LEG. HORSLEY:
Motion to recess.

P.O. LINDSAY:
Is there anybody in the audience that would like to speak on this subject? Seeing none, Legislator Horsley has made a motion to recess.

LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Fifteen (Not present: Legislators Romaine, Nowick & Cooper).

P.O. LINDSAY:
Public Hearing on IR 1418-09 - Adopting Local Law to reduce the use of disposable bags retail stores (Viloria-Fisher). I've got a number of cards. First up is John Woods. You've got five minutes, John.

MR. WOODS:
Good afternoon, Presiding Officer Lindsay, Majority Leader Cooper, Minority Leader Losquadro and members of the Legislature. My name is John Woods. I am the Political Director of United Food and Commercial Workers Union Local 1500. Local 1500 is New York's largest food workers union, representing over 22,000 workers who work in a variety of retail stores such as Pathmark, King Kullen, Stop & Shop, among others.

I am here this afternoon to speak in opposition to Resolution 1418, a bill to ban plastic -- to tax plastic and paper bags in all retail stores in Suffolk County. Local 1500 believes that the introduction of this tax on working families at this time is the wrong thing to do, especially on the heels of the MTA tax, increase in LIPA taxes, and quite frankly, this madness must stop. The nickel and diming of working families must end. Some very easily have said well, people will get used to this. They'll just have to purchase the reusable bags. Well, those people don't understand that some people have every dollar allocated, and quite frankly, I for one don't want to tell the working single mother she can't feed her kids one night because she has to spend $4 on reusable bags. I would ask each of the Legislators, do you want to tell that mother that?

As Legislator Horsley is well aware of, Local 1500 worked very closely with him and our employees in the retail supermarket industry on a recycling bill that the Legislature passed just a short time ago and effectuated in January of this year. As in most legislation, a bill from conception to where it ends up involves multiple meetings and negotiations and, quite frankly, if both sides don't concede somewhat you never really wind up with a good piece of legislation. I do believe that the bill that
was passed by this Legislature was necessary in order to bring the attention to the public that they need to recycle more. Our employees embraced this measure and, quite frankly, got behind it a hundred percent. There was significant costs from this, from recycling plastic bins at each of their locations, stands that that hold reusable bags for purchase, not to mention the labor costs that result from emptying, storing and packing of plastic bag on to trucks that are sent back to warehouses. There was training involved to store employees about offering reusable to consumers and not wasting bags at checkout.

I must say that even though this legislation just took effect in January, it is going great. More and more customers are bringing back their plastic bags and are realizing that plastic bags can be recycled. I would ask that before we look to make a 180 degree turn we need to let the legislation that was worked on so hard have a time to show the good results I am confident the County will see. Thank you very much for your time.

P.O. LINDSAY:
Thank you, John. Next up is William -- I'm sorry.

MR. LOOKMAN:
Lookman.

P.O. LINDSAY:
Okay, thank you. I couldn't make out the handwriting.

MR. LOOKMAN:
No problem. I got lousy handwriting. Good afternoon. William Lookman, IGA Supermarkets, independent owner. Here in Suffolk County I have three locations here that I employ X amount of people, your constituents. My counterpart, I think he said everything. I don't have to say anything. We as an independent did the same lengths like everyone else. We took it to one more extent. I have reports here that states that we recycle everything and anything we possibly can at store level and we post these in our stores to show the community that we are recycling and that we emphasize for them to take part in their environment and recycle also. They actually bring back items to us that the gentleman had said, that costs us X amount of dollars to get on the truck, labor costs, storage issues, sanitation, pest control, you name it, there's more costs that are involved in this. But we do it because we feel that we should help out our environment.

Like I said, I don't know what else more to say. I think that this will definitely affect the communities that this tax goes in effect to. I have a store, two stores that are very blue collar, a Hispanic community and a Polish community. One, how could I translate to them saying listen, I'm going to charge you a nickel on every one of those bags. Two, how am I going to police them? How am I going to get the money back to you? We are recycling. We have barrels. We spent X amount of dollars. The consumers is bringing the recyclable product back to our stores from the plastic bags to their water containers now, their milk containers now, because we tell them that we recycle clear plastic and they bring it back and we gladly take it. We stick it in our back rooms and we send it out to Island Recycling Solutions. And all the reports are here, out of everything that I recycle.

I guess that's all I have to say is that I think that this tax will definitely affect the consumers in my areas, and I want to thank you for your time. Have a great day.

P.O. LINDSAY:
Thank you very much.

LEG. KENNEDY:
Mr. Chair?
P.O. LINDSAY:
Sir, please come back.

MR. LOOKMAN:
Yes, sir.

P.O. LINDSAY:
There's a question.

MR. LOOKMAN:
Certainly.

LEG. KENNEDY:
Just a quick question. Sir, you have a report that goes to what's being recycled?

MR. LOOKMAN:
Most certainly, sir. Would you like to view it?

LEG. KENNEDY:
Would you be kind enough? I would be interested to see that if you could share it with the Clerk.

MR. LOOKMAN:
That's for January '09 and here's April. It goes per quarter.

LEG. KENNEDY:
Thank you very much.

MR. LOOKMAN:
You're welcome.

LEG. KENNEDY:
Thank you, Mr. Chair.

P.O. LINDSAY:
Thank you very much. Rafael J. Monroy.

MR. MONROY:
Good afternoon everybody. My name is Rafael Monroy. I am with Stop & Shop Supermarkets in the Smithtown location and I currently reside in Northport. Just to piggy-back on what the two prior gentlemen said, in a recession time like now taxing someone five cents per bag I believe would not be a positive thing. Over the course of the year that would be some considerable money to a working class family. Stop & Shop has been actively telling customers for the last ten years to recycle plastic bags. We have recycling bins at all our locations all by our exits, and all of our recycling, all that material goes to make Trex lumber, which is a substitute for wood and can be purchased at locations like Home Depot and Lowes as well.

To encourage customers to reuse plastic bags that we give out, when they bring back plastic bags to our stores to reuse we give them back a nickel for every bag that they use. Not only Stop & Shop bags that they bring back, any bag for that matter. It can be one of our competitor's bags or our reusable bags that we sell at our locations as well. To date Stop & Shop has given back that five cents 20 million times to our customers across our chain.

It would also be very difficult for customers if this law is passed for customers to judge how many bags they're going to need to purchase. These bags will have to be grabbed prior to the checkout. You know, if they grab ten bags and they need 15, they're going to have to go back, grab five more from a different location other than the checkout. And also -- we also donate bags to our
community. Our local Boy Scouts come in looking for bags to bag food drive items or if they are selling products at their school, we donate bags to them, those organizations. That as well is going to be limited. You know, once we're going to be charged for bags it's going to be limited as well. We are going to be limited of what we are going to be giving out. Thank you for your time.

P.O. LINDSAY:
Thank you very much, Mr. Monroy. Thomas Cullen.

MR. CULLEN:
Presiding Officer Lindsay, good afternoon, Ladies and Gentlemen of the Suffolk County Legislature. My name is Thomas Cullen. I’m Vice-President of King Kullen Grocery Company, America's first supermarket, 79 years in business and still in Suffolk County and Nassau County proudly. We have about 6,000 employees last count and I'm here today to testify in reference to Intro Resolution 1418, a Local Law to reduce the use of disposal bags by retail stores.

This resolution proposes a surcharge or tax on all bags at retail stores in the future. King Kullen does not believe this is necessary and asks that it be analyzed to see its full impact. Please allow customers and all retailers a chance to see the success of the current plastic bag recycling law that was passed in January, 2009. Paper bags are easily recycled with newspapers and should not be taxed to consumers as proposed. King Kullen has been and will continue to recycle all plastic bags and has been since Steve Englebright brought the original plastics legislation to this body back in the 1980's. We will continue to recycle plastic bags, cardboard, paper, and truthfully for us, it's a cost reduction which saves us money so that we can keep our costs down.

As I testified back in December, from May 17th, 2008, to September 6th, 2008, King Kullen recycled 3,000 55 gallon bags because we take our plastic bags that are brought back to us, put them in 55 gallon bags, and send them back to be recycled. Those bags weigh about ten pounds when we fill up this 55 pound drum. And to average this out over a full year, we would have recycled 120,000 pound of plastic bags that were returned to us. And, again, I say to you we have been recycling plastic bags since the 1980's.

In the current year King Kullen is basically given out or -- excuse me, King Kullen has sold 120,000 reusable shopping bags and the thing is the number is growing at all times. Week by week this becomes a much more popular item.

I ask for your consideration in allowing the plastic bag recycling law, which has only been in effect since January 1, 2009, to continue and to monitor its effectiveness in reducing litter in the future. A five cent surcharge or tax on all bags to our consumers at this retail environment is not something that Suffolk County consumers can bear in these difficult economic times. Please permit the current plastic bag recycling law to continue and be re-evaluated.

As my colleague from Stop & Shop mentioned, we at King Kullen give bags out to many not-for-profits, whether it is the Boy Scouts when they are doing their food drive to collect food for the needy. We also give all the bags that are given out to all the people from Long Island Cares and Island Harvest. All the bags that are given to people that have food in them that they collect are King Kullen bags. I would hate to think that I would have to curtail giving those bags to the needy because of a five cents tax that we would have to incur to give those away to charity. It's something I would hate to consider.

Please reconsidering and look at the plastic bag recycling law and see what it is doing for recycling in Suffolk County. Let's encourage recycling, not taxing this particular item. Thank you very much.

P.O. LINDSAY:
Thank you, Mr. Cullen. Patricia Broadhagen.

MS. BROADHAGEN:
Good afternoon, Presiding Officer Lindsay, Members of the Legislature. I'm Pat Broadhagen, Vice-President of Public Affairs for The Food Industry Alliance of New York State, the State-wide trade association of the grocery industry. As I think you know, we have over a hundred stores as members here in Suffolk County and we have spoken to you before, at length actually, about the issue of bags. So let me just summarize our position on the current proposal to impose a five cent tax on paper and plastic bags in the County.

I agree with my colleagues from the industry who have spoken to you already; the industry does oppose the tax. We simply can't support a consumer tax at this time, and we feel strongly about that. We feel that we really have to be the customer's voice on this. In the current economic downturn, consumers have shifted their priorities and changed their food buying habits; I know I've done that, I expect many people in this room have done that. More than half in a recent survey say price is now the most important consideration when they do their food shopping. Eighty-one percent of adults reported cutting back on their grocery spending, and somewhat troubling, they all report that these cutbacks have, in their view, caused them, they feel, to be eating less nutritionally. My point in raising these numbers is just to say nickels matter. When every customer comes into our store these days, they are bringing coupons, they're switching, they're shopping differently; nickels matter. This is not a time to impose a tax on the customer.

But in terms of the big picture goal, reducing bags out there, we're actually on the same page; we've said that to you all along. We have no vested interest in increasing the number of shopping bags that go out. And to that end, we fully support a local bag recycling program and are actively engaged in it, as you've heard, with what we think are very, very encouraging results. More people are bringing back their own bags, more people are bringing back bags for recycling; the numbers are trending absolutely in the right direction. And so we fully support continuing in that direction.

The State and Suffolk County, as I said, have addressed this issue and adopted this policy based on reuse and recycling and that's where we're at right now and we think that that's a reasonable thing to do and we will get the number of bags in circulation down through those means. You've also heard there will be front-end operational issues. It would be very difficult to manage this tax at the front end, it would only slow down operations and you've heard some of the reasons for that already in previous testimony.

And then let me also mention that so far other proposals similar to this have actually been withdrawn. Recently, Connecticut had a tax proposal on its agenda and the Legislature adjourned without moving that proposal. Mayor Bloomberg, there was a great deal of talk about Mayor Bloomberg's proposal in New York City to impose a five cent tax, he has withdrawn it. Philadelphia recently defeated bag tax legislation.

So I think at this point in time, what we're seeing is that the public, through their elected representatives elsewhere, are saying, you know, not now. We want to proceed with our recycling options and that's where we're at on this at this point in time. Thank you so much for your consideration.

P.O. LINDSAY:
Thank you, Pat. Bonny Betancourt?

MS. BETANCOURT:
Hello and greetings to the members of the Legislature. My name is Bonny Betancourt, I'm here this afternoon on behalf of the American Chemistry Council, and more specifically our plastic bag manufacturing industry group, The Progressive Bag Affiliates, and we wanted to respectfully express our opposition to IR 1418.

We do not support taxing disposal bags, and more specifically plastic bags which is what I'm here to speak on today, because we do feel that plastic bags have a place in the marketplace as one type of
bag to choose from. We do support the use of reusable bags, and indeed some of our members do manufacturer reusable bags. We also support basically the right of consumers to choose for themselves which type of bag to use and we don't believe that they should be penalized for that choice if they happen to prefer plastic bags.

That being said, we wanted to restate our support for recycling as a preferred sustainable solution and we wanted to share with you what our industry is doing to further that goal. As with all major manufacturing sectors that produce a product or a service that consumers want, our marketplace is responding to what we view as consumer demand for sustainable products, and shoppers overwhelmingly would like to use recycled plastic bags if those are available.

About six weeks ago, back in April, our industry announced a major new initiative called "The Full Circle Initiative," and this is where our members who manufacture most of the plastic bags in this country have committed to making only plastic bags with a minimum of 40% post-consumer recycled content by 2015. One of our major member companies is already manufacturing high recycled content plastic bags and selling them to commercial consumers. These new generation plastic bags would be differently colored than the traditional plastic shopping bag of today. They will likely be more green, buff or gray and will probably have a percentage of recycled content on that bag and that would be up to the manufacturer or the retail customer who is purchasing those shopping bags.

We also wanted to share with you that our industry has collectively committed to investing an estimated $50 million to retool existing machinery and to recalibrate existing manufacturing processes so that we can produce more recycled content bags. And because of the increased consumer demand that we are anticipating from making these bags available, we have also committed to collecting an additional almost five hundred million pounds more of post-consumer plastic film over and above the 830 million pounds that was collected and recycled in 2007.

So in conclusion, what we wanted to state again is to ask for your support for recycling as the preferred solution, to please let the Statewide plastic bag recycling law have a chance to produce results and to keep in mind that the plastic bags and film that is collected through that Statewide mandate will very likely be going back into new recycled plastic bags for shoppers to use in the future as well as other recycled content plastic products.

P.O. LINDSAY:
Ms. Betancourt, Legislator Kennedy has a question for you.

LEG. KENNEDY:
You mention that the manufactures are now coming forward with the recycled product? Do you have any indication what the cost is to the grocery stores who are purchasing; is it comparable?

MS. BETANCOURT:
At this particular time, I'm sorry, I don't have that information. I do know that one of our members is making the recycled content bags and I was told that they are very involved publicly with the recycling process. You might be able to contact them and ask them.

LEG. KENNEDY:
I would be interested to get that information. How can I find that out; should I contact you through a --

MS. BETANCOURT:
The number -- the company is HILEX, H-I-L-E-X.

LEG. KENNEDY:
And do they have a website?
MS. BETANCOURT:
Yes, they do; Hilex.

LEG. KENNEDY:
Okay, I'll look for them on the web. Thank you very much.

MS. BETANCOURT:
Thank you.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED.
BY LUCIA BRAATEN - COURT STENOGRAPHER]

P.O. LINDSAY:
Okay. Next is -- looks like Bob {Delu}. Again, I'm having trouble with the handwriting. Bob {Delu}? DeLuca?

MR. DELUCA:
I'll take it if nobody else will.

P.O. LINDSAY:
Well, just print a little clearer. Come on forward.

MR. DELUCA:
I had help.

AUDIENCE MEMBER:
It's Delegate Bob.

MR. DELUCA:
Yes, that sounds better. Good afternoon, Mr. Presiding Officer, Members of the Legislature. My name is Bob DeLuca and I serve as President of Group for the East End. The group is a conservation advocacy organization representing the concerns of about twenty-five-hundred member households, businesses and individuals across the five Towns of Eastern Long Island, but I'm also submitting testimony today on behalf of 26 member organizations of a coalition who stand in support of resolution -- of this resolution, 1418. And we'd like to thank the sponsor, Legislator Viloria-Fisher, for staying with this bill. I think it's important. And I think the dialogue that you're hearing today from the industry side is also very important to this.

I think what we see is that the dynamic tension in all legislation is to move us from one point to another, and when it comes to environmental protection, this has been the trajectory for the last 30 years. Those of us who support this particular bill do not have any problem with existing recycling bills, because they're necessary as well. The reality is, however, that many of these bags that we're concerned about are maybe 1%, 2% being recycled. That's improving, that's great, but the reality is there's tons of these bags that are not being -- 40 billion bags a year, whatever the number is, 500 billion bags nationwide.

You know, it says in the preamble to this particular bill that we consume, the nation consumes something like 500 billion bags. I only wish that was the case. The reality is we produce those bags, and they're not necessarily consumed, they end up all over the place. And those of us who do a lot of work doing beach cleanups and other things have the experience of finding these bags in all kinds of places, you know around animals. We find them filled up with all kinds of things that float in from the ocean. They find their way into the environment, and the reality is we didn't have these kinds of plastic bags for many, many years and everybody was able to find a way to go to the grocery store.
What I’ve seen over the course of my own life is that the speed with which you can fill a plastic bag, and there’s no doubt about it, has resulted in me having one plastic bag for my carton of eggs and one plastic bag for my ice cream, and one plastic bag for a grapefruit. And if you go to the stores where the checkers are moving very quickly, you can end up with 50 or 60 plastic bags. And when I bring in my -- you know, my tote bags, I end up with like four or five. And what this bill, I think, is trying to do, it's trying to accelerate the process through which we get to a point where it seems like both we and the industry want to be at, which is everybody thinks using recycled reusable bags makes a lot of sense. There's more and more trend among consumers to use those bags. Every single place that you go to has them available, whether it's Target or Stop and Shop, and people are buying them, which shows they want to do it, too. The reality is this moves us to that goal more quickly, and it gives people an opportunity to reflect a little bit more because of that price point on a particular bag. And it also means that I think some of the checkers are not going to be giving you eighty-five plastic bags when you need twelve.

So, bottom line, it's a move forward. It's something I think that bears a lot of consideration and support. I think it is not at opposition to recycling, and I think the reality is we make too much waste. We have to find ways to reduce that waste, and this bill is making a very strong effort to try and do that. And Suffolk County has led the way on many environmental issues before, and those of us who come before you frequently thank you for that and appreciate the efforts on this bill going forward. Thank you very much.

P.O. LINDSAY:
Maureen Dolan Murphy.

MS. MURPHY:
Thank you. My name's Maureen Dolan Murphy. I'm Executive Programs Manager with Citizens Campaign for the Environment.

CCE strongly supports Resolution 1418, the Local Law to reduce the use of disposable bags. As many of you are aware, this forward-looking legislation implements a small surcharge on the disposable paper and plastic bags, encouraging members of the public to bring their own reusable shopping bags. This type of legislation has been successful in other areas. For example, Ireland implemented a 20 cent fee on plastic bags in 2002. Since then, they've seen a 90% decrease in the use of these unnecessary bags.

In the International Coastal Cleanup Report for their 2008 beach cleanups, they record everything worldwide that's picked up on the beaches for one day. So, worldwide, plastic bags were the second highest debris item that was picked up from the beaches, the first being cigarette butts. They accounted for 12% of everything that was picked up. In the U.S., there were 229,758 plastic bags picked up. In New York, there were 22,424 plastic bags picked up. And in Ireland, where they put the 20 cent surcharge on the bag, there were 67 plastic bags picked up.

The proposed legislation has proven successful in reducing the amount of plastic pollution in the environment. We have an obligation to reduce plastic in the environment. Plastic bags litter our landscapes, clog our storm drains, and end up polluting our beaches, bays, estuaries and oceans. Marine life and birds mistake them for food, eat them, and end up starving to death. It's estimated that over a billion seabirds and over 100,000 mammals die each year because of plastic pollution.

Plastic does not biodegrade. Every bit of plastic that was ever made still exists today. Plastic photodegrades, breaking up into smaller and smaller pieces, many of these pieces ending up in our oceans and waterways. Some areas report there's six times as much plastic as there is plankton.

A year ago, this Legislature had the foresight and was one of the municipalities in New York to require plastic bag recycling. Suffolk County was a leader and a driver for the statewide legislation that passed shortly afterward. At that time, Legislator Horsley was quoted in Newsday. "I think that this is an easy method that people can use to go green and feel good about themselves." We agree.
We also agree that this new measure, working together with the recycling program, is another easy measure that makes a big difference. This legislation helps grocery stores save money. As King Kullen had previously testified here once before, it costs them a cent-and-a-half per bag they distribute. This is not a bill to tax people, this is a bill to save people money. Stop and Shop, Waldbaum's, Whole Foods, they offer people money for bringing their own reusable bags.

Human behavior is one of the hardest things to change. Ultimately, we know that people want to do the right thing. This legislation encourages people to do just that. Thank you for this opportunity to comment.

P.O. LINDSAY:
Thank you, Miss Murphy. I have a card, Robert Swanson. Mr. Swanson, did you want to speak to this?

MR. SWANSON:
Yes.

P.O. LINDSAY:
Yes. Please come forward. You didn't mark which number you wanted to speak on.

MR. SWANSON:
I didn't realize so much was going on. I'm Larry Swanson and I'm the Associate Dean of Marine Sciences at Stony Brook University, also the Director of the Waste Reduction and Management Institute. For the record, I'm the Chair of the Suffolk County Council on Environmental Quality.

As you can see in the testimony that I leave, I've had some considerable experience at dealing with waste issues in our beaches and our oceans, and plastics rank high among those particular problems. I should also mention that in 1993 I was an author on a report requested by the Suffolk County Executive to review Local Law 10-1988. In my opinion, that particular law was seriously flawed and we probably did the right thing by not pushing the law forward. However, I think, in this case, many of the shortcomings of that law have, in fact, been cleared up.

The proliferation of plastics in the retail businesses, particularly plastic bottles and bags, has grown beyond anybody's expectation. Marine debris is an issue that is a constant problem in our Island environment. It's hazardous to marine life, aesthetically displeasing, and a big expense to clean up. It's also a concern that plastic sheeting, when weighted down and sinks -- and sinking to the bottom of the ocean alters the ecological functioning of the sediment water interface. Similar concerns can be seen in the terrestrial environment as well, and other things have been mentioned about littered roadways, clogged storm drains, and so forth. So today we also must be concerned with how we squander the world's oil supply. Is the manufacture of plastic bags high on our list of priorities for that dwindling resource? Not only is oil used in their manufacture, but fuels needed to transport to -- transport them to the Island and to dispose of them once they are recycled, if they are recycled. The carbon footprint from the manufacture and distribution of plastic bags and containers is a growing concern. They probably shouldn't even be manufactured at all. The proposed law is a more equitable law than the former and the craft bags are similarly addressed. In the final analysis, craft bags probably aren't anymore environmentally acceptable than plastic bags.

I would like to offer several comments that I think you might want to consider as you move forward with this law. There probably should be a review of the law, say after five years, to see if, in fact, it's working well and is intended. There are substitutes that are being proposed for the plastic bags, corn starch comes to mind. How will the law deal with those products when they come on the market? The environmental consequences might not be nearly as bad as the environmental consequences of plastic bags, however, they still require transport to and from the Island.

Enforcement may be a problem. Can there be -- can the law be more clear on this topic, or should some of the revenues that are proposed in the law be dedicated to the enforcement process? In my
opinion, this proposed law, in conjunction with Local Law 34-2007, to establish an at-store recycling program, creates a comprehensive effort to reduce waste from entering our environment.

I thank you for your time. I'll be glad to answer questions.

P.O. LINDSAY:
Mr. Swanson, Legislator Viloria-Fisher has a question, if you don't mind.

D.P.O. VILORIA-FISHER:
I just wanted to clarify that when you refer to craft bags, that you're talking about paper bags.

MR. SWANSON:
Yes, correct. Thank you.

P.O. LINDSAY:
Thank you. I don't have any other cards on this subject, anybody else want to come forward? Come on forward, Adrienne. Just identify yourself for the record.

MS. ESPOSITO:
Yes. My name is Adrienne Esposito. I'm the Executive Director of Citizens Campaign for the Environment. I'm also a resident of Suffolk County. I wasn't planning on testifying on this legislation this afternoon, but I suddenly changed my mind. I'd like to set the record straight on a couple of things you heard earlier.

Number one, this legislation does not prevent any grocery store from providing plastic bags to the needy. They should definitely do that, and this legislation doesn't prevent them from doing so.

Number two, that's funny, other -- other municipalities that have implemented such legislation have not experienced so-called operational difficulties, which would have prevented them from implementing this successful (sic). For instance, the City of Paris, no operational difficulties. The Country of Denmark, no operational difficulties. The Country of Italy, again, no operational difficulties. Closer to home, companies like Ikea, which was the first company nationally to implement such a fee on plastic bags, no operational difficulties. As a matter of fact, Ikea was so successful and they reduced the need for plastic bags, they just flat out banned them and saved themselves thousands and millions of dollars in the process.

In addition, it seems like you were led to believe that perhaps the State of Connecticut didn't pass their fee legislation because it wasn't well liked. No, no, no, Legislators. The reason it didn't pass is because it wasn't strong enough. Why would I say that? Because I work in Connecticut, that's why. I stood next to the representative from the Groceries Association, who supported the fee on plastic and paper bags, as was proposed in Connecticut. And the reason they supported it was because in their testimony, not mine, the cost of each bag was ranged between 1 1/2 cent for the little cheap, flimsy plastic bag to 11 1/2 cents for the very thick paper bags with the handles, the kind you get at Trader Joe's. And they were looking forward to eliminating that fee from their operational costs. The reason that bill didn't pass is because it contained a section that banned any other municipalities from flat out banning the throw-away bag as Westport did. So other municipalities who wanted to ban it objected to the legislation, that's why it didn't pass. We're going to work to get that poison pill out of the legislation for the next session in Connecticut, and we're hoping to achieve success there as well.

The last thing I want to say to you is that we agree, we agree nickels matter. They matter most when they're put back into the public's pocket, that's when nickels matter. And the way to get the nickels back in the public's pocket is by passing this law, because Stop and Shop gives a nickel for every bag people bring into the grocery store. So every time you go to the grocery store and you bring two or three of your own bags, you get nickels back and so do your constituents. This bill is about helping the working class single mom. This bill is about helping poor and low income people.
It's the only way I know that they can get money back when they go to the grocery store, the only way. So, when you invest 99 cents on a reusable bag, that bag pays for itself so they can buy their nutritional groceries. This is something that helps us, it moves us forward. Not only does it help the environment, it helps us economically, it helps us do the right thing, it helps us move forward into the millennium with all the other countries, and I haven't even began to name them, that have already done this and we're lagging behind. Baltimore has passed this type of legislation, Washington D.C. has passed it once. Their laws require them to pass it again. Again, Seattle, has passed it. It's pending in California. I think it's going on a ballot referendum. A lot is going on in the country. Let's move Suffolk County forward as these others have moved forward as well. Thank you very much.

P.O. LINDSAY:
Thank you. Come on forward. Just identify yourself for the record.

MR. DEZAFRA:
For the record, my name is Robert DeZafra, and I reside in Setauket, New York.

I had not intended to speak on this bill, but what a cast of characters we've heard from, the chemical bag manufacturing industry, the retailers who operate grocery stores, the Food Workers Union. And believe me, they have something to be accounting for, because perhaps in contrast, or let me -- let me just say, not in contrast to, but for those members of the Legislature who are not used to doing their own food shopping, let me recount my own personal experiences.

In grocery store after grocery store, one has to force the baggers, the checkout people not to use multiple bags. You ask for a paper bag, they automatically slip it into a plastic bag. You ask them to fill each bag as much as they can, they half fill it and turn to another. By dint of a great deal of effort, it is quite easy to get between forty-five and sixty dollars worth of non-luxury food items in three plastic bags, forty-five to sixty dollars worth. That's my weekly experience, so I speak from experience. The fifteen cents additional on that forty-five to sixty dollars worth of groceries is a flea on an elephant's back. That is not breaking the back, it is not bleeding the customers dry of blood, as has been announced by those speakers against this bill. The real cost is what's in the bag, not the proposed nickel for the bag.

There has been adequate testimony already from those supporting the bill that there are costs. Those bags don't come free dropping out of heaven, they're paid for by the customer as a hidden cost of buying groceries. This puts the cost up front, and as Ms. Esposito just said, it actually benefits a lot of customers, because they can bring those bags back or bring bags into a store and get a nickel for them.

So, in short, this is a good bill, it should be passed. Let's join so many other consuming groups around the world and throughout this country in stopping this insanity of using oil to make throw-away plastic bags. Thank you.

P.O. LINDSAY:
Thank you, sir. Is there anyone else in the audience? Please, come forward, ma'am.

MS. JOHNSTON:
Good afternoon. I'm Mary Ann Johnston. I, too, wasn't planning to speak on this bill, but I spend a lot of time sailing out east and I can't tell you how many times I saw an animal fouled in one of these horrible, horrible inventions. We need to be a society that actually says, "Why am I doing this?" "Why am I throwing my weekly groceries into a bag that will last forever?" Forever. It's insane. So I ask you to do what you have always done in Suffolk County, to lead the way. Thank you.
MR. MC DONALD:  
Good afternoon. I'm Kevin McDonald. I serve as the Chairman of the Peconic Estuary Citizens Advisory Committee. And on this point, I would just make this observation. If you believe that Suffolk County as a matter of policy should make an effort to invest in the total reduction of the source of plastic bags, this bill helps you do that. For the rest of the bags that get brought into society, all the folks from the industry describe, "What do you do with the plastic bag once it's there?" No one would quarrel that that's all good, but if your job is to think about how to we reduce the impact, from its source of production and how it gets produced, and then where it ends up in the marine environment and other places, then this bill is worth considering and warrants your earnest debate and, hopefully, passage. So, you know, I'd ask you to think about the -- how do you -- you know, the fundamental in waste, in waste management is you reduce, you reuse and you recycle, so what are you doing to reduce? What -- the industry is not really reducing, except the ones that are asking for you to bring your own bags and get a nickel back, and this bill, in effect, does a similar thing to that. That's all I have to say, and thank you.

MS. HUGHES:  
Hi. My name is Kelly Hughes and I'm a Suffolk County resident from Center Moriches, and I'm a volunteer for the environmental group, the Sierra Club. I'm here to speak about the plastic bag bill, I.R. 1418, to reduce the use of disposable plastic bags.

I urge you to support the plastic bag bill and reject -- oh, sorry. All three of the issues that I'm here to speak about today have something in common, they all have an impact on our coastal waters and fisheries. They're required to look beyond today's conveniences through next year, the future, and beyond. This week, the Director of the United Nations Environmental Group said the single use plastic bags, which choke marine life, should be banned or phased out rapidly everywhere. There is simply zero justification for manufacturing them anymore anywhere. A recent report by the United Nations Environmental Program called disposable bags the most pervasive form of ocean litter. According to the report, plastic, the most prevalent component of marine debris, poses hazards, because it persists so long in the ocean, degraded into tinier and tinier bits that can be consumed by the smallest marine life at the base of the food web.

Plastic bags, bans and fees are being proposed across the world. In the U.S., only San Francisco has adopted legislation, although other locations are considering it. Passing the bill would put Suffolk County at the forefront of this effort and guarantee our County's progressive positive press. I hope you pass the legislation, because it's what's needed to be done. It might not be the most convenient thing to do, because it is more inconvenient to bring the bags from home, but most of the animals out there, including our house pets, have plastic in their stomachs. It's something that's a disease that's been spread everywhere and it needs to be phased out. It has its use. I'm an asthmatic, I use a plastic mask every day, it has its uses, but on something you only use once, it's -- and it doesn't breakdown, it doesn't -- it stays forever. So I hope you do put this legislation into -- I signed the card.

MS. HUGHES:  
Yeah.

P.O. LINDSAY:  
Thank you very much. Is there anybody else that wants to speak on this subject? Please, come forward.
MR. TALBOT:
Thank you. I hadn’t intended to speak on this topic, I was here for something else, but --

P.O. LINDSAY:
Please, identify yourself for the record.

MR. TALBOT:
I’m about to do that. First name is Thomas, last name is Talbot, T-A-L-B-O-T. I’m a resident of Middle Island, and I am Chairman of -- Co-Chairman of the Town of Brookhaven’s Anti-Litter Task Force. I want to just speak on an aspect of this that had not been addressed today and that is the litter aspect of the plastic bags. Perhaps, if you recall, you drive coming here today and, certainly, be more aware when you leave tonight going to your homes, you'll see the number of plastic bags that are in the trees, that are on the -- clogging up the storm drains, and so on and so forth, throughout Suffolk County.

Recently, the Anti-Litter Task Force in Brookhaven, which is an affiliate of Keep America Beautiful, we organized our annual cleanup in April and we had 4,000 volunteers throughout Brookhaven come out and pick up other people’s garbage, and I can tell you that a substantial amount of that -- the load that went down to the Yaphank landfill was made up of plastic bags. They are ubiquitous everywhere. Not only unsightly, but they also have a detrimental effect on our environment when they start getting into rivers and streams.

Thank you for your time and hope you do the right thing here.

P.O. LINDSAY:
Thank you very much. Is there anyone else in the audience that wishes to speak on this subject? Seeing none, Legislator Viloria-Fisher?

D.P.O. VILORIA-FISHER:
I'll make a motion to recess.

P.O. LINDSAY:
A motion to recess, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Leg. Beedenbender)

P.O. LINDSAY:
It stands recessed. Next Public Hearing it is 1458 - A Charter Law to amend the Drinking Water Protection Program to increase the allocation for property tax relief (Alden). And the first one is Mary Kennedy.

MS. KENNEDY:
Good afternoon. My name is Mary Kennedy, and I’m talking about the freshwater, and the ponds, and the wetlands of what’s happening in my local area, and I have taken some pictures. I’ve spoken at the Town Board meeting about the ponds on Park Avenue, which are being allowed to disintegrate and the water flow has been blocked. A lot of the animals, the mallard ducks, there are very, very few left.

I was at a Town Board meeting recently because they’ve been filling in the wetlands, and there was a lot of asphalt and debris in this fill. I discussed this with the Town. I've taken pictures with one of the Highway Department people, and he said he has taken pictures of the condition also. Mr. Petrone said that he would be in touch with me. Well, lo and behold, shortly afterwards the asphalt was removed and some of this dirt was taken off Woodhull Road and put into a wooded area. It was
transposed someplace else. Now, not only -- there are only about three piles of -- maybe a dump truck at first on this area at 347 Park Avenue. Now there are piles and piles of fill between these two houses on Park Avenue. Nobody knows where this fill has come from. I'm sure that when it rains and it dissipates through, a lot of sludge will be created with this. This, in turn, is going to go into the wetlands. Not only that, our Legislator, Jon Cooper has graciously done this Heritage Trail. All this is part of what I'm talking about, it's up on the hill. And I'm not sure, Legislator Cooper, when you've seen what's happening there. There is no trail, it is used as a dumping ground. The area on Bellaire Drive where you go down to the woods, and there's a little walkway there between the house and which you had to approve before this was approved. Now the people dump all their leaves, all their garbage, and they walk and the feces from their dogs and animals are dumped there.

I walked with this Town official and I've taken some pictures. Also, on this area, between this 7 1/2 acre wetlands property, there's a little driveway on both sides of a pond. Now, the developer has been discreetly trying to deny the first pond that goes into the larger pond, and I took pictures. They at one time, I guess, cut a tree down and they dumped that, which I have pictures also of that, to fill in the first little pond, because if they can -- it's not on their new plans for Kiruv Estates, that development. They've eliminated that pond. This is our freshwater -- our people from years ago in Huntington maintained these ponds. They honored them, respected their environment. What have we become? We're destroying it.

This -- when it rains, the water from the pond is dissipating, because another part on -- south of Park Avenue, they felt -- they built a house in the back -- a long driveway, about 300 feet. There's a pipe that goes under this driveway that came from property close to me, which there's a natural stream. They've blocked that and now the water is going backwards and saturating the ground, which it's not being able to flow with the springs clear down into the park. I think somebody has to look into this situation. Probably when it's all dissipated and they've built on this property, people will forget about it. But underneath the ground, the springs are still going to flow, just like on Park Avenue and 25A, the corner where they built those houses, they kept filling in on top of the springs. Now, those homes, there's one house that's so overgrown, they can't sell it or it's in foreclosure. The other house in the back of the delicatessen on Park Avenue, that man is in terrible straits, because now the water is coming through his basement, he can't sell his home.

I would like some bill with the Legislature to stop the people from building on our wetlands and our springs, and let the natural beauty of our ponds and streams continue. I would like to know from my Legislator, Jon Cooper, what is going to happen with Heritage Trail and --

P.O. LINDSAY:
Ms. Kennedy, your time is up, if you could wrap up your statement, please.

MS. KENNEDY:
Yes. That's what I wanted to say, it's not just my area in Huntington that are in danger; there are many, many such places all over Long Island. And we need someone to protect those wetlands, because people and builders have built in, and now a lot of people have flooded homes where the water seeps in. It's infested with mildew, so it's creating a much, much serious situation. I would like people just, if they are in the environment, to please look and see, and not just cater to these very, very wealthy developers and leave the little homeowner alone --

P.O. LINDSAY:
Thank you, Ms. Kennedy.

MS. KENNEDY:
-- and leave our ponds alone.

P.O. LINDSAY:
Thank you.
MS. KENNEDY:
Thank you.

P.O. LINDSAY:
Joe Gergela.

MR. GERGELA:
Good afternoon, Presiding Officer Lindsay, and Members of the Legislature. Joe Gergela, Executive Director of Long Island Farm Bureau. I reside on 16 Ricky Road, Manorville.

I’m here to oppose the resolution, I.R. 1458, along with a lot of our colleague organizations that are very interested in the land acquisition programs. Suffolk County continues to lead the Empire State as the leading agricultural producing county in revenue of products sold. In fact, the gross sale numbers continue to increase, even though acres of available farmland decrease. Agriculture is a land-dependent industry. Therefore, every acre that we have is very important for the long-term viability of our industry for us to sustain what we call critical mass. We need every acre of land to ensure there is enough land to keep the ancillary support businesses here, such as our equipment dealers, fertilizers, supply companies, marketing, seed companies, etcetera, etcetera.

Right now in Suffolk County, we have about 34,000 acres of farmland in total. Not quite half have been preserved, mostly by Suffolk County, along with the Towns and with some State dollars and a little bit of Fed money. But, primarily, you guys have done the job over the years since the program started in the 1970's.

Without enough land, the entire industry is in jeopardy, and I say that seriously. During my lifetime, I was a potato farmer with my dad. As a matter of fact, my farm and my father's farm were like the third and fourth farms that were entered in the County program in 1978 when I was still farming, and we've come a long way since then, as I said. But we are to the point of danger where we're down to the last equipment dealer. John Deere, LaCorte's is the last one in Riverhead. We have a couple of small tractor companies, but now our farmers are outsourcing already to go to Pennsylvania, Upstate New York, same thing for seeds and fertilizer and other supplies. So, what I'm saying is that we need this as an alternative to development. And that's one thing that we do have in common with the environmental community, is that we all do want to hold onto what we have left with our natural resources. Farmland is a little different because of the economy that's tied to it; 7,000 jobs, hundreds of millions of dollars in revenue, and the importance to the tourism industry. There's a lot of reasons why we want to sustain the program.

I do want to be respectful of what the intent of the legislation is, and I think that all of us as citizens do respect that fact, that you guys have a tough job in trying to balance all the public interest, including taxpayer concerns, how do we pay for it all, etcetera. But, right now, we do believe that there should be enough priority to continue the land acquisition, including the Farmland Program. We want to see it keep going. It provides an alternative to development.

I attend virtually every Suffolk County Farmland Committee meeting and every month there is -- or every couple of months that we meet, there is a list that continues to grow of people who are interested. Not all of our land is owned by farmers, and a lot of people that own farmland inherited it, bought it for investment, and without the Farmland Preservation Program, much of that farmland will and definitely could be developed. So we ask you to, all of us collectively, ask you to reconsider.

And I do want to be respectful to Legislator Alden. I know that he's always been like Mr. Levy. You guys are very conscious of our fiscal situation, but, right now, we think it would be a bad move to put a hold on our acquisition programs. So I thank you for your attention. And I know there are other speakers on this, but I just wanted to give you my two cents.

P.O. LINDSAY:
Joe, if you bear with us, Legislator Alden has a question of you.
MR. GERGELA:
Sure.

LEG. ALDEN:
Joe, I've always found you to be an honest, upright guy that's been thoroughly briefed on anything that you've come before us, and I respect your opinion and I do listen to your opinion. And you might not have the answer today, but I would appreciate it if you could call my office so that I might have to make an adjustment, or whatever, in this. This legislation, to be clear about it, does not call for the suspension of any program, especially not the acquisition of farmland. It's an 11% reallocation, away from open space acquisitions towards basically our budget, so that we don't have to do things like fire probation officers that supervise our sex offenders. So, if you could actually give me some statistics how an 11% reallocation for three years would significantly impact the acquisition of our farmland, then I really want to sit down with you and discuss that with you, because, as I said, I deeply respect your opinion on it and I know that you're very thorough on it, so -- and I don't expect you to have the answer to that today, but, if you could give me a call, we'll sit down. Thank you.

MR. GERGELA:
Thank you. Thank you, all.

P.O. LINDSAY:
Wait a minute, Joe. Legislator Horsley.

LEG. HORSLEY:
Yeah. Hi, Joe.

MR. GERGELA:
Yes, sir.

LEG. HORSLEY:
I just had a quick question. That -- we have all seen the price deviations, and stuff like that, going downward in the western end of Suffolk County, stuff like that. How are the realty -- what is the realty market for farms like out in the -- out in the other end? I mean, what does that --

MR. GERGELA:
I had lunch last week with Steve Weir, who's the head of First Pioneer Farm Credit. That's the major lending institution to the agricultural industry, including mortgages. They had two closings in the last month, so it's a good sign that some activity is starting to happen, and they were both on preserved lands. So anything that is preserved in the hands of farmers is highly sought. There is actually competition for land for farmers, because, as I said earlier, we basically have 34,000 acres left. Every piece of farmland is very important to us, so there's actually a lot of competition for the remaining land.

I should have mentioned it earlier. Actually, two of my farmer leaders are here this afternoon on -- there's a resolution regarding acquisition of their development rights, and it's Frank {Bayrod} and his father-in-law, Vinny Sasso. They're principals in DeLea Sod. There's a resolution regarding one of their farms a little bit later, but I did want to mention that we actually have a couple of real farmers here with us this afternoon. They were able to get away from the raindrops. But there is a lot of activity still happening in agriculture.

The prices have come down, no doubt about it. That's, you know, something that we have to live with. And there are still farmers and landowners that are interested in selling developmental rights, even though on a per-acre basis, you know, the price is down from what they would have gotten a
few years ago. So there is a lot of interest in the program still.

LEG. HORSLEY:
Thanks.

MR. GERGELA:
Thank you.

P.O. LINDSAY:
Thank you, Joe. Diana Teta.

MS. TETA:
Good afternoon, Presiding Officer Lindsay, and men and women of the Suffolk County Legislature. I haven't done this in a long time, so I wish I had the verve of Adrienne. But it's kind of brief, and initially I was going to begin with a lecture on political integrity, is it slipping? However, I will address the Legislature not to amend the quarter percent sales tax for open space in order to take its monies in an increasing amount in what I regard as a vote-getting effort to appease property owners and to balance a budget, which probably won't be balanced anyway in the future.

When I got this E-mail of the notice of the meeting, I said, "Boy, I must be out of the loop. I missed an entire groundswell of people in the County barraging their Legislators to do something. And one of the ideas that apparently someone came up with was to do something with the quarter percent sales tax. I said, "Where was I?" I read newspapers, I listened to the radio. I didn't get any mailings from my Legislator, Mr. Eddington, so I said, "Where is this groundswell to change the quarter percent sales tax kind of thing to help our taxpayers?" It's amazing, it went, phew, right by me like that (demonstrating). So I said this bill will inform the voters that the Legislature believes it has the authority to enact in violation of the voter and the cast ballot. What the voter, as taxpayer, needs, as Cuomo stated in relation to something else, is the empowerment to eliminate inefficiencies in local government. Maybe the Legislature has become inefficient because of its inability to make critical decisions, and has failed in creating or enacting reform or relief for the County residents from tax increases or other money-draining programs. And Mr. Lindsay knows how I feel about the sinkhole called "John J. Foley".

Paterson said, in relation to the Suozzi tax cap --

(*Laughter*)

He knows my phone calls, right? Are we, in public office, willing to listen to those who we serve and take action, or will we delay action simply because it requires hard choices? We know what the public said when it voted in favor of the quarter percent sales tax. Unfortunately, in my opinion, as far as this Legislature is concerned, that came out of the Budget Committee, I.R. 1458 is our answer. It's a temporary quick fix for three years, and it probably will have unintended consequences that we're not predicting. And it sort of ignores, in my opinion, the will of the voter.

The State and County economic strength and weaknesses pose difficult questions for this Legislature. When there were boon times, the Legislatures in various levels of government failed to work hard to make choices to hedge against future busts like the current recession. So now we have a roller coaster of spending sprees followed by cutbacks and incessant tax increases. This is one outlay of monies that will not provide sustainable tax relief to the homeowner, or -- nor will it balance the budget, because Paterson, or {Pateson}, whatever his name is, is predicting we're already in a budgetary deficit for 2010 and we haven't even dealt with what's happening in 2009. Obama is already like trillions of dollars in debt. So I don't know how this 11% for three years is really going to help us out.

I don't know. I think the Working Family Party used to have a motto, something like, "Get organized, get aggressive, and get political." Maybe the voter has to become a smarter watchdog and ask tougher questions to identify political conflicts of interest as Legislators and limited --
elected officials may not be acting in the County residents' best interest, and whether the Legislature is aligned with the County residents' issues, financial health, and quality of life that includes open space and protected water quality. In other words, it is my opinion of this bill, it embraces a decision that will come back to haunt us in the future. Thank you.

P.O. LINDSAY:
Ms. Teta, if you -- Legislator Alden.

LEG. ALDEN:
Hi. Did you back my bill in 1999 for the quarter cent sales tax?

MS. TETA:
Yes, I did.

LEG. ALDEN:
Thank you. And in 19 -- was it 2007, did you back that bill?

MS. TETA:
Yes, I did.

LEG. ALDEN:
Did you feel that that was a -- something that flew in the face of the voters? Because in 1999 the voters wanted a cash program. 1997 was the massive borrowing of money, so it is kind of different. Did -- you backed both of those bills, you said.

MS. TETA:
Right. But the problem is you're attempting to amend the legislation in midstream to find a source of money.

LEG. ALDEN:
Well, actually, 2007 was an amendment of a cash program that created a huge budgetary problem in that we had to borrow hundreds of millions of dollars that would have to be paid back. The other thing is you don't believe that these pieces of legislation should contain any property tax relief?

MS. TETA:
I think, if you're buying open space from a homeowner, or an organization, or protecting property, yes, I think in some way there should be a tax relief for those people.

LEG. ALDEN:
No. Do you think that the quarter cent -- a portion of the quarter cent that comes in under this program, should it be used for property tax relief, and it will not -- it goes into the General Fund?

MS. TETA:
No.

LEG. ALDEN:
Unfortunately, then, I don't think you read --

MS. TETA:
Now, then you're going to have the mess like the MTA where they get all this money and they shuffle it off into all these other agencies and groups inefficiently, and then they come back and they ask for more money, because somehow there's a problem. We can't keep amending legislation.

LEG. ALDEN:
Did you -- did you read this bill?
MS. TETA:  
No, because, like I said, I felt out of the loop.

LEG. ALDEN:  
Okay. But let me -- I'm just going to give you a real brief thing and then I'm going to stop. In 1999, my original quarter percent contained a portion that went to basically property tax relief, so that we didn't have to raise property taxes. In 2007, the new bill that was amended contained probably about the same, maybe a slightly larger portion that went to property tax relief. Those were done on public referendums. A public referendum, as you know, is asking the voters what their opinion is.

MS. TETA:  
Right.

LEG. ALDEN:  
This calls for a public referendum asking the voters if, during this economic time, we should change the formula just a slight bit for a couple of years until we get past the economic crisis that we're in right now, so that we don't have to raise their property taxes, and, at the same time, we can continue the acquisition programs. This does not end it.

MS. TETA:  
I think if you close the John J. Foley Center you'll have enough money for some of your other programs.

LEG. ALDEN:  
No, actually, that's a -- but, anyway, Legislator Lindsay will address that. Thank you.

MS. TETA:  
I know.

LEG. ALDEN:  
That was my point. Thank you.

P.O. LINDSAY:  
Ms. Teta, just -- you mentioned something before about there will always be a deficit. Are you aware that we have a deficit in the year we're in now, which is --

MS. TETA:  
Of course.

P.O. LINDSAY:  
-- the first time in history for Suffolk County, 70 million dollars.

MS. TETA:  
Oh, look at New York State.

P.O. LINDSAY:  
I don't want to look at New York State, I want to look at Suffolk County.

MS. TETA:  
Look at the Federal Government.

P.O. LINDSAY:  
I don't want to look at -- I don't want to look at the Federal Government.

MS. TETA:  
It's into big-time deficit spending.
P.O. LINDSAY: I want to look at Suffolk County.

MS. TETA: Borrowing on our future.

P.O. LINDSAY: I want to look at Suffolk County, because that's our problem.

MS. TETA: Right.

P.O. LINDSAY: We're mandated. We can't carry a deficit like the Federal Government. We're mandated to plug the hole. And everything is on the table, everything is on the table, including John J. Foley, including laying off people, including closing our museums. Everything is on the table. There is no sacred cows in this process.

MS. TETA: True.

P.O. LINDSAY: And the other thing that you said that I just wanted -- about us not preparing for a rainy day, we have 130 million dollars in reserves that we know we have to use at least 30 million of that to plug the hole. But we don't know when this recession is going to end, so we don't want to use it all in one year.

MS. TETA: Right.

P.O. LINDSAY: And I think that's frugally -- I think that's very responsible, and I think you would agree with that.

MS. TETA: No. I think it's kind of like robbing Peter to pay Paul. Eventually it's going to catch up with you, and whether it's one year, two years, or three years. Because I have a funny feeling in three years somebody's going to come back and say, "Well, why don't we raise it 15% to balance the budget, because we're still in trouble."

P.O. LINDSAY: Well, the other thing that you fail to realize with this legislation, and I don't think anybody here, besides Mr. Alden, knows whether they're going to vote for or against it.

MS. TETA: Right.

P.O. LINDSAY: That's what a Public Hearing is for.

MS. TETA: I know.

P.O. LINDSAY:
And your assumptions are that we're all in favor of this bill, which I think you're wrong. All right? But, as we move forward in this debate, I think you just -- if everybody could just keep in mind the horrible fiscal situation we're in right now. Thank you. Kevin McDonald.

MR. MC DONALD:
Good afternoon, Mr. Lindsay, and Members of the Legislature. I'm Kevin McDonald. I serve as the Director of Public Lands in the Nature Conservancy. And none of us are testifying here lightly to the difficulty and the challenge that you're all facing, so I think that we can all stipulate to that as the other folks follow, and I include myself in that. And, at the same time, there are certain things that you do that are strategic and important, and are essential for the wellbeing of the County for the long term and the predicate is that you should be doing it every year.

And a few years ago, when some of the variations to the program had been made over the last few years, representations were made, well, we'll always have a Capital Program for land protection, we'll always have a multifaceted account, and we'll always have some other sources of money, and that will be the pool through which we obtain our open space and land acquisition priorities. And, right now, this is the only fund that's now left in recognition of the difficult budget issues that you're dealing with. And the concern is that the voters in 2007 approved a four-year-borrow-in-advance program that, taking out general operating revenue from that account at a time when you're authorized to borrow, dramatically reduces the full borrowing potential of the fund, and that this money is permanently lost, it will not come back, and it will reduce your ability to borrow against the fund. You can't make interest and principal payments if you don't have the revenue to support them in the years that this is being intended to be proposed. So I don't say lightly that you shouldn't do this, but you shouldn't.

And to the extent that this provides any relief, you know, if the bill that we were discussing earlier in the day would enable the County Legislature to use some of that revenue for general revenue offset for the first two or three years of the program, that might provide some relief to that. And in the budget hearing that was had, other folks said the same thing, and I agree with you. If there's issues that we should be voting on that addresses this issue structurally and long-term, please put that up before the ballot and let the folks decide how to do that. But, temporarily, for two or three years, three years, transferring out this amount of money does, in my judgment, irreparable harm to the fund, the purposes of the fund, the purposes for which the public voted on it for. And we will get under the proposal the revenue back at the full level just in time where the Legislature is no longer authorized to borrow against it, which means in a sense it goes to a pay-as-you-go program, which is a fairly different program than what the voters voted for in 2007.

So, again, I don't say lightly, I am -- you know, I have two kids at home, I have a family, I even have a dog, so we're regular people, most of us. And the concern is that, to the extent that we can find another way, we're happy to support that, but we view this as too strategic and too important for the County to not be in this business of doing the land acquisition you should be doing. And there's no way that the State of New York will partner with a County that has little to no money, and the same is true for some of the Towns. And seven of the ten Towns in Suffolk County, I think, have communicated that there are grave reservations with this resolution, and there's a reason for that. It's strategically critical for Suffolk County to be in this market, in this field of important groundwater, and surface water, and park acquisitions over the long term of its existence, because 100 years from now, when we're all gone, it will matter.

And I thank you very much. If there's any questions, I'm happy to take them.

P.O. LINDSAY:
Kevin, Legislator Alden has a question for you.

LEG. ALDEN:
First, thanks for coming down. And, Kevin, again, I value your opinion. And if you can get in touch with my office, if you've got any suggestions how we can plug a budget gap, I'm ready, willing, and
able to listen to you.

The second part of it, just to go a little bit further in what you said, there's actually millions of dollars sitting in funds that we could use for acquisitions, but we need to do some kind of resolution to change the way that we use that. The old 12-5E program locks that money in, and we can't even use it, really, to acquire the property that we should be acquiring to protect groundwater. So maybe you can help us with that. If we could free up some of that money, it would require New York State enabling legislation. But that money's been sitting there for over a decade doing nothing for us. So, there are other funds that are available that we could use.

The second part of this is this money, by taking it out in the three years that I chose, now I'm not -- I don't do accounting, but I do have -- sort of have a degree in it, but this is in the first three years. This is the least harmful to the program, because the money that we borrow for the acquisitions today in these three years that we are acquiring property is paid back over either 20, 25 or 30 years. So this is the least harmful as far as affecting the total dollar amount of property we can buy, because after this third year, we go back to the full amount that comes in on sales tax, will be allocated to paying back the bonds and the obligations, the debt that we run up in buying those properties. So, if you have another way of doing it -- and, also if you've done the math, and we can sit and you can show me where, that 11% for those three years will kill the program, again, I'll look at a different allocation. I'd be more than willing to sit down with you and do the math. But that's what I'm -- what I'm trying to do is to avoid us completely wiping out services, needed services that the County provides. And I was -- I was shocked the other -- one of the last meetings that I went to. The Legislative body, and I didn't vote for it, but the Legislative body voted to fire Probation Officers that monitored sex offenders. Now, to me, if we're going to take that drastic of an action, we can look at everything, and that's my point in doing this. Thank you.

MR. MC DONALD:  
I understand, I hear you. Thank you.

LEG. D'AMARO:  
Bill. Bill.

P.O. LINDSAY:  
Legislator D’Amaro.

LEG. D’AMARO:  
Thank you. I just want to make sure I understand what your position is --

MR. MCDONALD:  
Okay.

LEG. D’AMARO:  
-- with respect to diverting. If we divert 10% of the proceeds from the quarter cent over the next three years, excuse me, that will, in your opinion, hinder our ability to continue borrowing?

MR. MCDONALD:  
Yes.

LEG. D’AMARO:  
And will hinder the program or shut down the program?

MR. MCDONALD:  
Well, yeah. Let me explain.

LEG. D’AMARO:  

How do you make that leap?

**MR. MCDONALD:**
Okay. So the legislation that passed in 2007 authorizes the County to borrow only in the first four years. After the first four years of the program, it goes to a pay-as-you-go. So all the revenue that's available on our predictable annual basis for the first four years in a sense sets your capacity to pay principal and interest during the first four years.

**LEG. D'AMARO:**
So, in other words, as -- that percent would be dedicated toward paying back principal and interest.

**MR. MCDONALD:**
Right. And the way the Budget Review Office and the County Exec's Finance people said it, they were going to set a reserve aside, and there were moments like the one we're in, and then project to borrow out, you know, some multiple hundreds of millions of dollars. And here's the danger. If you reduce the total amount that's available to you in three of the four years you're authorized to borrow, then your total and maximum capacity to borrow has been radically reduced because it's a leverage amount. So, for instance, 6 million dollars taken out of the account is the equivalent of making a debt service on 60 million dollars of borrowed funds, because you're going to pay principal and interest over 20 years, let's say, so that's a fairly significant hit. So even if the purpose of the fund was to use the residual to go as pay-as-you-go, you won't have that available money either, because I'm asking you to consider the possibility that this is not a harmless transfer and that it really has consequences. And what -- the question you could ask, hypothetically, is, you know, ask for -- ask for Budget Review Office to produce, in two columns side to side, what could we borrow, if the fund is left as it is, and what could we borrow with the proposed transfer. And I promise you, the maximum amount you can borrow is significantly less, because you won't be able to make the minimum payments because you won't have the revenue to do it.

**LEG. D'AMARO:**
So if we continue along the pace of land acquisition that we are right now and do the diversion of the quarter cent, the 10%, you're saying there would be insufficient revenue to pay back the bonds?

**MR. MCDONALD:**
Well, it would automatically reduce any prudent person's --

**LEG. D'AMARO:**
I mean, you shouldn't --

**MR. MCDONALD:**
-- amount that you would borrow.

**LEG. D'AMARO:**
You shouldn't borrow in the first place --

**MR. MCDONALD:**
Right.

**LEG. D'AMARO:**
-- if you don't have the funding available.

**MR. MCDONALD:**
Correct. It would crush -- it would put a tremendous pressure down on your maximum capacity to borrow with comfort. You wouldn't even be comfortable with numbers that were --

**LEG. D'AMARO:**
Would it shut down the Land Acquisition Program, or do you know to what extent it would suppress
MR. MCDONALD:
I don't know what money remains in the program, and I don't know what you're intending to do any time soon, but, you know, for -- if you would say that the residual amount of money is committed to the debt service that you have right now and there may be another small bond issue that you're considering, I think you would be plateaued at that level, and I would expect that the land acquisition would go pretty slow, because you wouldn't have the capacity to borrow for the remaining three years, and I think it imperils the program fairly significantly.

LEG. D'AMARO:
Just one last comment. I thought I had read in the Fiscal Impact Statement issued by our Budget Review Office that there was a surplus of funds available, and even if we pass this legislation, it would not slow down the Land Acquisition Program. Have you seen that?

MR. MCDONALD:
I saw it. I'm not -- I don't fully understand it, because unless you do a side-by-side comparison I, don't know how you make that analysis. What the Budget Review Fiscal Impact Statement didn't talk to was what was the original schedule that was supported in the 2007 voter referendum, and what would a new schedule for borrowing look like as a result of this. I think something that like should be fairly illuminating.

LEG. D'AMARO:
Okay. Thank you.

MR. MCDONALD:
Thank you. Any others.

P.O. LINDSAY:
Legislator Beedenbender.

MR. MCDONALD:
Okay.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. I just -- I'm going to try to phrase this in the form of a question. Kevin, I -- something that you just said, I think -- I don't think it was correct. And I'm just trying to make sure we're all on the same page here, because this is an important issue. And you and I sat down earlier last weekend when we discussed it. You said that we have the capacity to borrow in the first four years, and after that it goes to a pay-as-you-go program. I don't think that is correct.

MR. MCDONALD:
I could be corrected. It's not the first time that would happen.

LEG. BEEDENBENDER:
Right.

MR. MCDONALD:
But my understanding is it's a borrow program up front for the first four years, and after that, it's essentially pay-as-you-go.

LEG. BEEDENBENDER:
Well, no, in that we are authorized to borrow in the first four years against the anticipated revenue from the full occasion of the program. So all that revenue remains, so we're going to borrow up to -- I think there's 75% in the bill, so that we make sure we can pay it back from the future revenue. So, I don't think -- you know, I'm not arguing either way, I just think it's important that
we're all on the same page and understand how the program actually works. So if we're borrowing -- we want to borrow in the first four years because we have all been convinced, like you did, you convinced us of this with Long Island's Last Stand that buy now, because it won't be there later. If we were just going to buy, pay-as-you-go, throughout the whole 22-year program, by the time we got to year 15, might not be anything left to buy in the first place.

So I don't think it would be correct to say that it would go to pay-as-you-go. In fact, you know, we are doing -- you convinced us, and those of us that voted for it that were here, I wasn't, but I would have, just for the record -- it's nice to do that every once in awhile. But I just think that the program is structured differently. So while this -- I agree with you, that Legislator Alden's legislation would have an effect, I think my disagreement would be to the degree.

If I remember correctly, BRO gave us a number, about 500 million, which is what this program would participate in revenue. We agreed to borrow about 350 million, or to spend 350 million against that 500 to buy land. So, at least in my mind, and I could be corrected as well, that 500 million, by result of Legislator Alden's bill, would become about 479, which is absolutely a reduction. But I guess -- I'm not sure that everybody's on the same page here in describing how the program works.

MR. MCDONALD:
That may be. And I think the best way to clarify that is just to do a side-by-side comparison. We'll see what that number looks like. And if I can be corrected, I would be pleased. Anything else?

P.O. LINDSAY:
Yeah. I think -- Legislator Alden, did you want to ask a question?

LEG. ALDEN:
No.

P.O. LINDSAY:
Are you done, Legislator Beedenbender?

LEG. BEEDENBENDER:
Yep, yep.

LEG. ALDEN:
It's actually -- I think we're going to end up talking about this, because my bill does not, per se, reduce the amount of acquisitions or change the fact that we're borrowing money over the three years to be paid back over 20 years, so it's going to be an act of math. If there's no sales tax revenue 10 years from now or 12 years from now, that can drastically affect this -- the acquisition program or the ability to repay it. But this in no way reduces authorization to go out and buy up to -- and I'm not 100% positive, 372, I think it was, 352 million dollars worth of property. It doesn't restrict that.

MR. MCDONALD:
I understand that. My only issue is when you don't have -- when you don't have the -- it's sort of like making the minimum payment on your credit card. If you don't have the cash, you can't make the payment, and if you don't have the cash, you can't make the payment for three years, which limits your capacity to borrow.

LEG. ALDEN:
Right, but -- no it doesn't, because, as you said and you recognize, we only authorized a certain percentage, so there was already a 25% cushion in there, and the payback on this, these borrowings, doesn't occur for a number of years either. So that's where the math -- and I'd be --
Okay.

**LEG. ALDEN:**
-- more than willing to sit down with you and Budget Review and do it.

**MR. MCDONALD:**
I'm happy to do that myself. Thank you. Thank you all very much.

**P.O. LINDSAY:**
I think this -- just say that this is the beginning of this whole debate, and I think a lot of us have to get our arms around it of what it actually does. To say that it has no effect, it has to have an effect.

**LEG. ALDEN:**
Right.

**P.O. LINDSAY:**
It has to have an effect. If we do nothing, the program is affected, because the revenue that we projected two years ago when we passed the referendum isn't there anymore. Our problem structurally goes back to sales tax revenue that has fallen through the floor, and that's where the funding comes for pay-as-you-go, as well as to pay the bonds, so we have a problem.

**MR. MCDONALD:**
I think we all acknowledge that.

**P.O. LINDSAY:**
And anybody that portrays that we don't have a problem is wrong.

**MR. MCDONALD:**
I don't think anybody will say that.

**P.O. LINDSAY:**
Thank you.

**MR. MCDONALD:**
Thank you.

**P.O. LINDSAY:**
Richard Amper.

**MR. AMPER:**
I'm Richard Amper, Executive Director of the Long Island Pine Barrens Society. Let's see whether we can sum up where we agree and where we disagree. Nobody disagrees that there's a recession. Probably didn't disagree when they said in a poll in February that despite that, they want to do more, not less, preservation. None of us has said, nor is anybody going to say, that you're not facing a problem, we all know that of the County, but neither should anyone act as though if we protect our economy all of the things that these open space programs do and our environment, that somehow or other we are giving up the protection of sex offenders because we can't pay parole officers. That's a little inflammatory and nobody should be suggesting that. If you want to go and put an item on the ballot for this November to produce a pool of money for parole officers for sex offenders, you ought to do that. And if the public votes for it, we ought to spend the money and that would be a good investment.

Where I think the misunderstanding is occurring is what is the source of the money for the Open Space Program? Legacy fund, on hold; Multifaceted Program, on hold. The Presiding Officer has correctly pointed out that the drop in sales tax revenue alone has already crippled us. It's not as though the Open Space Program hasn't been hurt by the economy just the same way the economy has hurt everything else. These are not areas of dispute. What's different about it is this is not the
General Fund, this is not property taxes. The people of Suffolk County are paying two-and-a-half times the national average in taxes. And then you go to them and say, "Would you give us some more money through the Drinking Water Protection Program?" We've been doing this since 1987, and I should point out that the amount of money going for open space and drinking water protection has continually declined over that same period of time. "Would you give us more money?" And the public says, "Yes, we will, if, and only if, you will use it for this purpose," because this is so important to us, protecting drinking water, preserving open space, farmland, tourism, fishing, the second home industry. This is so important that however badly taxed we are, we're going to invest in that. Then it's wrong, I think, to go back and say, "We're going to ask you again, we're going to hassle you until you tell us we can use all of the money for, "tax stabilization".

We've always referred to this every time it's debated as the slush fund. It's not as though somebody is going to get a check from the County and their taxes are going to go down, or the electricity is going to be cheaper for them, or we're going to have more cops on the street. That's not what's going to happen. The money is simply going to be at the discretion -- I was concerned about Mr. Gregory, who made a very eloquent statement during the committee hearing on this about what he needed in police protection for his community and so forth. I don't think you're going to get anymore money for police protection there.

LEG. GREGORY:
I don't think so either, that's the problem.

MR. AMPER:
So let's talk about what's real and what isn't real. The fact is that the public said at referendum five times that they want to do this program. They said in a poll in February, eight out of ten of them, that they want to do -- they want to maintain or expand that, because now is the right time to buy, and because if we don't do it now, it won't be available to us in the future. Then we sent a May letter to you from dozens of individual economic and environmental and civic people all saying, "We don't want to do it." Then you heard from the Suffolk County Water Authority here trying to protect our most important natural resource, and you heard from seven of the ten governments, the Town governments, that you're concerned, I know, as County Legislators, and they said, "Please, don't do it." And then members of the State Legislature, people who served here, people like Assemblyman Fred Thiele, and Steven Englebright, and Marc Alessi, people who understand this process and care about it as much as you wrote and said, "Please, don't do it." We've got a 32-year legacy. The public understands it, the members of this Legislature consistently understand it.

And I do want to defer again to the Chairman, because we're not presuming that the majority of the Legislators misunderstand this. I think the majority of the Legislators think it would be a terrible mistake to do this, and we certainly do. But we're now at the point where the members of the State delegation to the New York State Assembly and Senate are saying to us, "Wait. When you sent us a Home Rule Message, you said it was for drinking water protection and open space preservation. If you're going to change that, then we're allowed to change our mind as to whether or not you're allowed to collect it." The State has to authorize that quarter penny and I don't think there's a member of the State Assembly or Senate from Long Island that is prepared to accept a Home Rule Message from this Legislature to change that. They are telling us, and they are writing to you, and they are saying, "When we gave you approval to do this, it was because of a contract we had with the people of Long Island." And that is not a sacred cow, but it is inviolate. That is in contract with the people of Long Island, especially of Suffolk County. And I don't think the State Legislature would let you do this, even if you wanted to, and I think most of you don't. That's all I have.

P.O. LINDSAY:
Mr. Amper, before you leave --

MR. AMPER:
Sure.
P.O. LINDSAY:
-- Legislator Alden has a --

LEG. ALDEN:
Now, you made a very eloquent statement about how they have this contract with us in the Legislature. Do you think they would listen to the way of the people, because that's what this legislation calls for. It calls for asking the people of Suffolk County if, in these dire straits, they want to protect themselves from a property tax increase to preserve their -- whatever you want to call it -- services from government, local County government, or do you want to revisit the issue? Do you think that the New York State delegation would listen to that? And these are the same guys that have broken time and time again their promise to actually keep what is affordable in Suffolk County, to keep it affordable. They short us on our school aid, they short us on our environmental protection, they short us on water quality and drinking water protection, they short us on every program that you can imagine, and these are the people that you refer to as, what, saints? Okay. But that's my question, do you think they would listen to the word of the people?

MR. AMPER:
No. See, again, you're doing -- these kinds of attributions are not useful to the dialogue, sir. Let me say to you that --

LEG. ALDEN:
Well, I'm just using --

MR. AMPER:
No.

LEG. ALDEN:
-- the same type of phraseology you did.

MR. AMPER:
I'm trying -- I'm trying to explain the difference. I think that -- how many times are members of this Legislature going to go back and ask the public for something they've supported since 1987, before --

LEG. ALDEN:
Well --

MR. AMPER:
Wait, wait. May I finish? May I --

LEG. ALDEN:
No, you're not answering the question.

MR. AMPER:
No. I would like to answer the question, please, and I'd like to finish what I was saying. I don't know how many times we have to go back to them when they give us the same answer over and over. And if you think that the poll that we shared with you is wrong and the public has now changed its mind and doesn't want to do it, then put on the ballot something germane to what you think they should do. Say, "Can we have more money to increase services, to increase personnel, or to maintain them?" "Would you please give the Legislature the money that you gave for the purpose of the environment for another purpose?" We'll all go out with you, and if we like it, we'll do our promise and go to your district. I think the needs of some of these -- some of these services are very important.

LEG. ALDEN:
Mr. Amper.
MR. AMPER:
Why do you keep putting it back --

LEG. ALDEN:
That doesn't answer the question.

MR. AMPER:
Why do you keep putting it back on the land preservation programs? If you need money for something else, ask the public, and if they'll give it to you, bravo, but don't keep trying to take it from them; okay?

LEG. ALDEN:
Mr. Amper, and then I'm just going to point something out to you, and you supported the '07 ballot proposition; did you support that?

MR. AMPER:
Reluctantly, because I didn't want to have to go out and do another initiative and referendum of the sort we had to do in 1996 when you tried to steal it the last time?

LEG. ALDEN:
Steal it?

MR. AMPER:
Yes.

LEG. ALDEN:
Steal it?

MR. AMPER:
Did we accept a reduced amount every year for the environment, because we had to? Yes. I don't think we have to do it now.

LEG. ALDEN:
'07 was a reduced amount?

MR. AMPER:
Yes. Where is the money? I'm sorry. We -- when you --

LEG. ALDEN:
Three hundred and fifty million dollars was a reduced -- okay, in your opinion.

MR. AMPER:
When the members of this Legislature and the County Executive came to me --

LEG. ALDEN:
But let me just ask you --

MR. AMPER:
When they came to us and said --

P.O. LINDSAY:
Okay, okay. I'm going to stop it right now. Stop.

LEG. ALDEN:
One other quick question. What was --

P.O. LINDSAY:
Do you have a question? Please answer the question and let's get some decorum.

**LEG. ALDEN:**
The largest -- the largest Town in Suffolk County had a ballot proposition. What was the result of that? And it had to do with open space?

**MR. AMPER:**
It was whether or not they wanted to extend the Community Preservation Fund and do a real estate transfer tax, and they didn't do it because the very people that are encouraging you to slow down this program, the development community, didn't want to see it happen.

**LEG. ALDEN:**
And what people are encouraging me?

**MR. AMPER:**
And that's what this is about. It's not about helping people who need parole officers, it's trying to keep the landscape unchanged while they can't build by keeping us from preserving open space. That's what the fight's about, sir, yes.

**LEG. ALDEN:**
Your comments are that I was influenced by developers?

**MR. AMPER:**
I'm saying those few people --

**LEG. ALDEN:**
No, no, no, no, no. I'm the one that sponsored the bill.

**MR. AMPER:**
Not your measure.

**LEG. ALDEN:**
I sponsored the bill. I was influenced by developers --

**MR. AMPER:**
No, but --

**LEG. ALDEN:**
-- is that what you're saying?

**MR. AMPER:**
No. I am saying developers are making an effort to influence not only members of this Legislature, but members of the Town Councils across Suffolk County. This is the first year the development people have ever publicly opposed open space preservation in the 32 years we've done it.

**LEG. ALDEN:**
Excuse me, sir.

**MR. AMPER:**
Yes, that's what I'm saying.

**LEG. ALDEN:**
Sir.

**MR. AMPER:**
There is a reaction to the recession.
LEG. ALDEN:  
I sponsored -- I sponsored this legislation. You're accusing me of --

MR. AMPER:  
You just keep -- your saying it over and over again is not going to make me agree.

LEG. ALDEN:  
I want to hear an answer.

MR. AMPER:  
I have not accused you of anything. I am telling you this is what --

LEG. ALDEN:  
Oh, good. Then you retract that statement you just made. Thank you.

MR. AMPER:  
No, I didn’t. What I said very specifically is the developers would like to see us preserve little or no open space.

P.O. LINDSAY:  
Mr. Amper, please, okay, you answered the question.

LEG. ALDEN:  
Thank you.

P.O. LINDSAY:  
Good-bye.

MR. AMPER:  
And nobody else wants to ask another one, I trust.

(*Laughter*)

P.O. LINDSAY:  
Legislator Gregory does.

LEG. GREGORY:  
I just want to thank you for -- I want to thank you for coming here today.

MR. AMPER:  
And thank you for the way you handled the meeting on -- last week.

LEG. GREGORY:  
Thank you. See, we can get along. See? It's good. I just -- when Cameron Alden, he introduced the bill and he asked for sponsors, you know, initially, I haven't been here long, as you probably all know.

MR. AMPER:  
I understand.

LEG. GREGORY:  
I supported every environmental open space preservation bill.

MR. AMPER:  
Thank you.
LEG. GREGORY:
My thought process changed back probably in October when the economy tanked. And I said, "Well, we need to do something." And that's when I started changing my vote. So it's not that I don't support what you're doing, I do, but does it really apply to my district? No. But I think, and this is where -- so you know and everyone knows, my point of view is similar to what Legislator Alden just stated. I think, at this time, these economic dire straits, that we should give the voters an opportunity to reaffirm their commitment in the past. I don't think that's wrong. I don't think -- you have your poll, but I'd rather have -- see the poll of the people, and that's in the voting booth, to see if they are willing to, given the layout of the times --

MR. AMPER:
I agree. Then let's ask them to -- whether they want to put the money where you think it's needed, rather than to take it from someplace they've already decided it's needed.

LEG. GREGORY:
Well, that would be --

MR. AMPER:
Let's do that.

LEG. GREGORY:
Well, that statement will be made if they say no to the referendum --

MR. AMPER:
Well, why do it --

LEG. GREGORY:
-- because it will stay as is.

MR. AMPER:
If it's not about open space, then why do it that way? What are this Legislature's priorities? Whatever they are, ask the public if they want to give you more money. And if they vote for it, do what it is that they've asked to do. That's all we're asking for you to do about the environment.

LEG. GREGORY:
Well, I'm just telling you what my point of view is. I've received some of the E-mails and they're disingenuous, to say the least, where we're trying to suspend the program as opposed to reducing the allocation of monies. We're not suspending the program. May it have a detrimental impact? You can argue that. I don't think so, but you can argue that.

MR. AMPER:
We're only going to preserve -- someone over here earlier, in talking to another witness, said that we had made a commitment several years ago to preserve 35,000 acres. We're going to produce half of that if things proceed exactly as they're going right now. Anything less is suicide.

LEG. GREGORY:
Okay. Now, the --

P.O. LINDSAY:
Well, you're liable to preserve less than that, because we don't have the money that we had two years ago.

LEG. GREGORY:
Well, the question I had --

P.O. LINDSAY:
Are you done?
LEG. GREGORY:
I'm getting to the question.

P.O. LINDSAY:
Okay.

LEG. GREGORY:
And it's similar to Legislator Alden's question to Mr. McDonald. Have your people done an analysis of this bill as opposed to the projection originally as to where we would be with this referendum?

MR. AMPER:
Yeah. And, you know, the funny part about it is we're getting a completely different story from Budget Review than we did two years previously. I've come to this Legislature on two previous occasions to ask for an examination of the accuracy of the projections, and they are so different from where they were even a year ago. This is your Budget Office. I've asked the Presiding Officer at least to correct the factual mistakes. He has declined to do that. He says they work for you.

P.O. LINDSAY:
What did I decline to do?

MR. AMPER:
I asked you on two occasions, Terry will remind you when he's about, that we should go back and -- we raised a series of questions about the accuracy of the BRO's report about land preservation. I said this is not a question of an opinion, everybody's entitled to an opinion, but they're not entitled to their own set of facts. Both of those were declined, and both of those reports are --

P.O. LINDSAY:
I don't remember declining anything. I do remember asking you for a statement of how much is in the Land Preservation Fund in the Pine Barrens Commission --

MR. AMPER:
Correct.

P.O. LINDSAY:
-- and I never got that either.

MR. AMPER:
Well, no. You have that and I'll give it to you again. That is a turnover. Nobody makes any profit in the TDR Program. The government buys it and then they sell them away for the same time, so there is no profit in the TDR Program. But under any circumstances, people -- to go back to the major premise, and that is that these are tough times and we need to solve the problem, then decide what it is that you think the government should pay for and ask them to give it to you. Don't go back and try or suggest that we should take away something that they have five times told us they want, that's all.

P.O. LINDSAY:
Next, Adrienne Esposito. You done, DuWayne.

LEG. GREGORY:
Yeah.

P.O. LINDSAY:
Before you even start, let me make a statement, all right? Everybody's coming up here as this is an adversarial process. This is a bill. This is a democracy. This is a Public Hearing. Everybody has a right to say what they want to say and I'll protect that right.
**MS. ESPOSITO:**
Okay. Great. Thank you. I feel better now.

(*Laughter*)

**D.P.O. VILORIA-FISHER:**
Oh, and you were going to be really shy otherwise.

**MS. ESPOSITO:**
Yes, otherwise I would have been my normal shy, demure self. I will not be redundant. You've heard a lot already. Let me just make a few points.

I think it's worth noting, during your consideration of this -- look how now we're all so attentive all of a sudden. But I think it's worth noting during your deliberation of this legislation or this resolution is that over the last two decades, environmental groups have worked with this body to tweak this program, to make changes here or there, as we've heard testimony to. Some we didn't like so much, some we were okay with, but we have done that over the years, and so the program is changing. And, at some point, you reach a threshold where you're saying, "Now, wait a minute." You know, too much change deviates from the original intent and that's the threshold we feel that we're at. So we understand of changes in the past. Yes, many of our organizations, Legislator Alden, have supported those changes. We went with those changes, some reluctantly, some not so much, but this is where we are today.

And I think our problem with this particular resolution is that it seems to somehow forget or omit the value of the environment in our economic crisis. It seems to say that we don't need open space as part of the economy on Long Island. And we need for you to remember very much so that this is not two separate questions, that we're going to have a thriving economy or we're going to protect the environment. They are intertwined, they're interconnected, they are one and the same. Last time we all checked, people, the tourists don't come to Long Island, or they don't to come to Long Island because we look like Queens. Nothing against Queens, I grew up in Brooklyn. But they come to Long Island because of farmland, they come to Long Island because of open space, because of safe beaches, because of what we have as natural resources and economic assets.

So what we're saying to you is we shouldn't have to make a choice between our environmental programs and our economy, because they are connected, they're the same thing. So I'm just simply asking you to consider that during this discussion and during this important part of the debate. And this is the type of legislation that when it was passed 20 years ago, I think the only one of you that maybe was here was Legislator Romaine.

**LEG. ROMAINE:**
I was there.

**MS. ESPOSITO:**
You were here.

**LEG. ROMAINE:**
I voted for it.

**MS. ESPOSITO:**
And he voted for it.

**LEG. BEEDENBENDER:**
Go team.
**MS. ESPOSITO:**
But it really --

**LEG. ROMAINE:**
That's happened, and I've remained consistent.

**MS. ESPOSITO:**
Thank you.

**LEG. ROMAINE:**
And I'll be there again.

**MS. ESPOSITO:**
Once again, thank you. I'll just wrap up. But the point is that when this was passed over two decades ago, many of us were here as well, it was considered at the time innovative, visionary, and forward-thinking and look what it's done to Suffolk County. We would just ask you to look what it's done for Suffolk County. If you like what it's done for Suffolk County, then we should keep it intact. If you don't like what it's done, then we should get rid of it. We like what it's done, the public likes what it's done. It's fulfilling the mission and the mandate of the public vote, the public will, and we don't get to say that about many programs. We consider this the most successful environmental initiative in the history of Suffolk County. That's what it is, that's what it's done, that's the legacy it has brought us here today in the Year 2009 and that's the legacy we wanted to continue with. Thank you.

**P.O. LINDSAY:**

**MS. ESPOSITO:**
Yes, Legislator Alden.

**LEG. ALDEN:**
Hi. And the last part of your statement I totally agree with and -- but I have a question and I don't know if you're the right person. Maybe you have these statistics, but I've asked other people and I can't get the correlation.

I'm a lifelong resident of Suffolk County. I was born here and I've lived here, never moved out. So I've watched Suffolk County through the '50's, '60's, '70's and '80's. I watched the land that was open to the public and that was even just held by private interests that was pretty much undeveloped, I've watched that shrink, yet I've watched our tourism industry grow in leaps and bounds. So, if you have those statistics or that study that shows where a decreasing open space or an increase of development correlates directly to a decrease in tourism, I really would want to see it. I've asked Legislator Schneiderman and he's looking into whatever he has available out in Montauk, but they're a different situation, because I think Montauk has always been very, very highly government owned. Up to 90% of the property is actually owned by government entities.

**LEG. SCHNEIDERMAN:**
Seventy.

**LEG. ALDEN:**
But if you have -- how much?

**MS. ESPOSITO:**
Seventy.

**LEG. SCHNEIDERMAN:**
Seventy.
LEG. ALDEN:
Seventy, okay. And does that include Dick Cavett's backyard or without it?

(*Laughter*)

But, anyway, if you, or if you know of someone that does have that, I really would like to see that, because I don't take this lightly. The people have spoken, they spoke in 1999 and they wanted an all cash program, which we accommodated them with and we bought property. Then someone thought it would be a good idea to go into hock, and I understand it was Suffolk County's Last Stand, something along those lines, but it was -- someone convinced the public to vote yes, they wanted to go into debt. But the economic reality of both of those times was completely different from this. This is something that my mom and dad lived through, this is a depression. We have not lived through this. We've seen recessions, we've seen dips in the economic activity. We have never -- our generation has never lived through this, so that's why when we're looking at the priorities in Suffolk County, and there were some extreme things that we took into consideration to do, everything has to be looked at. And if you can't look at everything, then I don't think we're doing the proper service that we were elected to from the public. So, again, I'll just renew that. If you know those, you know, correlation, those studies, if you could call my office and we could get copies of them, or if you know of someone else who would have them, I really would like to talk to that person.

MS. ESPOSITO:
Well, let me just quickly respond, even thought it was a semi-question. I think that in the absence sometimes, and I get asked questions a lot about the scientific data and the studies and where are they, and sometimes they exist and sometimes they don't. But, in the absence of good scientific data, we need to revert to good old-fashioned common sense. So I think that it is a reasonable element to believe that tourists are encouraged to come to Long Island because of natural assets. I think that would be a reasonable part of our thinking and I hope you would just simply consider that in your deliberation.

LEG. ALDEN:
No. Actually, I agree with you, because you said natural assets. But natural assets might not -- you know, unless somebody's got something that disproves or proves it, natural assets might not include a lack of development or an inclusion of development. Natural assets would be beaches, they would be --

MS. ESPOSITO:
Clean beaches.

LEG. ALDEN:
Absolutely, clean beaches, recreational facilities, golf courses included, open spaces where you can go and picnic. So the farms --

MS. ESPOSITO:
And hiking and --

LEG. ALDEN:
Exactly.

MS. ESPOSITO:
-- go to scenic vistas, and, you know, so --

P.O. LINDSAY:
Okay. Thank you.

MS. ESPOSITO:
Okay.

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

**LEG. D'AMARO:**
Thank you. Hi, Adrienne.

**MS. ESPOSITO:**
Hi.

**LEG. D'AMARO:**
What impact -- if this bill were to pass, what impact do you think it would have on our Land Preservation Program and the pace of that program?

**MS. ESPOSITO:**
I think, clearly, it's going to have a negative impact. I believe it's going to slow the preservation program.

**LEG. D'AMARO:**
Can you quantify it?

**MS. ESPOSITO:**
I cannot, no.

**LEG. D'AMARO:**
Thanks.

**MS. ESPOSITO:**
Reducing funding reduces the viability of the program. And I'll tell you something else. I have to tell you, I feel like this also -- it's the beginning of the end. You do this, it's not going to be the end. Two years from now, you'll want the money for something else and something else. And simply, what we're saying is we understand. Again, I'm going to reiterate something Kevin McDonald said. We live in Long Island. I live in a postage-stamp-size home, it's tiny. Okay? It's all we can afford. It's the best we can do to keep up with the bills. But we understand -- and so we understand the economy. But we also understand we love to live here because of what it gives us, living on an island and living in Suffolk County. And I think if we feel like that, there has to be numerous other people that feel like that, and that's the result of the poll.

**P.O. LINDSAY:**
Adrienne, I hate to cut you off, but you answered the question and I've got 19 cards.

**MS. ESPOSITO:**
Oh, I don't get to do a grandstand?

**P.O. LINDSAY:**
Thank you.

**MS. ESPOSITO:**
All right. Thank you.

**P.O. LINDSAY:**
Kelli Hughes. Maybe we could pick up -- pick this up a little bit, because this is seven of nineteen.

**MS. HUGHES:**
Hi. My name is Kelli Hughes and I'm here for the environmental group, the Sierra Club. We'll make
I’m here about I.R. 1458, to use Drinking Water Protection money to balance the budget, and about a motion to suspend open space purchases for the economic slowdown.

The issues have been something very important and impact on our coastal waters and fisheries, they look -- sorry. And require us to look beyond today’s conservancies to next year and further into the future. Preserving open space is essential for continual supply of clean drinking water, safe beaches, and commercial and recreational fishing. Our County has made progress with the help of the quarter cent sales tax, but we are far from finished. Now, while the land prices are down is exactly when we should be putting even more funding into open space purchases. To take away the Drinking Water Protection Fund and stop land purchases would be a nonsensational and slap to the voters of Suffolk County who have consistently supported open space protections and have entrusted with these funds. Thank you.

**LEG. ALDEN:**
Quick question.

**P.O. LINDSAY:**
Hold on, Miss Hughes. Legislator Alden has a --

**LEG. ALDEN:**
You mentioned that --

**P.O. LINDSAY:**
A question, please, Legislator Alden.

**LEG. ALDEN:**
Right. You mentioned that you’re opposed to this legislation because it suspends the acquisition of open space?

**MS. HUGHES:**
Yes.

**LEG. ALDEN:**
Okay. Did you read the legislation?

**MS. HUGHES:**
No. I was asked --

**LEG. ALDEN:**
No. Okay.

**MS. HUGHES:**
-- by the Sierra Club Executive Committee --

**LEG. ALDEN:**
Okay.

**MS. HUGHES:**
-- this afternoon to come to this and I was -- this is what they gave.

**LEG. ALDEN:**
Do you know if any of them read it, because it doesn’t say anything about suspending anything. As a matter of fact, it says, "Continuation of the program." But, okay, thank you. You answered it.
P.O. LINDSAY:
Thank you very much.

MS. HUGHES:
All right.

P.O. LINDSAY:
Sid Bail.

MR. BAIL:
Good afternoon, Mr. Presiding Officer, excuse me, members of the Legislature. I'm going to make a very short statement. And Wading River Civic Association realizes that these are tough economic times, and the Suffolk County Legislature is faced with many -- making some difficult choices. However, it's our view that I.R. 1458 is a short-term fix that will create long-term problems. Taking dedicated tax dollars from the protection of our drinking water, open space and farmland is not a good long-term public policy. A case in point is the need to preserve the best farmlands now and not three years from now.

Now, you've heard from Joe Gergela. I'm going to end my little statement right here. And you have all expressed that you have a great deal of respect for Joe's understanding and his opinions, so I'm not going to go on. I can't add anything to them. I would just urge that you vote no on I.R. 1458. Thank you.

P.O. LINDSAY:
Thank you, Mr. Bail. Woody Brown.

MR. BROWN:
Hello. Woody Brown. I'm from Miller Place, Brookhaven Town. I'm representing the Miller Place Civic, I am the Vice President.

I understand the difficulties that you all face with the budget. We all face it as personal people as well. I would make one argument that you're -- as you have said, that you're looking to help the taxpayer. I think you're going to pay either way. Open space, whether it is developed, and they're never cash neutral, the citizenry pays. The difference between open space and essentially a mortgage, I spoke to many of you, is that in 30, 50 years, it's paid off. Once it's developed, you're going to pay forever.

I would make an argument to you, Mr. Gregory. You would like to police, that's lovely. One of the issues is where does it come from? That is one of those intangibles that always comes back to haunt the community with the increase of development. If you buy farmland, you may end up with the opportunity to make a swap with your district and other districts. They won't need as many police. You need them, they need a place to recreate, you can go there. So I would make a strong statement that you will be always looking at a payment plan. We're all going to end up paying for it. It's what we end up with that's going to be important. Once it's developed, it's gone. If you leave it open, you leave the future generations to get a chance to make their own decisions on what that property could be used for in the future. Thus, in Miller Place, we would ask that you oppose I.R. 1458. Thank you very much.

LEG. ALDEN:
Mr. Presiding Officer.

P.O. LINDSAY:
Mr. Alden.

LEG. ALDEN:
No, no, no, not him.

P.O. LINDSAY:
Oh, okay.

LEG. ALDEN:
Just a point of order. It's kind of obvious that a lot of people that have come here and speaking on the bill haven't really read it. Would it be appropriate to make available to them, anyone that wants it, a copy of the bill.

P.O. LINDSAY:
I think everybody has a right here, Legislator Alden, to come and say whatever they want to say, whether they read the bill or haven't read the bill.

LEG. ALDEN:
No, and I'm not -- I'm not saying that should be affected. I'm saying would it be okay if we --

P.O. LINDSAY:
I could certainly have one of the Aides make up bills and put them out there, if somebody would like to look at it.

LEG. ALDEN:
Would anyone want a copy of the bill --

P.O. LINDSAY:
We'll put them out there.

LEG. ALDEN:
-- to read it?

P.O. LINDSAY:
If somebody wants them, they can take them. Frank Klement.

LEG. ALDEN:
You only need a couple of copies. No one seems to be interested in reading it.

(*Laughter*)

MR. KLEMENT:
Good afternoon. My name is Frank Klement. I'm a member of the Miller Place Civic Association.

LEG. LOSQUADRO:
Bring the mike -- just get closer to the mike.

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

MR. KLEMENT:
Better?

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

MR. KLEMENT:
Okay. My name is Frank Klement. I'm a member of the Miller Place Civic Association, and I'm also here to oppose this idea. I think it will create competition for whatever money will be left. We have
two parcels in Miller Place now that we have willing sellers for. The willing sellers are not going to be there in three years, and creating this bill will put a real damper on maintaining that open space.

**LEG. ALDEN:**
Quick question.

**P.O. LINDSAY:**
Are you done, Mr. Klement?

**MR. KLEMENT:**
Pardon me?

**P.O. LINDSAY:**
Are you done? Do you have something else to say?

**MR. KLEMENT:**
I just think that's about all there is to say. We have -- we have two pieces of open space now. We have a 250-acre parcel and a 65-acre parcel. We have willing sellers, willing people, and we're really afraid that the competition, for whatever money is not -- that's taken out, will be left where this is going to turn into development instead of open space.

**P.O. LINDSAY:**
Okay, Mr. Klement. Mr. Alden, do you want to --

**LEG. ALDEN:**
Just the quick question is, did you read the bill?

**MR. KLEMENT:**
No, I didn't.

**LEG. ALDEN:**
Okay. There'll be a copy.

**MR. KLEMENT:**
Okay. Thank you.

**P.O. LINDSAY:**
Thomas Talbot.

**MR. TALBOT:**
Good afternoon. Thomas Talbot. I am the President of Middle Island Civic Association, and I'm going to have some very brief comments here. I'm certainly not going to rehash the previous and likely following speakers' points that detail the long-term negative impact of deferring the Land Use Preservation Program and all the economics associated with that, but just a personal observation.

In my lifetime, I have occasionally, and maybe yourselves also, experienced what I call the "What The Heck Was I Thinking" syndrome. And this usually occurs after making a decision that I've later come to regret, even though at the time that I made the decision I was very confident that it was the right decision, but it's too late to change it. And in this case, I -- you know, I certainly agree that redirecting some money into the General Fund to -- not necessarily to reduce taxes, but keep the taxes from rising too much, is a very noble gesture. But I believe that the short-term benefit of that act will have serious repercussions and harm that will result from -- the irreparable harm of deferring purchase of valuable land preservation.

And I encourage all the folks here to please take the long view when considering this proposed
legislation and try to avoid the "What The Heck" syndrome that I experience occasionally. I thank you.

LEG. ALDEN:
Quick question.

P.O. LINDSAY:
Hold on, Mr. Talbot. Legislator Alden.

MR. TALBOT:
Yes, sir.

LEG. ALDEN:
Did you read the bill?

MR. TALBOT:
No, I --

LEG. ALDEN:
Oh.

MR. TALBOT:
Exactly, and that's why I could not address some of the quantifiable issues of it, so --

LEG. ALDEN:
Thanks. Okay.

MR. TALBOT:
And I'd be looking forward to it. I do want to just, if I have -- I think I have maybe another minute of time here. A question was asked of Dick Amper about Brookhaven, the largest Town in Brookhaven -- the largest Town in Suffolk County failing to pass a referendum for increased funds from the citizens of Brookhaven that came under the heading of a community preservation fund, which I believe was about two years ago, and, yes, that bill failed. And I think it was intimated that it was possible that maybe that was an indication of the voter sentiment, or maybe we don't want to spend anymore money on this, this kind of effort.

Well, I sit on a committee, a town-wide committee in Brookhaven, it's called Brookhaven 2030, 2030 referring to the Year 2030. It's a land use plan committee made up of various professionals and citizens throughout the Town of Brookhaven. And the very first public meeting we had of the 2030 group, we had three or four hundred people from the community come into the auditorium in Brookhaven, and it was a very short period, may have been even a couple of weeks after the defeat of the Community Preservation Fund, and one of the first acts we did was to poll everybody, "What do you think is the most valuable things that you want to see in the Year 2030 in the Town of Brookhaven", all aspects of it, all aspects, whether it's traffic, or education, or recreation, so on and so forth. By far, by far, the highest attribute that people wanted was land preservation. Now, how could that be? Only two -- a couple of weeks before that, what was the cause of the dichotomy?

We did informal polls of the people, you know, the cross-section. The same folks that voted the Community Preservation Fund down want land preservation. And the overwhelming answer was they do want land preservation, but it was the method of collecting the funds for it. It was to be done during a -- as a real estate transfer tax, and that was the basis of the Community Preservation Fund. And we were told time and time again, if you hadn't had done -- find another way of getting the source of the funds, we would have approved. But the mentality and the desire to maintain a viable land preservation fund was stronger than ever. And I thank you for your time. Thank you.
Thank you, Mr. Talbot. Debra.

**MS. ALLONCIUS:**
It's almost good evening, Mr. Lindsay, and Legislators. I'd like to read -- my name is Debbie Alloncius.

"I'm standing before you on behalf of AME and reading a letter addressed to Presiding Officer Lindsay from the Suffolk County Association of Municipal Employees addressing the entire Legislative Body, and thank each and every one of you for heeding our March 16th, 2009, message, wherein AME presented you with our thirteen-point plan of measures that could be taken to deal with the projected budget shortfall for 2009-2010. Tapping the Tax Stabilization Fund, passing the Red Light Camera initiative, increasing park fees, initiating the extension for the 1% sales tax are all integral steps, as we previously concurred, and all will help in mitigating Suffolk County's immediate financial crisis. We are elated that you put forth some of our ideas, and hope to see further initiatives that we proposed implemented.

I.R. 1458, currently in debate by the Legislature, closely resembles Item Number 4 on our list of extremely worthy revenue enhancement ideas. Although the ultimate terms of revenue expenditures are not well defined as in the AME proposal, it's an approximate 7.5 million dollar step in the right direction. It could provide Suffolk County with the most needed recurring funding stream toward the looming projected 119 million dollar shortfall for 2010. This could also be a first step away from an alliance on a fund balance carry-over.

AME applauds Legislator Cameron Alden for putting forth his revenue-producing initiative and would love to work with him in seeing it through to fruition. We don't consider it a poor parting gift to Suffolk County, as Cameron has the taxpayers at heart and has proposed a painless remedy and to help ameliorate near catastrophic conditions for many taxpayers. The Legislature should look well into the future when giving consideration to any necessary public referendum to amend the Drinking Water Protection Plan, and let the voters decide if they would like the extension well past 2012. Let the voters make the final informed decision, knowing what fiscal remedy the funding could provide while they watch their family, friends and neighbors lose their jobs and many their homes. Land would still be purchased. There has to be some give and take.

There were several other revenue-enhancing ideas that would not require enabling State legislation, such as increasing tax verification fees, creating contract administrative fees, increasing capital projects, using additional stimulus dollars and putting people to work, the One-Deputy Doctrine and elimination of superfluous positions and public information/relations in Administration. These suggestions would save millions annually and put money back into the economy where it's needed.

The Legislature must also revisit our Governor and State representatives to plead with them to stop punishing the taxpayers of Suffolk County, and instead work at getting the proposed 10.4 million annually in highway funding via increased fines the Suffolk County Executive Levy's walked away from.

AME does due diligence when it comes to doing our fiscal part on behalf of the taxpayers of Suffolk County and for our membership who make up a large part of that population. That is why AME spoke against I.R. 1409 at the Ways and Means Committee on May 12th, 2009, knowing full well the companion legislation to I.R. 1115 in the Parks and Recreation Committee. In good conscience, we cannot stand idly by while surplus land of 61 acres, worth more than 10 million, and perhaps as much as 16 million or greater revenue that could provide essential health and safety services, not when our membership has just given up two weeks of pay, in addition to 15 million in health and other service -- and other benefits in a mere five months. The intended ten acres for future expansion of Suffolk County Community College and the easement for the Fire Department can all be done without -- with enough acreage for auction that would still produce much needed revenue toward that 119 million dollar deficit we still face. We stand opposed to the parkland deal while facing this crisis.
AME will continue to do our part with regard to lobbying in Albany for much needed financial aid, and for the Home Rule Messages that you have passed and sent to them. We remain committed to the Legislature for their steadfastness and fair treatment to the Suffolk County workforce, and know that together we can move mountains." And the letter is signed by Cheryl Felice.

I think that when the referendum does go before the people, Cameron Alden, you need to show them what the tax -- what the tax increase would be, because there's no other way that you can possible meet the needs of closing that gap. Where else is it going to come from. If you hit the workforce again, you've got nobody to lay off. It's like mission impossible here. And we're willing to do our part, but everybody else has got to give a little. You're not suspending the program, as over and over and over again you have said. I do think it deserves justice. Thank you.

P.O. LINDSAY:
Thank you, Debra. Mary Ann Johnston.

(*The following was taken & transcribed by Diana Kraus - Court Stenographer*)

MS. JOHNSTON:
Maryann Johnston, President of the affiliated Brookhaven Civic Associations. And, Legislator Alden, I would ask you did Mr. Maccarrone send out the text of this bill to the civics?

P.O. LINDSAY:
Ms. Johnston, make a statement, okay?

MS. JOHNSTON:
My statement is that I'm going to avoid your question. I didn't read it because you didn't make it available to the public through the civic associations for everyone to read. However, let me tell you what I do think.

I grew up in -- up Island. I grew up in West Babylon, blocks away from Wyandanch. I know that when you need more policemen, you need to come to the people of Suffolk. And if they think that is a worthy cause, they will give you the money to do it. It is not about taking money from one place to provide parole officers for sex offenders? I'm almost offended that anyone would say that sex offenders and open space are an equal trade-off. That's absurd. It's ridiculous.

I can not tell you how appalled I am at your attitude, Mr. Alden, because realistically we need to make very serious decisions. Everything is on the table. That includes the unions, that includes what they get, that includes their pensions, their health insurance and everything else. Because everything does have to be on the table, not just open space. Everything on the table. And that's the problem with much of New York State's government; is that much of it is not on the table. Much of it is not available.

We listen to how the poor taxpayers are impacted by this recession, but I'm going to give you something that I think about as I listen to this dialogue. 25 years ago we had a financial family crisis. It was my son's first year in college. But I didn't turn around and take his money that had been put aside to put him through school so that we could make it through that very rough time. What we did was tighten our belt. What we did was do without other things. Thirty years ago I spent my -- I think I was maybe 22, 23. I spent time just about a mile away from here in Blydenburg Park. It was because this County had a very forward looking attitude toward what this County could be and what it would become if we did not do something about preserving our legacy and our life. Farmland is diminishing in Suffolk County at a rate that is pretty staggering. That is for those farmers who still want to farm, you're making it economically impossible for them to continue to do so. And once that happens, we don't have farmland. We don't have tourism. I don't know anybody who's visiting a local subdivision on a regular basis. Let's get out there and
let's go to Levittown. Let's visit a subdivision.

So realistically this is an absurd possibility. We have farmland and we have open space. We have clean water and that is what this funding is all about. And we don't borrow from Peter to Paul to get you through a rough time. I didn't take my son's college money and you shouldn't take open space funding. Thank you.

Applause

P.O. LINDSAY:
Brenden McCurdy.

MR. McCURDY:
Presiding Officer Lindsay, members of the Legislature. My name is Brendan McCurdy. I live at 108 Atlantic Avenue in West Sayville, New York with my wife and my three children. I'm the President of the West Sayville Civic Association. And I thank you for the opportunity to address you today.

I said this comment at the Budget and Finance Committee meeting; I'll say it again. I've always considered myself perversely proud of the fact that Suffolk County taxpayers vote to tax themselves. I don't think there's that many citizens in the country who go to the polls and say, you know what, I'm going to tax myself. But we do it. And we do it because of a reason. And the reason is we live on an island. And that makes us a little bit different.

What I'd like to do just briefly is review the history of Suffolk County's open space acquisition. I know I'm on the clock. I'm going to read from the laws of Suffolk County, part one, Charter, Article One; "The policy of Suffolk County shall be to conserve and protect its natural resources including its wetland and shore lines and the quality of its environmental and natural scenic beauty and to encourage the conservation of its agricultural lands."

Quoting from a letter of transmittal Suffolk County open space plan October, 1998; "Time and again the residents of our County have told us both formally at the polls and informally in many settings how important open space, farms and drinking water protection are to their quality of life and that this quality of life is what sustains our economic and personal well being."

The residents of Suffolk County voted in 1987, again in 1988, in 1993, in 1996, in 1998 and in 1999 and again in 2007 to tax themselves for this quarter percent open space water preservation. From the 1999 legislation, "The Legislature also finds and determines that farmland preservation is of vital interest to the people of Suffolk County from an economic and quality of life standpoint. That funding water quality and habitat restoration initiatives will materially enhance the quality of life for all Suffolk County residents."

And again in 2007, "Adopting a Charter Law to extend the existing Suffolk County Quarter Percent Sales Tax Drinking Water Protection Program for environmental protection to accelerate the land acquisition component of the program by permitting borrowing of up to $322 million over the next four years only with the cost of this borrowing to be repaid from the Quarter Percent sale tax revenue."

Now, an interesting thing. And my preparation for remarks today was just taking a look at that quarter percent because I'm a voter, I've been voting for this quarter percent year in and year out or over the course of these many years, and I think a quarter percent's going to buy open space. But a quarter percent is not going to buy open space. Of that quarter percent 25 percent goes to sewer taxpayer protection. Currently 32.15 percent goes to county-wide property tax protection, 11.75 percent goes to restoration and water quality programs. Only 31.1 percent of the quarter percent goes to acquire open space. That equates to point zero zero zero eight two five percent of this quarter percent fund. That's 825 ten-thousandths. That's a pretty small amount. And that's not the quarter percent that I thought I was voting for. And I haven't read the legislation that
Cameron Alden's proposing. And he wants to take from that, from that point zero zero zero eight two five and put it into the County-wide property tax protection program.

So I am speaking in opposition to IR 1458. And the reduction of the funding addressing a point that was raised previous as far as the bonding is concerned, if I'm going out and I'm going to buy the bonds from Suffolk County, and I find out that the Legislature has voted to reduce the money that's available to repay those bonds, which is my read of what you're proposing, that's going to make me less likely to want to buy those bonds. It starts a slippery slide down a slope. So I bring that point to your attention.

The second point is what's the benefit versus the loss? I understand that we have an economic hole we got to plug, but a short term plug versus what you're losing and the ability to acquire land when property values are down is something that you need to analyze as Legislators. What happens to the program while the Legislature wrestles with this issue? I've addressed my own County Legislator recently and the acquisition of some open space adjacent to a county park in Sayville, it's on the green creek corridor, it's in the estuary. It makes perfect sense, but we're not moving forward with that because of the tough economic times that we're experiencing.

So the question is what happens to this program? Is the Legislature effectively shutting it down while you're wrestling with this issue? Legislator Lindsay had indicated we have an existing rainy day fund. Well, if 100 million dollars is available and you're going to weigh the cost and benefits versus this proposed legislation, then maybe that hundred million dollars is where you want to go rather than down this slippery slope.

And my last point, and again I thank you for your attention, is just to reiterate, we do live on an island. And at the committee meeting on Thursday one of the Legislators had indicated that the benefit to his constituents of the acquisition of open space is not as apparent. And I just would like to address that point because we do live on an Island, what happens upstream affects those people downstream. And the fact is that, yes, the western end of the Island is over built, but it's Suffolk County. We're residents of Suffolk County. Just Sunday I got in the car and drove out to Mattituck with my son. And we picked some strawberries. That's what the folks of western Suffolk enjoy through the acquisition of the open space. Thank you very much. I appreciate your attention.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
Sir?

MR. McCURDY:
Yes, sir.

LEG. ALDEN:
Thanks you for coming down. Thanks for indicating at least you read the legislation you talked on. Did you do the analysis of what the difference would be for those three years for the 11 percent?

MR. McCURDY:
Professionally I'm a mortgage loan officer. I'm a commission salesman and I have to work hard for my pay check so I don't mean to be snide by I have not had the time to do that and I don't think I ever will have the time to be able to do that.

LEG. ALDEN:
Okay. It was just an honest question. Now the second part is you did make reference to our sewage and the sewer plants.

MR. McCURDY:
Yes.

**LEG. ALDEN:**
What is the best way in your mind to protect our drinking water because you did -- you referred to it two or three times, we live on an Island. Drinking waters, that we live above our waters. So what would you suggest as far as protecting our drinking water? Because I know what I found as far my suggestion was to strengthen our ability to extend our sewers, but maybe you have a different idea.

**MR. McCURDY:**
I think you touch upon a very good point. I believe, and I'm not a scientist, again I'm a banker, but I think that the cesspools that we have in our county are just an antiquated way to deal with your waste, your dirty water. And I think that's probably one of the main sources of the ground water pollution. And I would defer to the experts. But a lot of people will tell you the Southwest Sewer District is what drove the clams out of the Great South Bay. So if you're going to go and say let's completely sewer the whole island, what's that going to do? I mean you talk to an environmentalist, he'll say that's going to do more damage to the groundwater. But to your point I think we need to find a way to take care of that problem which is basically leaching our brown water into our groundwater because we live on an island.

**LEG. ALDEN:**
Oh, okay. And just were you aware of the fact that in 1998 and 1999 there was a larger component that would have actually encouraged and made it happen additional sewer ing so that we would have had economic development, we would have had workforce housing and we would have in addition protected our groundwater. Were you aware of that fact? And that was reduced in the '07 referendum.

**MR. McCURDY:**
No, I can't say that I was aware of that.

**LEG. ALDEN:**
Okay.

**MR. McCURDY:**
But maybe it's time to revisit the issue. Yeah, sounds like a good -- thank you all.

**P.O. LINDSAY:**
Brendan, Legislator Barraga has --

**LEG. BARRAGA:**
Mr. McCurdy, I just wanted to make one comment because you mention this during your presentation. And that's the whole question which is not talked enough of, and that's the question of the rainy day fund which $130 million. And my feeling all along is that we should be going into that fund a lot more than $30 million. If we had gone into at least half of the fund, maybe we wouldn't even be talking about this particular bill. Maybe Mr. Alden wouldn't have had to put it in. And maybe -- I know we wouldn't have any lag payroll situation in the County. But what happens is that as every issue comes up, the issue takes dominance over the rainy day fund. And that's all you read about in the papers, whatever the issue is, like tomorrow we might be reading about this environmental situation with reference to this one quarter percent.

But that rainy day fund is there. And we're missing the boat on that. There's no reason in the world why we can't go in and take 65 or $70 million dollars and telling me that we're not doing it because we're worried about some future credit rating from three credit services that were almost under indictment ten months ago is ridiculous. Thank you.

*Applause*
MR. McCURDY:
Here, here.

P.O. LINDSAY:
Good question.

MR. McCURDY:
I don't know if that was a question, Legislator, but I certainly would concur.

P.O. LINDSAY:
Bob DeLuca.

LEG. ROMAINE:
Mr. Presiding Officer?

P.O. LINDSAY:
Oh, I'm sorry. Legislator Romaine has a question. I didn't see him.

LEG. ROMAINE:
You don't have to even come up. Did you know that I agree completely with Legislator Barraga?

MR. McCURDY:
I was not aware of that, Legislator, but I concur with your concurrence.

LAUGHTER

P.O. LINDSAY:
Okay, folks, we still have six or seven cards. Bob Deluca.

MR. DELUCA:
Thank you, Mr. Presiding Officer, members of the Legislature. My name is Bob Deluca. I serve as President of Group for the East End and here's a copy of my resolution 1458.

In addition to my comments today, I'm actually handing up for your record adopted resolutions by the Town of Riverhead, the Town of East Hampton, the Town of Southold, the Town of Southampton and a letter from the Supervisor of Shelter Island expressing opposition to this bill. And I'll just add that up.

You've heard a lot from the folks that expressed concern about this. Obviously we share those concerns and we also understand the difficult time that the Legislature is up against here. Those of us who are non-profits run business, too. We look employees in the eye. We have to figure out whether we have health insurance and whether people get laid off. We have all those same things on our back and we know what it's like. So, you know, it's not an easy thing to do.

I just want to offer for you a couple of thoughts as to where I think there are problems with this that may not be apparent right off the top. And the first one is, and I used to work here back in 1987 and 1988 as a County employee and went through the furlough process the last time the County ran out of money. And, you know, things move on but they don't move on all that swiftly.

One of the concerns that I have here is the three years from now a couple of years out from now and things are not bouncing back the way that they should be, we all find ourselves back here debating yet another opportunity to go back in and maybe extend it for another three years or another two years. And as much as folks can say this is automatic and it's going to come back in, I have been here long enough to see that that's not necessarily the case.
I think the problem with that is that slowly over time you begin to degrade the confidence of the public and these programs that they go in and vote for. And at the end of the day, my feeling is most people, I think as the gentleman said before, most people don't know that a big part of this funding actually goes to tax stabilization now. Most people think it's a drinking water protection fund. We're saving open space. We're saving parkland. Part of that is because that's what we tell them it's doing because that's the important part for us. So my concern is that eventually if you go down this path, it's hard to come back from it. The more you change a bill like this or the more you seek to change a bill like this, you know, eventually it doesn't pass the smell test. So it concerns me particularly because we've worked on these things. And it does matter to the public that there's some integrity in these this programs.

Second part of it is most of my work is done at the local level in those five towns whose resolutions I just passed up. I don't know the number, but I will tell you that things will slow down. Where will they slow down the most? They'll slow down the most in towns like Riverhead. Towns like Riverhead that have community preservation funds but don't have nearly the revenue sources that Southampton and East Hampton come in. Suffolk County has been an unbelievably valued partner in the protection of farmland in Riverhead in the protection of open space. Their CPF funds are not robust funds that they have a lot of extra money. And I'm very much afraid that things will slow down there. These local programs, once they start to struggle, a lot of the CPF revenue that they do have, which has also taken about a 50 hit over the last nine months, ten months, they begin to reel back from what they're working on. And so there is a relationship between what the County has available and how the towns are able to allocate the funds that they have.

And the final thing, and this is funny, I was going to raise the point but it was raised much more eloquently about rainy day funds. I have one in my organization, which is pretty small but, you know what? After 9/11 most of us in the non-profit arena found ourselves using our rainy day funds because it was an unbelievable situation and none of us accounted for? And we went and we did it and we got through and we're still here. I don't know how much you can take and still feel comfortable but the reality is that's what it's for. And I think when you look at a program like this, the long term term integrity matters to people. What you're doing is a value to every person in Suffolk County. I live on the east end and obviously it looks like we get the benefit of these Open Space Programs but the people that work on the east end, the people that visit the east end, the gentleman whose family came and picked strawberries, we're all part of the same county. And what we offer is a recreational opportunity for people in a multimillion dollar economy based on the health of the environment that supports everybody from fishermen and guys digging clams to people putting in windows and building decks.

So there is a lot of real economic value when that open space is purchased. It's not just, you know, an artifact that we have out on the east end that we can drive by and look at. That keeps our economy going. I know many of you know that. And I just want to encourage you to think through those implications as you go forward. And I wish you a lot of good luck. I know it's a difficult issue. And I just hope that the value of these programs long-term will override the short term desire to try to pull a little bit out of them. Thank you very much.

P.O. LINDSAY:
Mr. Deluca, I know Legislator Alden has a --

LEG. ALDEN:
You indicated that you --

P.O. LINDSAY:
Before you go, I just wanted to -- you talked and a number of the other speakers talked about the multiple referendums and how the program has changed as time went on. Do you know what the biggest change was? The biggest change was it went from a pay-as-you-go program to a loan program that we're buying now and paying for with assumed revenue over the next 30 years. And I
say assume because it isn't what it was when it went before the ballot the last time. So I don't think the ballots have diminished the program. I think if anything through the eyes of the environmental community they've enhanced the program.

**MR. DELUCA:**
There's no doubt that that change was very beneficial. The other thing that we did see is that, you know, there's a period of time when you want a policy to work for a while. The concern is, you know, if it changes in 2007 and then you have an economic problem, and then it changes in 2009, and then something else happens, it just gets easier to do over time. It should work. You should watch it work. If you need to make some changes, you make those adjustments and it's negotiated.

**P.O. LINDSAY:**
Well, the land preservation programs in the towns, if I'm not mistaken, were all pay-as-you-go programs.

**MR. DELUCA:**
No, they're not at all.

**P.O. LINDSAY:**
Well, you're borrowed for future revenue?

**MR. DELUCA:**
Absolutely. Absolutely every one of them.

**P.O. LINDSAY:**
Okay. Legislator Alden.

**LEG. ALDEN:**
You indicated that you worked with those five towns?

**MR. DELUCA:**
Yep.

**LEG. ALDEN:**
Okay. Then in answer to some of the --

**MR. DELUCA:**
Excuse me. I advocate before them. I don't work for them.

**LEG. ALDEN:**
You work with them.

**MR. DELUCA:**
Yes.

**LEG. ALDEN:**
The question was whether you worked with them and you said yes. In answer to the resolutions and some of the communications, they can make our life a little bit easier if they don't up zone some of the properties that we're negotiating for where it ends up costing us two, three, four times the amount it would have cost us open space. So that's a message back to them that they can help work with us. And also through their zoning, they can actually restrict a lot of the development that we end up paying top dollar for because they didn't do what I would consider something that is a primary job of those town boards; and that's to restrict the development, if that's their goal. If their goal is to have us spend as much money as we can, then they've been very successful in some of their zoning applications.
MR. DELUCA:
If it's any consolation, I recently had a conversation with the Town of Riverhead about that very issue along the Peconic River.

LEG. ALDEN:
Thank you.

P.O. LINDSAY:
Thank you. Legislator Gregory. I'm sorry, Greg, question.

LEG. GREGORY:
You had mentioned the CPF funds. And it's my understanding that the CPF funds correctly as you stated diminished over the past several months or so. But a portion of those monies go to holding the localities harmless for tax purposes, any properties, not all but at least some. If they purchase a property they may have a detrimental impact to the tax base if they'll pay for that? Is that correct?

MR. DELUCA:
There are some situations where you’re going to have a payment in lieu of taxes but not across -- not across all five towns. Select school districts.

LEG. GREGORY:
Okay, okay. Just select school districts?

MR. DELUCA:
(Indicating yes) In Southampton.

LEG. GREGORY:
So -- okay. All right. My opinion is that, you know, these funds that are being directed to the County -- for the County -- that would be should the county voters support this referendum, and it is a referendum, it's going to be the voters' choice, there are some e-mails that are going about. They're saying that the Legislature's going to redirect funds and we're going against the will of the people. And that's not true. We're giving the voters the opportunity to state if they want to stay with the program as is or they do they want to divert more monies to tax -- to the tax stabilization funds to help them county-wide and not necessarily specific areas within the County. Is that your understanding? Or -- I'm sure you disagree with that but --

MR. DELUCA:
My understanding of the bill is that you're basically redirecting a portion that's currently going for open space and parkland to tax stabilization.

LEG. GREGORY:
But you're against the voters having a say as to where they think those monies should be directed?

MR. DELUCA:
Here's what I -- well, not necessarily. But here's what I think will happen. If this thing were to pass and if this thing were to find its way onto the ballot, it will invite either additional ballot propositions to try to put the money back, get more of the money out of tax stabilization for the -- it will create a hornet's nest of activity that probably at the end of the day doesn't do any us any good. I mean that's honestly what I think will happen. And I'd rather not have that happen because I think long term we're better off where we are.

LEG. GREGORY:
I respect your opinion on that but this is the first time that this attempt like this has ever been made. And I think it's because, and I know it's because of the current economic conditions. And
these are the worse -- I'm not an economist. We could talk to our economist that we have, but it has been well documented that this is the worse economic position that we've been since the depression. And I think given that, there's certain circumstances that allow for different -- you know, we can address old issues with the same way or we can try to bring a new approach to things. But to allude to the fact that this may be the first of many attempts to raid the fund, I don't think -- I don't think is contributing to the argument or contributing to the dialog.

**MR. DELUCA:**
One thing I will say is I think it will be more difficult over time to get it back once you give it away. In other words once it goes to tax stabilization, it's my opinion that it is more difficult to remind people a couple years down the line that it was supposed -- something will come up, some other crisis, something else will happen.

**LEG. GREGORY:**
No, but there's already a sunset clause in the bill. So it's to 2012 or 2013. It's not forever. Then you have to go back to the voters and say well, we have to reallocate the funds back.

**MR. DELUCA:**
Just my opinion.

**LEG. GREGORY:**
It's already a sunset, so.

**P.O. LINDSAY:**
Thank you. Thank you, Mr. Deluca. Regina Seltzer.

**MS. SELTZER:**
My name Regina Seltzer. I live in Bellport, New York. I only have one very short statement to make. I'm in favor of not passing this bill. I agree with everybody who said all of the things they've said so there's no point in repeating it.

I just want to say one thing as a person. Okay? Water is probably one of the most important things that we have and we take for granted. And once you don't have it and once you pollute it, you're out of luck; okay? This law says it's a drinking water protection program that we passed. And the reason that we passed it and the reason that people voted for it time and time again is because they know that water is so important. And so you have problems; you have economic problems. But one of the things you don't do is you don't eliminate one of the most important things that you have.

And I can't see how you can even consider doing it when you know that the possibilities that we would not have clean drinking water are such an absolutely horrendous possibility of an island like this. And I did not read the -- I did not read your proposal, but I gather that from what everybody has said, the basic facts of it are exactly what they've said, that you are reducing the amount. Thank you very much.

**P.O. LINDSAY:**
Hold on, Mr. Seltzer. Go ahead, Legislator Alden.

**LEG. ALDEN:**
In your opinion, what is the -- the most important way or the most effective way that we can protect our drinking water?

**MS. SELTZER:**
I think there is no one way to do it. I think that's the problem. I think we have to take every opportunity we have. Your suggestion of sewage, that was one of the things we tried to do. And there have been many, many, many other things that we have done on this island. And we have been extremely successful. And I just hope you continue to think about that when you make a
decision on this.

**LEG. ALDEN:**
And actually according to Legislator Beedenbender, the most effective way of protecting our drinking water is through sewering. And unfortunately the 1999 legislation that was passed by referendum included a very large portion to go to sewering and protecting the groundwater that way. That was reduced dramatically in '07 to actually go out and buy open space, which some open space does not really protect our drinking water as well as other does.

**MS. SELTZER:**
I don't want to take anybody's time, but I would like to say that there is no one solution. And sewerage, it's like any other solution. There are lots of problems that it creates. And so you can't just assume that sewerge is the solution. It's not. It is one of the solutions. And one that we've used very effectively. Thank you.

**LEG. ALDEN:**
Good. Thanks.

**P.O. LINDSAY:**
Robert de Zafra.

**MR. DE ZAFRA:**
My name is Robert de Zafra. I am a member of this Steering Committee from Brookhaven's 20/30 land use plan. I'm also for a long time board member, probably the last close to forty years, board member and officer of the Civic Association of the Setaukets and Stony Brook.

I'm here addressing you as a private citizen rather than representing the civic association because again this legislation came to our attention only a short time ago. And, no, I have not read it. I have listened carefully to your explanation of it, Mr. Alden. And I think I have a grasp on what it's about.

I would posit that a rainy fund is for rainy days. And we are in rainy days. A groundwater protection fund is for groundwater protection and not for rainy days. And so that's where the discussion should start. How much of the rainy day fund should we be using. It would have been a more productive afternoon perhaps if that had been the topic of discussion.

If 11 percent of one quarter of 1 percent of the Suffolk County four and a half percent sales tax is all that it takes to rescue the County economy from oblivion or County shortfall from oblivion, then I would posit that you should be coming to the taxpayers next November and asking them for one quarter of -- I'm sorry -- 11 percent of one quarter of one percent of the sales tax to be raised over the four and a half percent now. Take it to the voters. If that's what they want to close the budget, they'll say yes or no. Don't make a raid on the perceived piggy bank of a fresh water, ground water protection act which again and again the voters have explicitly detailed for groundwater protection, not for rainy days, not to fill budget gaps, but for groundwater protection.

I do not understand why this debate is always about this fund and not about going to the voters and saying we face a big short fall, how about raising the proportionate amount that Mr. Alden's bill would address? As for those who say what's in it for my district, I need more police or I need more this or I need more that, if this saves one 50 acre farm, it might have a hundred houses built on it, I know of very few police calls that go out for 50 acre farms for police protection. For a hundred houses, police protection, police presence is a daily activity.

We have one of the most highly paid police forces in the world here in Suffolk County. And that's
where we all pay the difference between failure to preserve open space and failure to look after the real long term needs and budgetary impact that these supposedly short gap measures have.

So I say again, let's not go near the groundwater protection act and this pittance that can be gotten from it. If it's such a pittance, and it does matter, it does matter a great deal to groundwater protection and open space preservation, it doesn't make a heck of a big difference on the budget shortfall for Suffolk County. Let's go to the voters. Let's put it to them. Do they want that tenth of a percent extra added to the sales tax?

Just in conclusion, it hasn't been pointed out yet but the stock market has been on a rise for the last four months pretty uniformly from -- it's way up. It's generally taken by economist to be a leading indicator of better times. None of us have a crystal ball; none of us can say we're out of the woods yet, but we can probably expect sales revenues to rise again. Other things to start to ease off in terms of the economic stress that we're all under right now. So let's tough it out. Let's hang onto that water protection fund.

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

MR. DE ZAFRA:
And let's think about other things. Thank you.

P.O. LINDSAY:
John Turner. John Turner?

LEG. ROMAINE:
Mr. Presiding Officer, Mr. Turner had to leave. He just asked that his opposition to 1458 be noted.

P.O. LINDSAY:
Thank you very much, Legislator Romaine. Oliver Hull? Is Oliver Hull present?

Okay, that concludes the cards on this subject. Is there anyone else in the audience that would like to speak on the subject that hasn't spoken yet? Please come forward, sir.

MR. MIGNONE:
My name is Donato Mignone. I'm a resident of Suffolk. I found it very enlightened to come here. I learned a lot. I'm glad I came. Because I thought when I voted for the referendum for the -- to preserve the waterways and the land, I thought there was a contract. I was reaching in my pocket. I was handing money. And I thought that was going to be used for those purposes. I'll have to read them more carefully to understand exactly where that money's going.

Every acre of land that is not purchased today is going to be developed and forever, and that land's going to be gone forever. And also being that the economic crisis that we're facing apparently started from the drop in real estate values, I wanted to -- I was curious to know if you took into account even three or four years when the real estate values are brought back up, how much more is the land going to cost us when we go to buy it? That's about all I have to say. Thank you.

P.O. LINDSAY:
Thank you very much. Is there anyone else that would like to speak? Seeing none, Legislator Alden.

LEG. ALDEN:
Make a motion to close the hearing.
P.O. LINDSAY:
Motion to close. Do we have a second?

LEG. GREGORY:
Second.

P.O. LINDSAY:

MR. LAUBE:
17.

P.O. LINDSAY:
I'd like to set the date for the following public hearings of June 19, 2009, 11 AM at the Rose Caracappa Auditorium -- wait. Just the 2009-2010 Suffolk County Community College Budget; that's here on the 19th. Do I have a motion to set that public hearing?

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

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

MR. LAUBE:
18.

P.O. LINDSAY:
Okay. And I need a motion to set the day for the follow public hearings for June 23rd, 2009 2:30 PM in the Suffolk County Community College Riverhead Culinary Art Center, the 2009-2010 Suffolk County Community College Budget, IR 1467 Adopting Local Law No. -2009, A Local Law authorizing an optional lag payroll for certain elected County officials, IR 1485, A Charter Law to prevent double taxation for public safety services in certain towns and villages, IR 1508, Adopting Local Law No. -2009, A Local Law Amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species, IR 1545, Adopting Local Law No. -2009, A Local Law requiring fairness in cooperative home ownership, IR 1546, adopting Local Law No. -2009, A Local Law establishing the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay and IR 1347, Adopting Local Law No. -2009, A Local Law banning the sale of e-cigarettes to persons under the age of 19. And that's it. Do I have a motion to set that public hearing?

LEG. LOSQUADRO:
Motion.

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

MR. LAUBE:
18.

P.O. LINDSAY:
All right, page three. Do I have a motion on the Consent Calendar?

LEG. ROMAINE:
Motion.

P.O. LINDSAY:  
Motion by Legislator Viloria-Fisher, second by Legislator Romaine.  
All in favor?  Opposed?  Abstentions?

MR. LAUBE:  
18.

P.O. LINDSAY:  
Okay.

RESOLUTIONS TABLED TO JUNE 9th, 2009

1205, Enhancing administrative budget deficit control (County Executive).  
I make a motion to table, second by Legislator Viloria-Fisher.  All in favor?  Opposed?  Abstentions.

MR. LAUBE:  
18.

P.O. LINDSAY:  
1225, Authorizing the County Executive to enter into a Intermunicipal agreement with the Town of Brookhaven in connection with the maintenance of a parcel located had in Swan Lake County Park (Eddington).  
Legislator Eddington.

LEG. EDDINGTON:  
Yeah, I’ve gotten information that they have gotten the agreement on -- I mean that the Town has purchased the property so I’m going to ask to pass it.  To approve it.

P.O. LINDSAY:  
Okay, so motion to approve.  Do I have a second?

LEG. COOPER:  
Second.

P.O. LINDSAY:  
Second by Legislator Cooper.

LEG. MONTANO:  
A brief explanation.

P.O. LINDSAY:  
Explanation, please.  Does the sponsor want to explain it or Counsel?

LEG. EDDINGTON:  
Brief is my specialty.  It’s a parcel of land where laundromat was on and an appliance store -- or actually an appliance store.  And both sides of it have parkland, Swan Lake Park.  So the town said that they’re going to purchase it, knock down the buildings.  And our agreement will be that we will just maintain it because it’s just right in between.

D.P.O. VILORIA-FISHER:  
We'll just mow it basically.

LEG. EDDINGTON:  
Yes, exactly.
P.O. LINDSAY:
Very infrequently. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1356, Appropriating funds through the issuance of serial bonds for the expansion and improvements of Suffolk County Sewer District No. 18 Hauppauge Industrial Park (CP 8126)(County Executive).

LEG. KENNEDY:
Motion.

P.O. LINDSAY:
A motion to approve by Legislator Kennedy, seconded by Legislator Stern.

LEG. KENNEDY:
Apparently I guess --

P.O. LINDSAY:
Into the mike, please, Legislator Kennedy.

LEG. KENNEDY:
I believe that they got worked out whatever was necessary as far as getting proper offsets and getting the comptrollers' approval. I didn't hear otherwise from the County Executive's office so if there's anybody here from the Exec's Office who wants to speak about it?

LEG. ALDEN:
Through the Chair.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
The offsets aren't other projects. This should be in the sewer district, right?

LEG. KENNEDY:
Yes. Yeah, as far I know. Through the Chair -- Mr. -- I see Mr. Brown is here. Maybe he's got some background on it? I thought that the resolution was tabled based on the fact that we were still waiting for some comptroller review, but I'm not positive.

P.O. LINDSAY:
Could I ask why would we need offsets? This is a new project and we have a bonding resolution next.

MR. NOLAN:
Yes.

LEG. ALDEN:
Right. But the problem was, I thought, and maybe it's not, if this goes through the sewer, and we're just using sewer bonds, then I don't see a big problem with this. If we were using regular bonds, general obligation bonds, then, there is a big problem with it.

LEG. KENNEDY:
Again, through the Chair, one of the things that might have gone on here was, I believe, this was
one of the candidates for some stimulus funding in addition to getting the other comptroller approvals that we needed. The last go around with this, I believe, we substituted some stimulus funding for this project, I believe.

**P.O. LINDSAY:**
Ms. Vizzini, you have a --

**MS. VIZZINI:**
Yeah. The 2nd RESOLVED clause in the legislation before you authorizes $4 million in sewer district serial bonds. It's specific to the HIA -- Hauppauge Sewer District number 18. It's sewer bonds through the Capital Program.

**P.O. LINDSAY:**
Okay. Does that answer everybody’s question? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
18.

**P.O. LINDSAY:**
On the accompanying bond resolution 1356 A, same motion, same second. Roll call.

(*Roll Called by Mr. Laube - Clerk*)

**LEG. KENNEDY:**
Yes.

**LEG. STERN:**
Yes.

**LEG. COOPER:**
Yes.

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

**LEG. GREGORY:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. ALDEN:**
Yes.

**LEG. MONTANO:**
Yes.
LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
18.

P.O. LINDSAY:
Okay, next 1363, Amending the Adopted 2009 Operating Budget to transfer funds from Fund 477 Water Quality Protection, from the program ending November 30, 2007, amending the 2009 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to County Road 36, South County Road, at Patchogue and Bellport Bays, Phase I, Town of Brookhaven (CP 8240.321)(County Executive).

LEG. BROWNING:
I'll make the motion to approve but I know there was some discussion about 477 monies.

P.O. LINDSAY:
We have motion by Legislator Browning and a second by Legislator Viloria-Fisher. Mr. Hillman, do you have -- do you want to talk on this resolution?

MR. HILLMAN:
Just to say that I know there was a question regarding the availability of funds. And I do know that the Department of Energy and Environment did reach out and has, I believe, resolved that issue with the BRO, so.

P.O. LINDSAY:
It seems to me -- I mean this is a perfect project for the use of 477 money. I don't know why we would object to it.

LEG. BROWNING:
Bill, you know, it's not that I had an issue. Oh, you can comment on it? Because, yes, it is perfect. It's the right thing --

P.O. LINDSAY:
Ms. Vizzini, go ahead.

**MS. VIZZINI:**
Yeah, thank you. You tabled this one cycle to give us the opportunity to confirm with the Executive Budget Office what program the monies were coming from because as a matter of fact tomorrow we're meeting with them to review some of the concerns that we have. And specific to this, I do have confirmation that this is old water quality money. There's $2.3 million available. This would use two million of that 2.3.

**P.O. LINDSAY:**
Okay. Anybody have any questions? Legislator Alden.

**LEG. ALDEN:**
Gail, when you say old water quality money, you're talking about old 477 or the 12 (5) (e)?

**MS. VIZZINI:**
Old 477, 1999; Local Law 35-1999.

**LEG. ALDEN:**
Right, before the referendum?

**MS. VIZZINI:**
Before the -- right.

**LEG. ALDEN:**
Right, it's restricted.

**MS. VIZZINI:**
Yes.

**LEG. ALDEN:**
Okay.

**P.O. LINDSAY:**
Okay, everybody all right with it? We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
18.

**P.O. LINDSAY:**
**IR 1409, Authorizing the granting of an easement to the Selden Fire District across County-owned property (SCTM No. 0200-538.00-05.00-001.005) (Beedenbender).**

**LEG. BEEDENBENDER:**
Mr. Chairman, the County Attorney's Office contacted me yesterday and asked for one more change so I'll offer a motion to table.

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

**MR. LAUBE:**
18.

**BUDGET & FINANCE**

**P.O. LINDSAY:**
Okay, page six, Budget and Finance, 1416, amending the 2009 Operating Budget and transferring funds to Tri-Community Youth Agency CAST Program (D’Amaro).

LEG. D’AMARO:
Motion.

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

LEG. COOPER:
Second.

P.O. LINDSAY:
Second by Legislator Cooper. The question is, is this omnibus money?

MS. VIZZINI:
Yes, it is.

P.O. LINDSAY:
Yes, okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1417, Amending the 2009 Operating Budget and transferring funds to the Tordik-Diederich-Duffield Veterans of Foreign Wars Post 4927 (Beedenbender).

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender. Do I have a second? Second by Legislator Losquadro. Omnibus funds. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1419, Amending the 2009 Operating Budget and transferring funds for Venettes Cultural Workshop (Gregory).

LEG. GREGORY:
Motion.

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

LEG. D’AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D’Amaro. Omnibus?

LEG. GREGORY:
Quarter Cent.
P.O. LINDSAY:
Quarter Cent.

LAUGHTER

LEG. ALDEN:
That was good.

P.O. LINDSAY:
You got a couple of head turns on that one. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1435, Amending the 2009 Operating Budget and transferring funds to Nassau/Suffolk Law Services Committee, Inc. (Montano).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano.

LEG. KENNEDY:
Second.

P.O. LINDSAY:
Second by Legislator Kennedy.

LEG. ALDEN:
Explanation through the Chair.

LEG. MONTANO:
Gail, do you want to give the explanation?

MS. VIZZINI:
Yes. This was discussed in Committee.

LEG. MONTANO:
Right.

MS. VIZZINI:
This is not omnibus money, but rather it restores a reduction lump that the Legislature made to Nassau Suffolk Law Services. We did not know at the time that we struck this that this was state funded. The revenue is already in the Operating Budget so this an offset from the County owned Riverhead sewage treatment facility. This particular line item other equipment, otherwise, took a big pop up in 2009. Normally the expenditures hover around 60,000. There's $140,000 in that line item. A portion has already been reserved. But even net of that there seems to be that there may be surplus here.

P.O. LINDSAY:
What is the amount?

MS. VIZZINI:
Twenty-one thousand, two hundred fifty-three.
P.O. LINDSAY:
Okay. And this is in sewer district money as the offset?

MS. VIZZINI:
This is General Fund.

P.O. LINDSAY:
Any other questions about this? All right. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Cosponsor.

MR. LAUBE:
18.

P.O. LINDSAY:
1449, Amending the 2009 Operating Budget and transferring funds within the 2009 Adopted Budget (Browning).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. COOPER:
Second.

P.O. LINDSAY:
Who seconded it? Legislator Cooper seconds it. Do you want an explanation? Explanation.

MS. VIZZINI:
This legislation would basically make the County Executive's personnel account whole. We had used this $23,000 in a stand alone budget amending resolution to offset the cost of a salary adjustment for the Q nurses. The nurses have already received the hourly salary upgrade. That has been paid; however, the offset was from the County Executive's Office. This would make the County Executive's permanent salary line whole by taking $23,024 from the Legislature's fees for services.

LEG. ALDEN:
Why do we want to do this?

LEG. ROMAINE:
That's exactly my question.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Why would we ever want to do that? I would never want to do that. I mean he always has inventive ways to use our money to make budget transfers out of the legislative account for all types of things.

P.O. LINDSAY:
No.
LEG. ROMAINE:
If for $23,000 he's finally paying Q nurses what they deserve and it came out of his account, okay, why should we reimburse him out of our account? Good luck, be well. I'm voting no on this.

LEG. ALDEN:
Shouldn't we think about this? I'll offer a motion to table 'til sometime in 2010.

LAUGHTER

LEG. ROMAINE:
Second.

P.O. LINDSAY:
We have a motion to table and a second. Any other comments on this resolution? No? Okay, tabling resolution goes first. All in favor? Opposed?

MR. LAUBE:
Five (Opposed: Legislators Browning, Beedenbender, Eddington, Montano, Barraga, Horsley, Gregory, Stern, D'Amaro, Cooper, Viloria-Fisher & Lindsay).

P.O. LINDSAY:
Abstentions?

MR. LAUBE:
Hold your hand up for a second. Five.

P.O. LINDSAY:
All right, tabling -- you have a count?

MR. LAUBE:
Yes, five.

P.O. LINDSAY:
The tabling fails.

MR. LAUBE:
It failed.

LEG. ALDEN:
On the motion to approve?

P.O. LINDSAY:
On the motion to approve, Legislator Alden.

LEG. ALDEN:
Is the County Executive slated to spend all the money in this line?

MS. VIZZINI:
That would depend on the number of vacancies and the salaries at which people were hired. Preliminarily projections would indicate there probably would be a surplus.

LEG. ALDEN:
So he doesn't really need this money? It doesn't have to be restored or --
MS. VIZZINI:
I would defer to the County Executive.

LEG. ALDEN:
-- we could restore it at some other later date if he actually needed it. Okay. He doesn't need the money. I hope everybody heard that.

P.O. LINDSAY:
Is there any other questions on this resolution? No? Okay. We have a motion to approve. And we have a second?

MR. LAUBE:
Yes, you do.

P.O. LINDSAY:
Okay, okay. We have a motion and a second. I guess because of the confusion I'm going to call a roll call.

(*Roll Called by Mr. Laube - Clerk*)

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. ALDEN:
Very proudly no.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.
LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
No.

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

P.O. LINDSAY:
I'm going to say no.

MR. LAUBE:
Fifteen (Opposed: Legislators Alden, Romaine & Lindsay).

P.O. LINDSAY:
Okay, approved.

1450, Amending the 2009 Operating Budget and transferring funds to Fischer-Hewins VFW Post 6249 and to Kevin Williams Memorial Foundation and to Heritage Trust and to St. Jude Council Knights of Columbus (Losquadro).

LEG. LOSQUADRO:
Motion.

P.O. LINDSAY:
Motion by Legislator Losquadro.

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

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. And he's already said it's omnibus. Okay. Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1457, Reinstating the July 2009 Step increase for employees who are excluded from Organized Bargaining Units and instituting a lag payroll in 2009 for Bargaining Units 21 and 30 (Management and Confidential Employees, respectively and exclusive of the Suffolk County Community College and Employees of the Board of Elections) to address revenue shortfalls and avoid a reduction in workforce (Presiding Officer Lindsay). I'll make the motion.

LEG. LOSQUADRO:
Second.
P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. D'AMARO:
Please note my recusal on the record pursuant to my disclosure statement.

P.O. LINDSAY:
Thank you, Legislator D'Amaro.

LEG. KENNEDY:
Mr. Chair, please note my recusal on this as well associated with my statement to the Ethics Board.

P.O. LINDSAY:
Okay. Legislator Horsley, you want to recuse or do you want to ask a question?

LEG. HORSLEY:
I just want to ask a question. Why is the board excluded?

P.O. LINDSAY:
Could we -- the Board of Elections was already done in a prior resolution?

LEG. BROWNING:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. MONTANO:
Well, just for the record, it excludes the Board of Election so I don't have a problem voting on this; right, Counsel?

MR. NOLAN:
Right. If the problem was based on someone being employed by the Board of Elections, you do not have a problem.

LEG. MONTANO:
All right, because I have a relative that works at the Board of Election.

P.O. LINDSAY:
I believe they're a different unit. We've done them already because they're not -- they don't get steps. Right. Okay. Yeah. Okay. We have a motion and a second. Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
16.

P.O. LINDSAY:
1459, Authorizing a voluntary lag payroll for elected officials (Cooper).

LEG. COOPER:
Motion to approve.

D.P.O. VILORIA-FISHER:
Second.
**P.O. LINDSAY:**
Motion by Legislator Cooper, second by Legislator Viloria-Fisher. On the motion, Legislator Alden.

**LEG. ALDEN:**
If this passes, then it's up to each Legislator whether they opt in or opt out?

**P.O. LINDSAY:**
That's correct.

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

**P.O. LINDSAY:**
Somebody wants to recuse themselves?

**LAUGHTER**

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

**LEG. D'AMARO:**
Just on the motion.

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

**LEG. D'AMARO:**
Do we know in what format the lag payroll is proposed? Do we propose that ourselves or is one set format?

**P.O. LINDSAY:**
I believe we have multiple formats already, but maybe, Legislator Cooper, is it in the bill?

**LEG. COOPER:**
Yes, this would allow us to defer one day's pay for ten consecutive two week pay periods.

**P.O. LINDSAY:**

**MR. LAUBE:**
18.

**P.O. LINDSAY:**
1466, Amending the 2009 Operating Budget and transferring funds to the Middle Country Youth Association (Beedenbender). Legislator Beedenbender.

**LEG. BEEDENBENDER:**
Motion.

**P.O. LINDSAY:**
A motion to approve, second by Legislator Viloria-Fisher. Again, the question is it's omnibus. All right. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
18.
P.O. LINDSAY:
ECONOMIC DEVELOPMENT, HIGHER EDUCATION & ENERGY

1346, Appointing Thomas J. Germano to the Suffolk County Community College Board of Trustees (Presiding Officer Lindsay). I'll make a motion.

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. And he attended the meetings. All in favor? Opposed? Abstentions.

MR. LAUBE:
18.

P.O. LINDSAY:
1438, To appoint Shenole Latimer as a member of the Suffolk County Citizens Advisory Board for the Arts (Browning).

LEG. BROWNING:
Motion.

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

MR. LAUBE:
18.

P.O. LINDSAY:
ENVIRONMENT, PLANNING & AGRICULTURE

1120, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) – Hamlet Greens/Active Recreation/Historic and/or Cultural Park component – Grace Presbyterian Church property, Town of Brookhaven (SCTM No. 0200-392.00-04.00-017.000 p/o) (Beedenbender).

LEG. BEEDENBENDER:
Very enthusiastically a motion to approve, Mr. Chairman.

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

P.O. LINDSAY:

LEG. ALDEN:
Just can you tell me what this property scored and exactly what we're doing? This is a church property? Does it include buildings or --

LEG. BEEDENBENDER:
No. There is a church in the front part of the property, but there's a different parcel behind it that
was always — that the church did own and they always allowed the local sports leagues to use it. In fact when I was in Little League, that's where I played. But now it's fallow. And the plan right now is the County will purchase the land. The town is going to develop and create two fields there. And they're going to lease it out to one of the local youthful leagues. So we will purchase it. They will build and maintain so there's no further financial input from the County beside -- after purchasing it.

LEG. ALDEN:
And the church knows that there's going to be ball fields there?

LEG. BEEDENBENDER:
Well, there were always ball fields there. It just -- they were allowed to go into disrepair. So it actually does help the church out because part of this the town is going to put an additional parking lot that the church will be able to use as well.

LEG. ALDEN:
Do you know what this scored? And whether it was on the original list?

LEG. BEEDENBENDER:
It was not on the original list. And I don't remember what it scored. This was something from my predecessor that started. And I'm not exactly -- it was under one funding program which then expired. So that's what lengthened it so much. We had to change it to a different funding program after the initial program expired in 2007. I don't know what it scored, Legislator Alden.

D.P.O. VILORIA-FISHER:
Brian, was it Greenways?

LEG. BEEDENBENDER:
It was originally Greenways which disappeared. And now the only program left was Active Parks.

P.O. LINDSAY:
Anybody else have any other questions? anybody? No. Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:

P.O. LINDSAY:
IR 1376, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Delea, F. Sasso and estate of E. Sasso property – Delea Sod Farm Town of Riverhead – (SCTM No. 0600-017.00-05.00-004.005 p/o) (County Executive).

LEG. ROMAINE:
Motion.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Motion by Legislator Romaine, seconded by Legislator Losquadro. On the question? What is the purchase price? What are we buying, how much?

MS. VIZZINI:
Five million forty thousand for 70 plus acres.

**P.O. LINDSAY:**
Okay. On the motion, Legislator Alden.

**LEG. ALDEN:**
To the sponsor, do you know if there's any -- oh, the sponsor's not here. But he's across the street. Is there development pressure on this?

**LEG. ROMAINE:**
Yes, there's development pressure throughout Riverhead for open space. And all we had to do was -- I used to live in Calverton well over 35 years ago. And just drive around and I look at farmland that is now all subdivision.

**LEG. ALDEN:**
Ed, do you know did the board rezone this for -- like multi family or a larger density?

**LEG. ROMAINE:**
No, it's probably zoned one acre. The Health Department won't allow less. I don't believe the sewers in Riverhead extend to this property.

**LEG. ALDEN:**
Seventy-two thousand per acre, is that normal?

**LEG. ROMAINE:**
That's great. Usually it's much more than that.

**LEG. ALDEN:**
Okay, thank you.

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

**LEG. BARRAGA:**
Opposed.

**LEG. GREGORY:**
Opposed.

**MR. LAUBE:**
16.

**LEG. MONTANO:**
Opposed.

**MR. LAUBE:**
15.

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

**MR. LAUBE:**
Yes, sir.

**P.O. LINDAY:**
1446, **Authorizing the acquisition of land under the New Suffolk County Drinking Water**
Protection Program (effective December 1, 2007) – open space component – for the Najdek property – Southaven County Park addition – Town of Brookhaven – (SCTM No. 0200-666.00-01.00-023.001) (County Executive).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
Does anybody know what this scored? And whether this was on any master list or one of our original acquisition lists?

LEG. ROMAINE:
Master List II.

LEG. BROWNING:
Master List II.

MS. VIZZINI:
Master List I and II according to the WHEREAS CLAUSES.

LEG. ALDEN:
Thanks, Gail.

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

LEG. BARRAGA:
Opposed.

LEG. GREGORY:
Opposed.

MR. LAUBE:
16.

P.O. LINDSAY:
1463, Authorizing Suffolk County to enter into an Intermunicipal agreement with the Town of Southold in connection with planning for the Bay to Sound Integrated Trails Initiative – Land Stewardship Project (CP 8713.110) (County Executive).

LEG. ROMAINE:
Motion.
P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. SCHNEIDERMAN:
Second.

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

LEG. ALDEN:
Cosponsor.

MR. LAUBE:
18.

LEG. ROMAINE:
Will the Clerk please list me a cosponsor.

MR. LAUBE:
Will do.

P.O. LINDSAY:
LABOR, WORKFORCE & AFFORDABLE HOUSING

1410, Adopting Local Law No. -2009, A Local Law to amend the Living Wage Law and establish new date for Cost Of Living Adjustment (Presiding Officer Lindsay). I’ll make a motion, second by Legislator Gregory.

LEG. LOSQUADRO:
On the motion, Mr. Chairman.

LEG. ALDEN:
Explanation.

P.O. LINDSAY:
And I was just about to do that.

LEG. LOSQUADRO:
Okay, thank you.

P.O. LINDSAY:
We have a different -- we have an implementation date for cost of living increases to the Living Wage of mid-year year in July. Nassau County has it in January. The agencies -- most of the agencies we deal with deal in both counties. And they came to me and were having a tremendously difficult problem with payroll, adjusting the payroll between the two counties.

I had a meeting with the Presiding Officer of Nassau County hoping that we could come up with a uniform policy not only on the implementation dates but also the way things were computed and that all the rules would be the same in the bi-county area. I never heard back from them again to be honest with you.

So the only thing that we could do at this point to ease this burden would be to move our implementation date for cost of living increases to the beginning of the year, which would match Nassau County. And at the same time in this very difficult year on our not-for-profits it gives them
another six months where they don’t have to increase their salaries, which should be able to preserve some jobs. And it makes sense for their proposals because their proposals are due at the beginning of the year; that the wage increases and what they propose to the County in terms of services they provide for the County match each other instead of mid-year. Okay.

D.P.O. VILORIA-FISHER:
Good plan.

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

MR. LAUBE:
18.

P.O. LINDSAY:
1428, Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Babylon for affordable housing purposes (County Executive). Motion by Legislator Horsley, second by Legislator Gregory. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
PARKS & RECREATION

1434, Appointing Donald D. McKay as a member of the Suffolk County Vanderbilt Museum Commission, Trustee No. 13 (Cooper). Legislator Cooper?

LEG. COOPER:
Motion to approve.

P.O. LINDSAY:
Motion to approve, second by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
18.

P.O. LINDSAY:
1311 we already did.

PUBLIC SAFETY

1443, Approving the reappointment of Nayyar Imam as a member of the Suffolk County Human Rights Commission (County Executive). Yes, Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Mr. Chair, I have a great deal of respect for Nayyar Imam. Many of us in the Legislature know him. He works very hard and he's been a very devoted member of the Suffolk County Human Rights Commission and has been serving as a -- what's the term -- a holdover for a few years as have most of the other members of the Suffolk County Human Rights Commission. And precisely because of that practice of not appointing or reappointing members of the Human Rights Commission, I'm going to be making a motion to table 1443. And I will make that motion for 1444, 1445 and 1464.

I had a very long conversation regarding this issue with Rabbi Moss yesterday because there was
one particular member, Lynda Ayala Perdomo who has been a holdover for five years. And she's -- her term has been held over precisely because she took an opportunity at one point when she had been on the Hispanic Advisory Board to resign because she disagreed with policies of the County Executive regarding the Hispanic community. And because of her action she has not received a reappointment and has no indication that she will receive a reappointment.

I think clearly this is a contradiction in what is intrinsic to being the member of the Human Rights Commission which is to be able to state an opinion in a strong way regarding the human rights and privileges of the people who live in Suffolk County. And I'm asking my colleagues to support the tabling motion because -- and I have also spoken with Ben Zwirn about this and asked him to bring the message to the County Executive that we hope to see all of the members who are going to be reappointed, all of their names brought to us at the same time so that we can approve the appointment of all of the members of the Human Rights Commission at the same time.

And I just want to underscore that Linda Ayala Perdomo is the only Latina member of the Human Rights Commission. And at this point in time when there is so many challenges regarding the Hispanic community in Suffolk County, we certainly need her to be certain of her position on the Human Rights Commission and to feel all the strength and rights and powers of a commissioner. By the way, she is the only commissioner, I looked at some attendance sheets, and she's the only commissioner who has had perfect attendance in the past year, the only member of the commission. And she is, by the way, the vice chair of the commission elected by her fellow commissioners.

LEG. MONTANO:
Are you making a motion to table?

D.P.O. VILORIA-FISHER:
I did make a motion.

P.O. LINDSAY:
Motion to table. Do we have a second?

LEG. MONTANO:
Second. And I'd like to speak on the motion.

P.O. LINDSAY:
Okay. We have second. We have a motion to table and a second. And Legislator Montano.

LEG. MONTANO:
Yes. I support the motion. And also with respect to Nayyar, I had a meeting scheduled with him last week and a group. He was unable to attend. We are going to meet before the next meeting. He's someone that I respect and, you know, can support. But I'm going to support the tabling motion. I would like an opportunity to speak with him as to the issues that are involved with the Human Rights Commission.

For those of you that may know, I served as Executive Director of the Human Rights Commission for eight years. I'm fully familiar with how the Commission functions, what their roles are, what their independence should be, and there is some issues that I would like to discuss. And I want to meet with not only him but Rabbi Moss, who I know for many years, to discuss where the Human Rights Commission, you know, has been.

And, you know, I might point out that Legislator Fisher is absolutely correct. This term expires in 2006, but yet Ms. Ayala, her term expired in 2005. And there are other Commissioners who are on the Commission whose term expires before these terms expire. And as a courtesy, I think, you know, I would ask -- and it's no disrespect to any member who has been submitted for reappointment, but I would like to speak with them personally with respect to what has gone on in the Human Rights Commission in the last several years or what hasn't gone on, you know.
And before we -- and by the way, I would say that the members of the Commission all serve -- there are a couple, but most of them right now, I would say more than two-thirds, serve as holdovers. And there is no prejudice to having this resolution passed because they continue to serve and they continue to function as holdover status, but I think there are some questions that need to be asked. And, you know, and along with Legislator Fisher, I would point out very clearly in the six years that I have been in this Legislature there has not been one Hispanic appointed to the Human Rights Commission.

Lynda Perdomo-Ayala, I have her -- I have a copy of the annual report of the Human Rights Commission. And by the way, the existing Director, she goes back to 1980. I appointed her to this position, so I'm very aware, you know, the history of this. You know, I think it's incumbent upon us in our role as confirming the appointments that we, you know, look at this. And what I think Legislator Fisher and I are asking is that -- and hopefully others, is that we just have an opportunity to talk to these three members, what is going on. And also to get, you know, to get a clarification of who's going to be on and who's not going to to be on and not have these appointments scattered in the way that they are.

The way the statute is written, there are -- there should be every year five members of the Commission reappointed, it's 15 members, scattered terms. We've looked at this. And there's been a confusion now because it hasn't worked out that way. There is -- you know, if you look at the appointment schedule, there's sort of a mistake that was made in the process. I think we'd like an opportunity to, you know, review this. I'm going to definitely talk with Rabbi Moss and the other appointees before I vote. I'd like this to be tabled.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes, I have -- I know most of these people in the resolutions that are before us for reappointment to the Human Rights Commission and I have the greatest regard for them, and I have absolutely zero interest in holding up their appointments. However, Legislator Fisher makes an excellent point, as does Legislator Montano. Why would we be appointing people to various terms and mix up the terms when five are supposed to be appointed, what, every year?

LEG. MONTANO:
It should be every year.

LEG. ROMAINE:
Right.

LEG. MONTANO:
But these appointments are people whose term expires after some matters -- who haven't even been reappointed or replaced because the real issue is they're either reappointed or replaced. And we're sort of jumping the gun by just selecting these three, I think, and not dealing with the older members.

LEG. ROMAINE:
Right.

LEG. MONTANO:
One is a reappointment as Chair.

LEG. ROMAINE:
Oh, okay. I see.
LEG. MONTANO:
All right. But the other three are reappointments for three year term.

LEG. ROMAINE:
Well, you make an excellent point that from an administrative point of view, the appointment process is kind of screwed up. And we're appointing some people whose terms haven't expired and others who have that we're not dealing with.

I also think that Legislator Fisher made an excellent point in which this Legislature should define, when we make appointments to a board like this, this is a board that we're looking for people who are independent, who are not punished for comments that they make in defense of various communities. And I think if appointments are going to be a litmus test of their ability to muffle or muzzle their opinions or their thoughts, particularly as it relates to any one particular community in this County, that's maybe not the way to go.

So despite my respect for these people, I will table this for one session. But clearly, clearly we need to define and allow the members of this Commission to be and to act independent. Thank you.

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
I'm not sure I understand the strategy to not reappoint people that have served with honor even though their appointment has actually expired and in light of the fact that we don't have any power to appoint anybody. We just confirm. Is that correct? Or is that not correct?

LEG. MONTANO:
You confirm or not confirm.

LEG. ALDEN:
We confirm or not confirm. But we're not going to look at the merits of these three or four people because of a, what -- maybe someone can explain that?

D.P.O. VILORIA-FISHER:
Since I made the motion, Legislator Alden, may I explain that I -- the merits that's involved with the people whose names are before us has really no -- is not at issue at this particular point in time. It's the process; that there are people who have also served very meritoriously. I haven't seen -- I'll say the name -- Lynda Ayala has served very well. Just from looking at the attendance, she has been present at every single meeting and is the only one who has done so this year.

And these are -- and I spoke with Rabbi Moss. I spoke with Nayyar Imam and told them that I was going to ask these to be tabled so that we can look at all of the members rather than have this given to us piecemeal. I would like to see what's going to happen with the entire Human Rights Commission so that no Commissioner feels that he or she is incumbered by having made a statement on behalf of the protection of the rights of a group of people in this County.

LEG. ALDEN:
I still don't understand how holding up the reappointment of people that served honestly and honorably even in a holdover capacity based on the merits, there's no reason not to appoint them. I don't understand the strategy why we --

D.P.O. VILORIA-FISHER:
Okay. As Legislator Montano said, we're not precluding their going on because they've been serving as holdovers sometimes for as long as five years. So we're not diminishing their capacity to serve. I'm asking just for it to be tabled. We meet again in two weeks. I've reached out to the County Executive to give us all the names in two weeks so that we can look at everyone together that he's
is appointing. I would like to see him appoint someone from the Latina community which he has not done.

**LEG. ALDEN:**
So if he doesn't appoint somebody from the Latina community, we're going to punish these people and not reappoint them?

**D.P.O. VILORIA-FISHER:**
Well, I don't see it as punishment because they continue to --

**LEG. ALDEN:**
We're not reappointing them.

**D.P.O. VILORIA-FISHER:**
Well, they're still serving. We're not stopping them from serving. It will be coming back before us in two weeks. I'm just asking for a table for two weeks so that we can iron out some of the conversation regarding the process. Legislator Montano has -- in fact I'll yield to him so that he can talk to the process more.

**LEG. MONTANO:**
Yeah, if I may, Legislator Alden, let me state my position more bluntly. Having worked with the Human Rights Commission and the members of the Commission and knowing how they operate, I would definitely want to discuss with these reappointments what their position is vis-à-vis the appointment of Commissioner Ayala and where they stand with respect to the issue of the diversity, the issue of independence. And, you know, I think that's something that I certainly want to consider when I vote to either confirm or not to confirm these individuals.

And that's not meant in a disparaging way. That's simply an opportunity to sit down with them and have a face-to-face and say, okay, you know, we've had some issues with respect to {Marcello Lucello}, we've had some issues with respect to immigration issues on Long Island, we've had some issues with respect to the relationship of government with members of the Hispanic community. And I must say that there are other colleagues that I have spoken to in the Hispanic community that are extremely concerned about the issue of whether or not Ms. Ayala is or is not going to be appointed and why she's being delayed. And I would like to hear from these perspective commissioners whether they have a position on that. And I think that is a legitimate concern.

Now others may not feel that way. They may not feel that that is important, but I think that's important to me. And not having had the opportunity to have a direct conversation, and as I said, I have a meeting scheduled with one of the perspective appointments, unfortunately it was cancelled before this meeting, but that is a consideration. So they're not being punished in any way. They've been holdovers for many, many years. We have other commissioners who are holdovers for even a longer period of time. And I think that with respect to these three individuals, I'd like an opportunity to discuss with them, you know, what their stance is. And it may or may not have any effect but I think I'm entitled to the opportunity to discuss this with them and hear from them directly.

**LEG. ALDEN:**
Well, obviously you have more experience with this Commission, but I know some of these people personally and I'm very --

**LEG. MONTANO:**
I know them also.

**LEG. ALDEN:**
-- impressed with the way they act. And the second thing is, was this discussed in Committee? Because this was all passed out with yeses. And I feel very funny about voting to table the
reappointment of some people that I feel have done exemplary type of work.

LEG. MONTANO:
Well, I wasn't at the Committee meeting.

LEG. ALDEN:
I'm not on that Committee.

P.O. LINDSAY:
Before I recognize Legislator Gregory, Mr. Zwirn, I ask you have -- I know Legislator Viloria-Fisher talked to you about this, have you discussed this with the County Executive?

MR. ZWIRN:
I haven't had a chance to do it today. I would like to just make some comments but I'll wait 'til the Legislators are finished or go now, whatever you --

P.O. LINDSAY:
Go ahead, go now.

MR. ZWIRN:
Well, I think what -- these recommendations are on their own merits. As Legislator Alden pointed out, they went to committee. Everybody had the opportunity to question them. We generally have people who are reappointed don't even have to show up at committee. Some of the people did. They followed the rules. Either I would say vote them up or down on the merits.

I think it's a little troubling if you're going to hold other appointments hostage because the County Executive hasn't made an appointment that you agree with, I think that's going a step too far. These are the County Executive's appointments. You have the right of confirmation. You can say yes or no. And you have reasons or you can put them on the record or not. But I think to say that we're not going to reappoint these people who have done good work, and nobody seems to have a quarrel with that, because the County Executive hasn't put forth a name that you particularly want, I think that's really taking a big leap.

P.O. LINDSAY:
Do you know does he intend to reappoint Miss Ayala?

MR. ZWIRN:
That I don't know, Mr. Presiding Office. I don't know.

P.O. LINDSAY:
Okay. I got a list. Legislator Gregory.

LEG. GREGORY:
I understand Legislator Fisher's and Legislator Montano's concerns. I have a particular issue with this proposal because one of the reappointments is a person in my district. And I haven't had an opportunity to speak to her. And I wouldn't want to blind side this person. And she's been a member of the Human Rights Commission for years. I don't know how long but I know it's a significant period. And, I believe, and I strongly believe that there should be diversity on the Human Rights Commission and that the Latino community should be concerned that their appointment, if I can state it that way, is in limbo. I don't know if it's particular to that person or not but at least some person should be appointed to the task force or to the Commission.

So I say that to say that I won't be able to support the tabling motion. I agree with it on its merits. But for particular reasons because of the person from my district, I won't be able to support it. But I totally agree. And I think maybe a way to address it is maybe someone should submit a bill limiting the time frame similar to Cooper's bill on how long a holdover can be. I think that we can get some resolution that way.
P.O. LINDSAY:
Legislator Montano.

LEG. MONTANO:
No, no, it's okay. Ben, it was in reference to the last point that you had made. And I'm sorry, I got diverted by Legislator Gregory's comment. What was the last point? Can you repeat it for me again?

MR. ZWIRN:
I made so many lucid points it's hard to know where to begin.

LEG. MONTANO:
Yeah, I know, we're both in the same boat. Well, my point is that no one is being penalized, Ben. You know, what we've asked simply is a tabling for two weeks. And, you know, what I was going to address was that I would like the opportunity in my role as a Legislator who doesn't have the power to appoint but has the power to confirm or to vote not to confirm, I would like to have a conversation with these people. Unfortunately it hasn't happened yet. And that's really all we're asking. There's nothing sinister in terms of, you know, whether or not -- they're not being penalized for not being appointed today.

I understand Legislator Gregory's point about unfortunately Miss Davis wasn't made aware that this would come up. It came up kind of suddenly. But at the same time I think that we are entitled to have an opportunity to discuss with them in our role. And that's simply what we're asking. It really is no disrespect to any of the members. And I am concerned about the fact that some are jumping the gun in terms of their years of appointment. And, you know, I'd like to find out what their position is. That's essentially it. I don't want to be argumentive. We don't want to beat it into the ground but we would ask that it be tabled.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. Nayyar does not live in my district, but the mosque that he worships at is in my district and he does do a lot of work. And I guess I have some of the same similar comments as Legislator Gregory.

The one thing that I did want to add is that, you know, we discussed this briefly before the break and I had an opportunity to look. I think Miss Ayala Perdomo's qualifications are exceptional. And she has -- as the Vice Chair of this Commission she has been -- she has done outstanding work. And I would hope that a reappointment of her would be forthcoming as soon as possible. And I think she brings a value to this Commission and she should absolutely be confirmed.

And I am moved by the concerns expressed by Legislator Montano and Legislator Viloria-Fisher in that as somebody is a holdover and they're not in their term, there's a different mindset in the sense that you are not termed and you don't have a set time period. So I agree with that; however, with the others -- with the four individuals here I know Rabbi Moss was just appointed as the Chair so we'll speak of the three individuals, I would like to get them into their terms.

Nayyar, his term expired in 2006 so he actually was a holdover for the entire period of an actual term. And we're going to appoint him to a new one. So I would hope a resolution appointing Miss Ayala Perdomo would be forthcoming as soon as possible. But it would be my preference to move ahead. I feel confident in Nayyar's ability. And I realize that nobody has suggested otherwise. But I would like to move forward with these appointments with the understanding that I would like Miss Ayala Perdomo to be one soon and I'd like to cast my vote in the affirmative for her as well.
P.O. LINDSAY:  
Legislator Kennedy.

LEG. KENNEDY:  
Thank you, Mr. Chair. I think every one of us around the horseshoe is probably, you know, debating. Certainly when a member requests an opportunity for one cycle to go ahead have some dialogue particularly about such critical appointment to such a critical board, generally I'm inclined to want to go ahead and yield to that member. And as I look at these four appointments, I can that I do know three of them by name. Certainly I know Rabbi Moss for twenty years and of the service that's he's given to this County as has Miss Davis.

But I am concerned that the failure on the part of the County Executive to bring another commission member forward after years that she's served because of what she may or may not said has a chilling effect on this board's ability to function on a critical issue in our County, which is issues of diversity. Yes, my role is to confirm; however, I think my role is to go ahead and to uphold work that boards do so I'm going to support the tabling.

MR. ZWIRN:  
It I might, Mr. Presiding -- I just have a question. If Miss Ayala's name does not come forward, does that mean that these people are going to be held hostage indefinitely?

LEG. KENNEDY:  
Who's that question to?

MR. ZWIRN:  
To you.

LEG. KENNEDY:  
Ah, here we go.

D.P.O. VILORIA-FISHER:  
Actually I kind of resent the term "held hostage". Because what I've asked for and actually I've asked the Legislators to support the tabling motion and not you, Ben, and I'm not holding anybody hostage. I just had -- Brian, I just had a very long conversation with Nayyar Imam because he is a friend of mine and I wanted to let him know that I was going to make a motion to table and that I didn't want him to think that this was in any way a disrespect to him because I know the work that he does. And he said to me, "Well, I am very concerned about that, too. And I'm glad that you're pointing this out because I count on Lynda Perdomo-Ayala. She is there all the time and she's a very important part of the Commission."

And when I told him that in her conversation with Steve Levy regarding this reappointment, what came up was her resignation from the Hispanic Advisory Board. And that was very -- something that disturbed Nayyar Imam. And he said that he would be speaking with Rabbi Moss and that they would both be speaking with the County Executive to ask if there's a way to resolve this.

So I'm asking my colleagues for those two weeks. And I'm sorry that I I wasn't able to reach out to Rachael Davis and -- I'm forgetting who the fourth person is -- right -- I'm sorry I didn't get to reach everybody. But because I've been such a long-time friend of Rabbi Moss, my husband's family attends his temple, he has done the bar mitzvahs and bat mitzvahs for all of my nieces and nephews, so we go back a long way, and I respect these people. So this is no way impugning their abilities or their integrity. And they both, the two members that I spoke to who's names we have here today have assured me that they, too, are concerned about this; and that they would want to have a conversation with the County Executive about it. I just want everybody to feel a level of comfort that this is in no weigh impugning the people whose names are before us.
P.O. LINDSAY:  
Legislator Barraga.

LEG. BARRAGA:  
As I take a look at this, I have to ask myself a question. You know, what's the best solution here? How do you solve this problem? Do you really solve it by holding these four people in abeyance for several weeks? Is that the solution and hoping that one or two of these people speak to the County Executive?

If I as a member of the Legislature had a problem with reference to someone who I think should be on this Commission who is not being reappointed, what I would do frankly is the most direct approach. I don't think I'd be holding these people up. I'd be on the phone or asking for a meeting with the County Executive. And he and I would sit down face to face and have the discussion with reference to the person I was promoting. And I would hear firsthand from him as to why or why not that individual's not going to be reappointed.

We heard some statements here the person wasn't going to be reappointed because they were outspoken. I don't know if that's true or not true. All right? All I know is the truth is face to face when you're speaking with someone. That's the best way to handle this. Because what you're really doing is you're asking a third party who may agree with you to speak with somebody else. And it's not direct enough. After these people went through the committee process, to hold them up just doesn't seem to make a lot of since, not if you really want to solve the problem.

And with all respect to Mr. Montano and Legislator Fisher, I certainly -- this person they're talking about may be highly qualified. But the best way to find out what's going on is to have a face to face conversation with the County Executive because he's the one who has the power to make the appointment. And he's the one that can give you an answer one way or the other, it's going to be yes or no and why.

P.O. LINDSAY:  
Legislator Nowick.

LEG. NOWICK:  
Yeah, I just have two questions, maybe more. From what I understand the County Executive has the ultimate authority appointing members to this committee?

D.P.O. VILORIA-FISHER:  
(Indicating yes)

LEG. NOWICK:  
I have to ask myself why that is but -- well, it is a question. If the County Executive chooses never to actually reappoint Linda -- what's the hyphenated name --

D.P.O. VILORIA-FISHER:  
Lynda Perdomo-Ayala.

LEG. NOWICK:  
Never to appoint her officially, can she just continue to keep serving in the role as a holdover forever?

LEG. MONTANO:  
Yeah, as long as she's allowed.

LEG. NOWICK:  
She can just forever do that.
**LEG. MONTANO:**
That is what has been going on with some members and not with others. And that's --

**LEG. NOWICK:**
So I'm just trying to figure out, so if we do not approve these three, four, and the County Executive doesn't choose to appoint Lynda, this could go on forever. That's my -- I'm just a little bit nervous about this going on forever. How does this actually help the board?

**LEG. MONTANO:**
It doesn't.

**LEG. NOWICK:**
It doesn't help the board, right? I mean the question was can these holdovers just go on forever and ever and ever?

**P.O. LINDSAY:**
And the answer's yes.

**LEG. NOWICK:**
Okay.

**P.O. LINDSAY:**
All right? Legislator Eddington.

**LEG. EDDINGTON:**
Yeah, I just want to say that Legislator Barraga probably said it better than I'm going to be able to say it but I agree with what he said. I don't like that communication style of sending messages and hoping that they're interpreted because my experience here, they're almost always misinterpreted. And then there's another response that has to be interpreted. So I think the best way is direct communication. And once these people are approved, they can advocate along with Legislator Fisher to make sure that that person is reappointed because of the merits. I think that's the best way to go. And I'm going to continue to say direct communication is the best way. I don't like sending indirect messages so I'll be supporting this.

**P.O. LINDSAY:**
Okay, Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**
I just quickly wanted to say to both Legislators Eddington and Barraga that I have spoken about Lynda Perdomo's reappointment with the County Executive; not this week but prior to this. And so I have tried direct communication. And there was a sense that there might be a change of heart coming so, you know, I'm not sure where he stands at this moment and that's why I asked Ben to reach out to him for me today.

**P.O. LINDSAY:**
Okay, Legislator Montano, did you want to say something else?

**LEG. MONTANO:**
Yeah, just very briefly. And I understand Legislator Barraga's and Eddington's comments. But, you know, having worked there for so long, I just wanted to reiterate the procedural problem. Historically the holdovers at the Human Rights Commission have been a problem with every County Executive going back to my days in the Human Rights Commission. And I think the better message and the better procedure is to have the appointments expire come up for reappointment; or if not reappointment, then replacement so that you have an ongoing body. It really is unfair to have a body of 15 members where half the status is solid and the other half remains in limbo. And that's
what we have here.

So, you know, I would advocate and maybe a bill would be appropriate that before we can appoint someone or reappointment someone whose term expired in 2006, we should reappoint or replace the person whose term expired in 2004 because this thing drags on and drags on and drags on. And it causes restraints. The Human Rights -- the appointments to the Human Rights Commission stems from the New York State Executive Law section 296 which intended the Human Rights Commission and the commissioners to be totally independent of local governmental controls so that they can be true advocates.

And by this holdover process, it has stifled the advocacy not only in this jurisdiction and in others. And that's why I think -- you know, that's something that, you know, we can debate that all day but that's a consideration. Again, there's no prejudice nor any harm to hold over, you know, to delay a vote for two weeks. And I don't think that it would be inappropriate in this circumstance.

P.O. LINDSAY:
Okay. Anybody else want to talk? We're all talked out? All right. Mr. Clerk, we have a motion to table and a second.

MR. LAUBE:
Yep, you do.

P.O. LINDSAY:
Do we have another motion? Do we have a motion to approve?

MR. LAUBE:
No, I did not get a motion to approve.

P.O. LINDSAY:
Does anybody want to make a motion to approve?

LEG. GREGORY:
I make a motion to approve.

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

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Second by Legislator Beedenbender. Okay. The motion to table comes first. I'm going to call a roll on the tabling.

(*Roll Called by Mr. Laube - Clerk*)

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

LEG. MONTANO:
Yes.

LEG. COOPER:
Yes, for one cycle.

LEG. D'AMARO:
No.
LEG. STERN:
No.

LEG. GREGORY:
No, to table.

LEG. HORSLEY:
No

LEG. NOWICK:
No, to table.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes, for one cycle.

LEG. ALDEN:
No.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
No.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
Yes, for one cycle.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
No.

MR. LAUBE:
8.

P.O. LINDSAY:
Okay. The tabling fails. Motion to approve. Roll call.

LEG. MONTANO:
On the motion before you do? I'm just going to -- just for the record I am actually going to abstain. I don't like abstaining on this but in light of the failure of the motion to table and the fact that I have not had an opportunity to speak to the candidates, no disrespect to them, I will apologize and explain it to them personally but I'm going to abstain.
P.O. LINDSAY:
Okay. Roll call.

(*Roll Called by Mr. Laube - Clerk*)

LEG. GREGORY:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Abstain.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Abstain.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen.

[THE FOLLOWING WAS TAKEN AND TRANSCRIBED BY.
LUCIA BRAATEN - COURT STENOGRAPHER]

P.O. LINDSAY:
Okay. 1443 is approved. **1444 - Approving the reappointment of Rachel Davis as a member of the Suffolk County Human Rights Commission. (Co. Exec.)** Could we do "same motion, same second, same vote" in the interest of time? Okay.

MR. LAUBE:

P.O. LINDSAY:
1445 - Approving the reappointment of Gary Mar as a member of the Suffolk County Human Rights Commission. (Co. Exec.) Same motion, same second, same vote.

MR. LAUBE:

P.O. LINDSAY:
And **1464 - Approving the reappointment of Rabbi Steven A. Moss as the Chair of the Suffolk County Human Rights Commission. (Co. Exec.)**
Same motion, same second, same vote.

MR. LAUBE:

P.O. LINDSAY:
**1139 - A Local Law to ensure safe operations of helicopters. (Romaine)**
Legislator Romaine.

LEG. ROMAINE:
Motion.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Motion to approve. All right.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
Seconded by Legislator Schneiderman.

LEG. COOPER:
Motion to table.
LEG. ALDEN:
Explanation.

P.O. LINDSAY:
Motion to table by Legislator Cooper.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator D'Amaro. I'll tell you, Ed, I'd rather approve it now then go to Riverhead with it.

(*Laughter*)

LEG. ROMAINE:
Absolutely.

LEG. NOWICK:
Cooper, withdraw, withdraw, withdraw.

P.O. LINDSAY:
Ms. Lolis, would you like to comment on this bill?

MS. LOLIS:
Well, we'd just would like to state, I had sent an E-mail pursuant to Legislator Stern's request setting forth our -- a legal explanation why we believe the bill is preempted. So I'm just available if anybody had any questions.

P.O. LINDSAY:
Okay. Yes, Legislator Romaine.

LEG. ROMAINE:
Yes. Could you, please, read the last sentence of the -- of your E-mail, please?

MS. LOLIS:
Of the opinion, or of the E-mail?

LEG. ROMAINE:
That you sent over, yes, the E-mail.

MS. LOLIS:
Actually, I don't even have a copy of it with me.

LEG. ROMAINE:
Do you have the opinion, then?

MS. LOLIS:
I have the opinion, yes.

LEG. ROMAINE:
Could you read the last sentence of the opinion, then?

MS. LOLIS:
As far as the Hughes case was concerned?
LEG. ROMAINE:
Yes.

MS. LOLIS:
That court in that case could not definitively state that that particular Local Law was conclusively preempted.

LEG. ROMAINE:
Thank you. I don't believe there is a preemption, and I'll take advantage for a moment. I don't want to debate, the hours's late. I think people understand that there is not a preemption clause. We're not regulating altitude, we're regulating pilot behavior, and in several court cases it has been found that it is within our jurisdiction to do so. This law I think is valid, it's going to serve a purpose. It's certainly going to send a message. And maybe for those along the North Shore of Suffolk County and the North Fork, and even the South Fork, we may be able to get some peace and quiet at some point. Thank you.

P.O. LINDSAY:
I have a couple of questions of the sponsor, if you'll allow me. All right? Has the bill changed at all from the original bill?

LEG. ROMAINE:
Absolutely. The original bill controlled altitude. This bill only controls pilot behavior, and is specifically because of the exemptions aimed at commuter helicopters primarily coming out of Manhattan.

P.O. LINDSAY:
And what kind of behavior does it control?

LEG. ROMAINE:
It prohibits dangerous and reckless behavior.

P.O. LINDSAY:
Okay.

LEG. ROMAINE:
And I think that would be established by those helicopters looking to create undue noise and inconvenience.

My Aide over this weekend did an examination on the computer of helicopters flying over, and more than 50% of them were not adhering to the supposedly informal agreement of twenty-five hundred feet, just so that you should know that.

P.O. LINDSAY:
Okay. And who -- what arm of our government would enforce this?

LEG. ROMAINE:
This would probably be enforced by either the County Attorney and/or Suffolk County Police Department, and/or local police departments, because, again, every helicopter has a transponder. You can follow every helicopter flight on computer screen and determine altitude, and determine whether they are flying in a dangerous or reckless manner.

P.O. LINDSAY:
This is almost like the red light camera bill, they get a ticket in the mail.

LEG. ROMAINE:
Something like that, yes.

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

**LEG. HORSLEY:**
Sounds good.

**LEG. ALDEN:**
We could try to shoot them down.

(*Laughter*)

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

**LEG. D'AMARO:**
Yeah. It's not exactly like the red light camera bill, because the transponder does transmit altitude, but the only party privy to that information would be the FAA, which would mean the control tower, or whatever, radar facility, is following that flight.

**LEG. ROMAINE:**
That is not true. That -- the FAA, while they have that information, it's also available. If you have the website you can follow this. I actually --

**LEG. D'AMARO:**
Not admissible in an enforcement proceeding. You'd have to get the official record from the FAA.

**LEG. ROMAINE:**
You can you get that if you say, "Give me the record for this," because you followed it on your computer screen and you've determined that these people are flying at dangerously low altitudes.

**LEG. D'AMARO:**
So, we are regulating altitude, then.

**LEG. ROMAINE:**
No, no, no. It would be, again, on conditions. Obviously, in a -- this morning, if you had a helicopter flying low, that is not a dangerous condition. That helicopter pilot is using his discretion in very adverse weather and that charge would not be upheld. Altitude is only one factor in determining dangerous and reckless.

**LEG. D'AMARO:**
Just through the Chair. Legislator Romaine, if I could -- I just -- I'm having difficulty making a connection from dangerous and reckless to the noise abatement.

**LEG. ROMAINE:**
Sure. If you're flying --

**LEG. D'AMARO:**
So, just --

**LEG. ROMAINE:**
If you're flying at 300 feet, I would say -- and the weather is perfectly clear and there's no downdrafts, there's no other adverse weather, you're flying at 300 feet over the treetops over people's homes, that's dangerous and reckless. And I think the County has an obligation, in fact, because the FAA, and you've heard their testimony --
LEG. D'AMARO:
You can't fly at 300 feet --

LEG. ROMAINE:
Let me just finish.

LEG. D'AMARO:
-- because the FAA regulation say that you have to fly 1,000 feet.

LEG. ROMAINE:
If I could just finish, I'll be happy to answer that question. But if you're flying doing that, the FAA's representative themselves say they don't police. They don't have flight patterns. They don't police any of that. They could care less how you fly or where you fly, and they have brought no charges, they enforce no codes. So, while it's -- while you may think it's preempted, it's preempted to an agency that will not take any action. So what this is doing is saying we have the potential of taking an action.

There's a lot of laws on the books that are not strictly enforced. This law we had hoped would be, or at least send a message to say to the FAA, "It's time to clean up your act, because you are flying -- you have some helicopters that are flying in a dangerous and reckless manner," something that the courts have said in the past is not preempted and localities can legislate on.

LEG. D'AMARO:
All right. I appreciate that. And not to belabor, but the FAA does track through Mode C the altitude of all aircraft. And I can tell you, as a licensed pilot, that if you fly lower than 1,000 feet in violation of FAA regulations, unless you're on some type of approach or an uncontrolled air space, you will receive an enforcement notice from the FAA. They won't even contact you on your radio while you're in flight, but they'll have your tail number and they'll have your altitude, and you will be the subject of an enforcement proceeding. However, again, the point I'm making is that you cannot fly below 1,000 feet. If this bill is regulating conduct, that conduct would have to take place above 1,000 feet. So is it your position, then, that if you're operating a helicopter at above 1,000 feet, that's per se reckless and dangerous?

LEG. ROMAINE:
Well, I will answer that. Well, as a pilot, you may think 1,000 feet, and it may be so for aircraft, fixed wing aircraft, is so. Unfortunately, I'm at a disadvantage, because I heard the representative from the FAA testify that for them, for helicopters, it's 300 feet, and she testified in front of this body to that effect. So I would say that I'm a little confused about that, and while you may have some information on fixed wing aircraft, the FAA gave us different information on helicopters and stated the 300 feet issue. So, yeah, I would say --

LEG. D'AMARO:
Just to clarify that, it's not different. That's in uncontrolled air space you could go that low. So there are instances where you could go that low, but in most instances you cannot.

LEG. ROMAINE:
Well, the FAA also testified that they don't control the air space, or have flight patterns or have flight plans even filed for helicopters that fly over Long Island. So I'm at a quandary here because I have to rely on their testimony. They're the experts. That woman came in front of us and testified. But I don't want to delay this, so I'll turn it over to the good graces of our Presiding Officer and let him decide whether to proceed or if we can come to --

P.O. LINDSAY:
Well, Legislator D'Amaro you had the floor. Are you done?
**LEG. D'AMARO:**
I just wanted to make the point that the aim of this resolution is to regulate the flight of aircraft, and that is completely governed by the FAA. And forget whether it's preempted or not, once you have more than one agency or locality stepping into this kind of regulation, you're creating unsafe and dangerous conditions. As a pilot, I know that I am solely regulated by one set of regulations. If I now have to be responsible for knowing every set of regulations for height requirements or altitude requirements as I travel from village to village across air space, it's chaos. This is an unsafe regulation of air space, in my opinion.

**P.O. LINDSAY:**
Anybody else? Mr. Zwirn, did you have a position on this?

**MR. ZWIRN:**
Well, there really is -- there's only really one answer for this going forward, despite all the best intentions, and Legislator Schneiderman was probably aware, because he was a former Supervisor in East Hampton. Most of these helicopters are going to the Town of East Hampton, that's the destination. There is no tower in East Hampton. And the helicopter pilots will tell you, the ones that are coming in, that they're flying through unregulated air space and they're flying on visual ability. And if there was a -- at least a seasonal tower out at the East Hampton Airport that could regulate the air space for several miles out from the airport, they could bring these -- these guys could hover out over the water and they could bring them in one at a time from the north and from the south. And I think that ultimately is going to be the answer. And I think there is support generally across -- in a large part of the Town which has been resistant to this for years. I think that there is now more of a consensus that at least a seasonal tower at the Town airport in East Hampton is necessary. And I believe all the candidates are supportive of that coming through the next election. But, certainly, I think that is -- that is the answer, and I expect Legislator Romaine's support on this on a personal note. But I think that's the only way this is going to be resolved, and that's what the pilots will tell you.

The pilots I've spoken to said they are now flying off the North Fork several miles. They stay at 3,000 feet. It's when they start making their approach to the airport, depending on weather conditions and how the -- and how much traffic is in the air, that's when you're having your problems. They are -- from what I understand, they are trying to comply, but until that -- there is at least a seasonal tower in East Hampton, you're going to continue to have these problems, and I think that day is coming. I think the real question is who's going to pay for the flight controllers, and maybe Legislator Romaine will put a bill in to have that done by the County.

**P.O. LINDSAY:**
Well let me just -- I thought -- didn't I just read something in the paper, Legislator Romaine, about either our Congressman or our Senator was trying a new initiative here?

**LEG. ROMAINE:**
Congressman Bishop, as he did last year, and it passed last year as well, was able to get the House, in its Transportation Authorization Bill, to have the FAA study helicopter flights because of the tremendous amount of complaints that he has received. The problem last year was it was not included in the Senate version. We are hopeful that Senator Schumer will include it in the Senate version. Quite frankly, I'm happy to let that study take place. I'm happy to let the Feds operate this. I would be delighted to put in a resolution, once this resolution passes, to actually abolish this resolution when the Feds step in and do the right thing. And we're looking for that action, and this is kind of our way of signalling, "Please, step forward." And I'm sure this would be supportive, and I've had the support, not on this resolution, but of our initiatives to control helicopter flights of both Congressman Bishop and Senator Schumer, and this is only going to be helpful and supportive to their efforts as well.

Oh, by the way, my Aide just indicated to me that he has heard from both Bishop and -- Congressman Bishop and Senator Schumer that they're supportive of this resolution.
P.O. LINDSAY: Okay.

LEG. D'AMARO: Bill, just a final note.

P.O. LINDSAY: Legislator D'Amaro.

LEG. D'AMARO: Yeah, I just -- and I agree with Legislator Romaine, that would be the appropriate approach here. And I agree with Mr. Zwirn as well, that, again, it would be within the air control system to have consistent regulation. You know, just be reminded, if we enact a bill that regulates either directly or indirectly air space, you're going to put pilots into a situation that would -- could be very unsafe if you -- very often, you'll be flying, especially in coastal flying, where you'll have a clear day and you'll hit a fog bank, the weather will go down, and if you're trying to comply with every set of regulations as you go every -- from village line to town line, you are going to put pilots at risk and ultimately the people on the ground. This is not -- if this were a benign regulation, I would have no problem approving it to send a message, but this does more than send a message, it creates unsafe skies.

LEG. NOWICK: Bill.

P.O. LINDSAY: Legislator Nowick.

LEG. NOWICK: But the way I understand this bill is to operate in a safe way. So, if the pilot feels that operating at a certain level is not safe, then the bill clicks in and it is the pilots discretion to say, "Hey, this altitude is not safe." Isn't that the way the bill is written, to operate -- for the owner to permit the operation of any type of helicopter in a careless or reckless manner? Well, if -- and I could be wrong, but if he determines, the pilot determines that this is unsafe, then it's almost incumbent upon that pilot to, I guess, raise his altitude. I don't -- that sounds like that's what the bill says.

LEG. D'AMARO: My point is that you're asking for compliance with a height restriction, which --

LEG. NOWICK: Plus it's not safe, it says it in the bill.

LEG. D'AMARO: The height restrictions imposed -- the height restrictions imposed by Federal Aviation regulations are thought out and consistent and published, and pilots can comply with them and plan their trips accordingly. What we're doing here is we're carving out one jurisdiction and changing the rules mid-flight, no pun intended, okay? So, again, I can tell you as my experience as a pilot, and I've been flying for about 15 years myself, I rely on the consistency of those Federal Aviation regulations, I truly do. And we -- to say what's safe, what's unsafe creates a sense of confusion in a pilots mind, because there are other regulations now that you need to think about while you're flying from one jurisdiction to another. That itself is creating an unsafe condition in the skies and ultimately endangering people on the ground.

LEG. NOWICK: Well, I'm not going to belabor the point, but when I see this particular piece of legislation and I hear all the complaints in my district, summer's coming -- summer's here, the helicopters are going back and forth, and I'm going to -- I'm going to not support the tabling motion and, hopefully, support the motion to approve.
LEG. D'AMARO:
And just a final thought. I agree with Legislator Nowick, it is a problem, it needs to be addressed. I've experienced the low-flying helicopters as well and I think it's inherently wrong and unfair to these communities, but this is not the way to solve it, because, one, you can't enforce force it, and number two, it's going to create more risk than it solves.

P.O. LINDSAY:
Ms. Lolis, you can enforce this, is that what you want to say?

MS. LOLIS:
No.

P.O. LINDSAY:
Oh, I thought you said you were going to enforce it.

MS. LOLIS:
No, Mr. Chairman. Just one other point that we'd like to bring out. There's already a Federal law on the books and a New York State law on the books that prohibits careless and reckless operation of aircraft. The problem with this particular Local Law is it adds another element to it, which is inconsistent with both the Federal law and the New York State law, and that is that it adds to the definition of careless and reckless, operation at -- operating at an altitude that creates undue hardship to people on the -- or property on the surface. And that additional requirement makes it inconsistent with in the Federal and State law, which is another reason why it's preempted. And it's also impossible to enforce, because it's subjective to the person on the ground. It may be unduly hard for me that has dogs that go crazy in my yard when a helicopter goes over, but it may not be a problem to my neighbor. So the pilots do not have any standard by which they can judge their conduct as you do with the standard of care of careless and reckless.

P.O. LINDSAY:
Thank you. Legislator Romaine.

LEG. ROMAINE:
Yes, very quickly. Obviously, since the County Attorney is not familiar with the fact that the County can always impose stricter, not less, but stricter regulations than either the State or the Federal government. Obviously, in the State of New York, the smoking age is 18; in Suffolk County it's 19. Obviously, that wasn't found inconsistent. So, quite frankly, on theory, what the Assistant County Attorney is saying doesn't hold water.

I'll just end the debate there. It's a long night. Everyone pretty much has an idea of this legislation. I think it would be best to proceed to a vote, either table it or pass it. Thank you.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. Just very quickly. I think most of the comments have been made, but I just want to reiterate that my concern with the bill is that we are expecting citizens to comply with a law that doesn't have specific guidelines. What -- an undue hardship to one person may not be to another, so I don't know how we can expect them to -- even people in good faith, expecting or trying to comply, to comply with it.

But, as far as preemption, I know Legislator Romaine pointed out the last sentence of the County Attorney's opinion, but the sentence before that is particularly telling. The Hughes case dealt with two pilots who were intoxicated on a plane and they attempted to fly the plane, and two local law enforcement officials went on and arrested them. And the two pilots said, "Well, the local government didn't have any right to arrest us, they were preempted." Their Local Law was
preempted by the Federal Government. And the reason the court said that it wasn't preempted is because the Federal statute that describes -- that says you can't fly a plane while drunk, which is -- you know, should be obvious, the Federal statute specifically contemplates the fact that Local Law enforcement will help in the enforcement of this provision.

So I think it is absolutely correct to say that in the Hughes case, the local municipality was not preempted. But I think it would be a mistake to carry that, that ruling out onto this case, which is not the same situation and doesn't deal with the section of Federal Law that specifically contemplates a local law enforcement assistance. So --

P.O. LINDSAY:
Okay. Are we talked out? All right. Refresh my memory, Mr. Clerk. We have a tabling motion and we have an approval motion and the proper seconds?

MR. LAUBE:
That's correct.

P.O. LINDSAY:
Okay. The tabling motion first. Roll call.

MR. LAUBE:
Legislator Cooper.

P.O. LINDSAY:
Legislator Cooper, come on, get in the program?

(*Roll Called by Mr. Laube, Clerk*)

LEG. COOPER:
Yes.

P.O. LINDSAY:
Yes to table.

LEG. D'AMARO:
Yes.

LEG. STERN:
No.

LEG. GREGORY:
Yes.

LEG. HORSLEY:
This is a tough one. No.

LEG. NOWICK:
No.

LEG. KENNEDY:
No to table.

LEG. BARRAGA:
No.
LEG. ALDEN:
No.

LEG. MONTANO:
No.

LEG. EDDINGTON:
No.

LEG. LOSQUADRO:
No to table.

LEG. BEEDENBENDER:
No -- yes, yes.

LEG. BROWNING:
Yes to table.

LEG. SCHNEIDERMAN:
No to table.

LEG. ROMAINE:
No to table.

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
She left. No.

MR. LAUBE:
Five. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
Okay. Motion to approve. Roll call.

(*Roll Called by Mr. Laube, Clerk*)

LEG. ROMAINE:
Yes to approve.

LEG. SCHNEIDERMAN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
No.

LEG. STERN:
Yes.

LEG. GREGORY:
No.
LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
No.

LEG. BROWNING:
No.

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
No.

MR. LAUBE:
Twelve. (Not Present: D.P.O. Viloria-Fisher)

LEG. ALDEN:
Yay, end of misery. Now it's going to be vetoed and then we've got to do it in Riverhead.

LEG. D'AMARO:
Ed, I'm still not complying with your law.

LEG. ALDEN:
On to Riverhead with the veto.

LEG. ROMAINE:
No Riverhead.

LEG. ALDEN:
No Riverhead this year?

LEG. ROMAINE:
It passed.
P.O. LINDSAY: I feel safer already. 1431 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with reconstruction of County Road 94, Nugent Drive Culvert. (Co. Exec.) Do I have a motion? Come on, folks, let's get into this and get --

LEG. STERN: Motion to approve.

P.O. LINDSAY: Motion to by Legislator Stern.

LEG. COOPER: Second.

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

LEG. ALDEN: Opposed.

MR. LAUBE: Sixteen. (Not Present: D.P.O. Viloria-Fisher)


(*Roll Called by Mr. Laube, Clerk*)

LEG. STERN: Yes.

LEG. COOPER: Yes.

LEG. D'AMARO: Yes.

LEG. GREGORY: Yes.

LEG. HORSLEY: Yes.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes.

LEG. BARRAGA: No.

LEG. ALDEN: No.
LEG. MONTANO:
Yeah.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

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

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1433 - Approving maps and authorizing the acquisition of lands together with Findings and Determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of properties for intersection improvements on CR 67, Motor Parkway at Adams Avenue, Town of Smithtown (Suffolk County, New York) (CP 3301).

LEG. KENNEDY:
Motion.

LEG. MONTANO:
Second.

P.O. LINDSAY:

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:

LEG. ALDEN:
Yes. Motion to approve.
P.O. LINDSAY:
Motion to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1439 - Directing the Suffolk County Sewer Agency to prepare maps, plans, reports and make recommendations in accordance with Article 5-A to form a sewer district at Montauk Highway in Mastic and Shirley. (Browning)

LEG. BROWNING:
Motion to approve.

LEG. ROMAINE:
Second.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

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

MR. LAUBE:
Will do.

P.O. LINDSAY:
1448 - Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 12 - Birchwood-Holbrook with the owner of 44 Warren Avenue - Ronkonkoma (BR-1615). (Co. Exec.) I'll make the motion.

LEG. BEEDENBENDER:
Second.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1454 - Authorizing a feasibility study evaluating the MTA’s assumption of the Suffolk County Transit Bus Service. (Horsley)

LEG. HORSLEY:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Horsley.

LEG. GREGORY:
Second.

**LEG. ROMAINE:**
Second.

**P.O. LINDSAY:**
Seconded by Legislator Gregory.

**LEG. D'AMARO:**
On the motion.

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

**LEG. D'AMARO:**
Just my question through the Chair to the sponsor is who's doing the study?

**LEG. ROMAINE:**
DPW.

**LEG. D'AMARO:**
Public Works.

**LEG. HORSLEY:**
Public Works.

**LEG. D'AMARO:**
So it's going to be done in-house?

**LEG. HORSLEY:**
Yes.

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

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

**MR. LAUBE:**
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

**LEG. GREGORY:**
Tim, cosponsor.

**P.O. LINDSAY:**
1462 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with alternative fuel infrastructure and compressed natural gas vehicles (CP 5602). (Co. Exec.)

**LEG. BEEDENBENDER:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Beedenbender, second by Legislator Stern.

**MR. STERN:**
On the motion.
P.O. LINDSAY:
Yep, Stern.

LEG. STERN:
On the motion.

P.O. LINDSAY:
Do you want to talk?

LEG. STERN:
Yes.

P.O. LINDSAY:
Oh, I'm sorry.

LEG. STERN:
Thank you, Mr. Presiding Officer. Just for the record, monies are being taken from Capital Project 5560, which is reconstruction of Commack Road, which is fine, because that project is now being funded entirely by Federal stimulus money.

P.O. LINDSAY:
Thank you, Legislator Stern. Anybody else? All in favor? Opposed? Abstentions?

LEG. ALDEN:
Abstain.

LEG. SCHNEIDERMAN:
Cosponsor.

MR. LAUBE:
Sixteen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
Same motion, same second on the accompanying bonding resolution, 1462A. Roll call.

(*Roll Called by Mr. Laube, Clerk*)

LEG. BEEDENBENDER:
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. ALDEN:  
Abstain.

LEG. MONTANO:  
Yes.

LEG. EDDINGTON:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

D.P.O. VILORIA-FISHER:  
(Not Present)

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Sixteen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:  
Motion by Legislator Browning.

LEG. BROWNING:  
Motion to approve.

P.O. LINDSAY:  
Motion by Legislator Browning.

LEG. COOPER:  
Second.
P.O. LINDSAY:
Second by who?

LEG. MONTANO:
I'll second it.

P.O. LINDSAY:
Legislator Montano.

LEG. ALDEN:
Explanation, please.

P.O. LINDSAY:
Explanation. Maybe, Ms. Vizzini, you've got it at your fingertips?

LEG. ALDEN:
Are they omnibus money?

LEG. BROWNING:
No, it's not.

P.O. LINDSAY:
You don't have it?

MS. VIZZINI:
No, we do.

P.O. LINDSAY:
Go ahead.

MR. REINHEIMER:
This is providing $14,000 -- $14,627 of County money to assist the Disabled American Veterans for purchasing their vans using as an offset the -- yeah, the Riverhead Sewer District in the General Fund.

P.O. LINDSAY:
Legislator Alden has the floor.

LEG. ALDEN:
There's a $14,626 expenditure, that's it?

MS. VIZZINI:
It -- there's a local share. The Disabled Veterans has to provide a local share, so the 14,627 will assume that local share.

LEG. ALDEN:
Who operates it, and actually who are these vans registered in -- are they registered in the name DAV?

MS. VIZZINI:
Yes.

LEG. ALDEN:
Okay. So we have no obligation, we have no liability on the operation of these vans?
LEG. BROWNING:
No.

MS. VIZZINI:
The DAV will hold the title.

LEG. ALDEN:
And they what, they indemnify and hold us harmless?

LEG. BROWNING:
Cameron.

LEG. LOSQUADRO:
I can probably answer that, if you want.

MS. VIZZINI:
I'm not sure.

LEG. ALDEN:
The reason why I ask this, a couple of years ago there ended up being a problem with some veterans' transportation and we ended up giving them money, and there was all kinds of, you know, problems with it. This is just a straight-out. We buy the vans for them, give them the vans, they operate it, we're not liable on any of the operations?

LEG. BROWNING:
Cameron, this is a 90% Federal grant that the County does the purchase for them. Usually they pay the 10%, but because of some of their financial situations, we're going to assume the 10% for them.

LEG. ALDEN:
That's okay, but it's real important who actually ends up in title.

LEG. BEEDENBENDER:
DAV.

LEG. BROWNING:
DAV.

LEG. ALDEN:
And that's a positive?

LEG. BROWNING:
That's a positive.

LEG. ALDEN:
So there's no liability on the part of the County for the operation or anything past the -- just the purchase of the vans?

LEG. BROWNING:
Just the purchase, that's it.

MR. NOLAN:
The resolution states that the title will be transferred to the DAV.

LEG. ALDEN:
Thank you.
P.O. LINDSAY: Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE: Seventeen. (Not Present: D.P.O. Viloria-Fisher) Can I check the second on that motion?

LEG. MONTANO: Montano.

MR. LAUBE: Thank you.

LEG. COOPER: Tim I'm not down as a cosponsor, if you could put me down as a cosponsor.

P.O. LINDSAY: Okay. 1316 - A Local Law to clarify seven-day rule requirements. (D’Amaro)

LEG. D’AMARO: Motion.

P.O. LINDSAY: Motion by Legislator D’Amaro. Do I have a second.

LEG. STERN: Second.

P.O. LINDSAY: Second by Legislator Stern.

LEG. LOSQUADRO: On the motion. Explanation, please.

P.O. LINDSAY: Legislator Losquadro wants an explanation.

MR. NOLAN: This law basically is codifying what our practices are. Most resolutions in Local Law have to be in final form for seven days before we vote on them. The Charter makes certain exceptions, but there are other resolutions we normally do without complying with the Seven-Day Rule requirement, like typically after we adopt the operating budget, we levy taxes and assessments and charges and we bring those on right away. So this bill is adding those types of resolutions to those that are exempted from the Seven-Day Rule.

LEG. MONTANO: Okay.

LEG. LOSQUADRO: So this would allow us to not have to waive the rules in those instances?

MR. NOLAN: We never even -- maybe I shouldn't say this. We don't waive.

LEG. D’AMARO: Yeah, I think we're just codifying what we do in practice, yeah.
P.O. LINDSAY:
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1325 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gemeron, LLC (SCTM NO. 0200-853.00-01.00-068.000). (Co. Exec.) Do I have a motion?

LEG. BEEDENBENDER:
Motion.

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

LEG. D'AMARO:
Second.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1420 - Requesting legislative approval of a contract award to provide Recovery Identification and Subrogation Services for the Department of Audit and Control. (Pres. Officer) I'll make the motion.

LEG. D'AMARO:
Second.

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

LEG. KENNEDY:
Opposed.

MR. LAUBE:
Sixteen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1422 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-389.00-02.00-016.000). (Co. Exec.)

LEG. D'AMARO:
This is for recharge basin purposes. I'll offer a motion to approve.

P.O. LINDSAY:
Motion by Legislator D'Amaro. Do I have a second?

LEG. STERN:
Second.
LEG. COOPER:
Second.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1423 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-389.00-02.00-018.000). (Co. Exec.)

LEG. D'AMARO:
Motion.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1425 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Smithtown (SCTM No. 0800-054.00-05.00-035.000). (Co. Exec.)

LEG. KENNEDY:
Motion.

LEG. D'AMARO:
Recharge basin again. Motion.

LEG. NOWICK:
Second.

P.O. LINDSAY:
Motion -- let the Smithtown -- motion by Legislator Kennedy, second by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1426 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law – Town of Brookhaven (SCTM No. 0200-185.00-06.00-025.001). (Co. Exec)

LEG. EDDINGTON:
Motion.

P.O. LINDSAY:
Motion by Legislator Eddington.

LEG. D'AMARO:
Second.

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

**MR. LAUBE:**
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

**P.O. LINDSAY:**
Okay. **1427 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Richard DeFilippis (SCTM No. 0200-099.00-08.00-020.000). (Co. Exec.)**

**LEG. BEEDENBENDER:**
Motion.

**LEG. LOSQUADRO:**
Second.

**P.O. LINDSAY:**
Motion by Legislator Beedenbender, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

**P.O. LINDSAY:**
**1441 - Authorizing a lease for continued use of County facilities at Police Headquarters in Yaphank by New York State Division of Criminal Justice Services. (Co. Exec.)**

**LEG. LOSQUADRO:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Losquadro.

**LEG. D'AMARO:**
Second.

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

**MR. LAUBE:**
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

**P.O. LINDSAY:**
**1442 - Authorizing the extension of the lease of premises located at 124 Sills Road, Yaphank, NY for use by the Department of Health Services-Environmental Quality. (Co. Exec.)**

**LEG. BROWNING:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Browning, seconded by Legislator Eddington. All in --

**LEG. ALDEN:**
Just on the record.

**P.O. LINDSAY:**
On the motion, Legislator Alden.

**LEG. ALDEN:**
Just to put on the record that I requested information from the Commissioner of Health on this and did not receive a response.

**LEG. MONTANO:**
Could I have an explanation on this, please?

**MR. ZWIRN:**
Mr. Presiding Officer, this was one of the leases that Basia Braddish spoke about this morning before she had to leave. This was the one with the Health Department, because this was a site -- Legislator Alden was talking about how come we haven't -- we don't build a building at the Yaphank site to handle this. There is reimbursement from this. We do get reimbursement from the State of almost 36% of the lease. That was one of the questions I think that you had that hadn't been answered at the time, so that's just one of the answers. But it is a building that is specialized. It has -- I think Ms. Braddish said it has a large winch that they use for big trucks. And it's a renewal of a lease that the County has had for sometime.

**LEG. D'AMARO:**
Ten years.

**MR. ZWIRN:**
Yeah.

**LEG. ALDEN:**
In response --

**P.O. LINDSAY:**
Go ahead, Legislator Alden.

**LEG. ALDEN:**
But, Ben, just in response, and I did go to the Health Commissioner, who really made the determination he needs this, after a certain amount of years, if your program's going to continue, then it really is cost efficient to go and build that building, especially since I think we might have the property to put it on. I'm only asking if that analysis was made and I didn't get a response. So I'm going to support this.

**MR. ZWIRN:**
I'm just saying, but they are doing that analysis now, not just for this building, but County-Wide. They are reviewing the County's needs versus what we lease and what we should purchase and what we should build.

**LEG. ALDEN:**
Okay.

**P.O. LINDSAY:**
Okay. We have a motion and a second.

**LEG. D'AMARO:**
Bill, just on the --

**P.O. LINDSAY:**
Oh, I'm sorry, Legislator D'Amaro.
LEG. D'AMARO:
Just a correction on the agenda. It indicates that I had voted no in committee, which is incorrect, and I understand the Clerk will correct that.

MR. LAUBE:
We're correcting that, yes.

LEG. STERN:
Thank you.

LEG. ALDEN:
I think I voted just to discharge without recommendation too.

LEG. D'AMARO:
Yeah, I think you did, too.

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes. Looking at this, this seems to fly in the face of the recommendations that the Comptroller recently made about the leasing of space, that he had indicated that this type of ten-year lease should have come -- should be dealt with in a different way. I had my doubts about this. Maybe Mr. Zwirn can tell me how this fits in with the Comptroller's recommendations regarding the leasing of space.

MR. ZWIRN:
This is a renewal, first of all, and second, it's a 10,000 square foot building. And I think that in the conversations that we had -- have had with the Comptroller is that we're trying to arrive. One of the things that we're debating right now is what would be a -- the square footage of a building, so we don't come before the Legislature on every small property.

LEG. ROMAINE:
And I understand. I think he recommended to me 5,000 square feet.

MR. ZWIRN:
And DPW had hoped for 25,000 square feet and they're -- we're working on trying to find a common ground.

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

LEG. ALDEN:
One abstention, me.

MR. LAUBE:
Sixteen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
1447 - Authorizing the second Ballpark License, Management and Operations Agreement between the Long Island Ducks Professional Baseball Club, LLC. and the County of Suffolk. (Co. Exec.)

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

**LEG. D'AMARO:**
Second.

**P.O. LINDSAY:**
Who was the second?

**LEG. D'AMARO:**
Over here.

**P.O. LINDSAY:**
Second by Legislator D’Amaro. I missed the committee meeting. Could somebody give me the highlights of the renewal?

**LEG. BEEDENBENDER:**
We get more money.

**P.O. LINDSAY:**
How much more and how long is the renewal?

**MR. ZWIRN:**
The renewal is for ten years. And I know Legislator Alden asked a lot of questions at the Ways and Means Committee on this particular lease and --

**P.O. LINDSAY:**
So trust him.

**MR. ZWIRN:**
And they were good questions. They had a $225,000 base. What they did was they compared it to what the lease was -- they took the actual numbers from I think 2006, and if they took the advertising revenue and everything else, that there was a small increase, and that we did get a few more concessions with respect to the stadium. So the County should earn additional funds, if the economy stays pretty much where it is. They're trying not to raise the ticket prices so that the people can still have affordable entertainment. We're trying to make sure that the Ducks could be successful and the County can also make revenue. Right now it is a profit center for the County and we expect it to continue to be that way.

**LEG. BEEDENBENDER:**
And, Mr. Chairman -- oh, I'm sorry.

**P.O. LINDSAY:**
Go ahead. Legislator Beedenbender, and then Alden.

**LEG. BEEDENBENDER:**
The additional information that they shared at the committee is that if there is an increase, the County would get a piece of it. And the club has also agreed to do a million dollars worth of capital improvements to our stadium. I think they testified between seven hundred and eight hundred thousand of it will be a new Jumbo Tron for the field, and then they will do some other capital improvements to the stadium as well.

**P.O. LINDSAY:**
Okay. Thank you. Legislator Alden.

**LEG. ALDEN:**
Through the Chair. Ben, correct me if I'm wrong, but the profit, so to speak, I'm going to call it
"profit", but the overage doesn't go into the County General Fund, it goes into a sinking fund to provide repairs when needed to the ballpark?

MR. ZWIRN: 
Yes, that's correct.

LEG. ALDEN: 
Okay.

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

MR. LAUBE: 
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY: 
All right. That finishes the regular agenda. Let's see what we got here. I have Home Rule Message Number 14. It's a Home Rule Message requesting State of New York to amend the Civil Service Law in relation to resolution of disputes between public employer and Suffolk County probation officers. And I know Gail is still in the back there and I'm sure she's waiting around for this, so let's move on that one. I'll make a motion to approve.

LEG. KENNEDY: 
Second.

P.O. LINDSAY: 
Second by Legislator Kennedy. Is there any questions on the motion? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE: 
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY: 
Home Rule Message Number 16. Was there a 15?

MR. NOLAN: 
Yeah. Here you go.

P.O. LINDSAY: 
Oh, I got 15, okay. 15, Home Rule Message requesting the State of New York to grant retroactive --

LEG. LOSQUADRO: 
I'm sorry.

P.O. LINDSAY: 
Come on, hold it down, guys. Come on, let's go. Let's finish this up, okay? Home Rule Message requesting the State of New York to grant retroactive Tier I Membership in the New York State and Local Employees’ Retirement System to Maria Williams (Assembly Bill A.7292, Senate Bill S.3661).

LEG. LOSQUADRO: 
Motion.

LEG. EDDINGTON: 
Second.
P.O. LINDSAY:
Okay. We have a motion by who? Legislator Losquadro, seconded by Legislator Eddington. And --
huh?

MR. NOLAN:
Sixty-five thousand.

P.O. LINDSAY:
Okay. That's what I was looking for, it's going to cost us $65,000. Can either -- maybe Legislator Losquadro, you're the sponsor, maybe you can make a case for this.

LEG. LOSQUADRO:
Miss Williams was temporarily employed by the County in August of '73 and then permanently in '74, and then she was mistakenly placed into Tier 2 as a result when she was entitled to be placed in Tier 1. This would retroactively place her into that category and rectify that mistake.

P.O. LINDSAY:
Legislator Eddington.

LEG. EDDINGTON:
Yeah. I understand it, because that's exactly what happened to me. I had worked for the State in the summer of '73 and then became an educator in '74, and they miss -- I had to reapply to get the Tier 1, so the same thing happened with me.

P.O. LINDSAY:
Anybody else? Legislator D'Amaro?

LEG. D'AMARO:
It just says in the first paragraph that it was inadvertent, that she did not timely apply. Just what are the -- what's the factual basis of that statement, through the Chair, if Legislator Losquadro knows? What was the circumstance.

LEG. LOSQUADRO:
Through Counsel, it's pretty boiler plate language.

MR. NOLAN:
That is --

P.O. LINDSAY:
I think Counsel can answer.

MR. NOLAN:
Lou, Legislator D'Amaro, frankly, that language is taken right from the State bill. One of the factual underpinnings for that is we don't -- didn't get that information, so we just took that information from the State bill. They made that finding, but they're still looking for a Home Rule Message before they'll act on this type of resolution. And that is fairly standard boilerplate language in these type of resolutions.

LEG. D'AMARO:
So this is a Home Rule Message that would be discussed at the State level if she meets the criteria?

P.O. LINDSAY:
The State Legislature has to correct this. And, you know, if we pass the Home Rule, I don't see any reason why they wouldn't, because it's our dime. We're the ones that have to make the payment,
but you never know.

**LEG. D'AMARO:**
Well, you know, if it's -- if it's our dime, then -- and we're being told it was inadvertent, then shouldn't we know what the factual circumstance was?

**LEG. LOSQUADRO:**
Give me one second.

**MR. NOLAN:**
I can just tell you that my office did not receive the factual information that supports that particular finding, but we rarely do before we prepare these.

**LEG. D'AMARO:**
So is it just an applicant makes the assertion that, "Here's my date of" --

**LEG. LOSQUADRO:**
Legislator D'Amaro --

**LEG. D'AMARO:**
Just let me --

**LEG. LOSQUADRO:**
-- if I may, I was just --

**LEG. D'AMARO:**
Just let me finish one second. "This was my date of commencement of service with the County, here's the date where I became a member of the retirement system. Had I applied from day one, I would have been in Tier 1, but I did not apply from day one and that was inadvertent." If it was not inadvertent, then this person would not be entitled to be in Tier 1, it was by choice.

**MR. NOLAN:**
The resolution states that it's not attributable to their own negligence, so, you know, I don't know if that is necessarily the case.

**LEG. LOSQUADRO:**
Well --

**P.O. LINDSAY:**
Legislator Losquadro.

**LEG. LOSQUADRO:**
Thank you. I have information here from the Comptroller's Office that was sent to me by the Assemblyperson who's the sponsor. And she originally applied under Tier 1, but because of her provisional employment, by the time it was processed for her permanent employment, Tier 2 had already been created and she was inadvertently put into Tier 2, not what she should have been when she originally applied under her provisional appointment, so she was entitled to it.

**LEG. D'AMARO:**
So she originally applied for Tier 1 on a timely basis and was inadvertently put into Tier 2.

**LEG. LOSQUADRO:**
Correct.

**LEG. D'AMARO:**
Okay.
LEG. LOSQUADRO:
When -- I have the paperwork from the Comptroller. It shows the date when she originally applied.

LEG. D'AMARO:
That's fine. I appreciate the response. Thank you.

P.O. LINDSAY:
Okay. And just, you know, to Legislator Losquadro and Eddington, in normal times, this would go through in a snapshot, but $65,000 is $65,000, you know.

LEG. LOSQUADRO:
Absolutely.

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

MR. LAUBE:
Seventeen. (Not Present: D.P.O. Viloria-Fisher)

P.O. LINDSAY:
Next up is Home Rule Message (16), requesting the State of New York to provide the rights and duties accorded a Correction Officer who is injured and dies in the line of duty to Andrew Reister (A.8745, S.5792). Come on, hold it down.

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Let's -- who made the motion, Legislator Schneiderman?

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Who made the second? Legislator Romaine. I've been asked by Sheriff DeMarco to read a letter into the record, it's addressed to me.

"I'm writing to express my support of Home Rule Message 16-2009, which requests New York Legislature to enact Assembly Bill A8745 and Senate Bill S5792, granting Andrew Reister the rights afforded to a Correction Officer acting in the performance of his duties as a Peace Officer. As you are aware, Andrew Reister was the Suffolk County Sheriff's Officer -- Sheriff's Office Correction Officer who died as a result of an assault that took place on August 7th, 2008 at PublicK House. It is my understanding that Andrew Reister was hired by the Publick House as a "Front Door I.D. Checker", not as a "Bouncer".

"When the disturbance began, Andrew Reister was seated outside the door, and it was apparent that he immediately relied on his 15 years experience as a Peace Officer and instinctively took action to defuse the disturbance. New York State Law states in Article 2/Peace Officers, S2.20."

2. "For the purposes of this section, a Peace Officer acts pursuant to his special duties when he performs the duties of his office, pursuant to the specialized nature of his particular employment, whereby he is required or authorized to enforce any general, special or local law or charter, rule regulation, judgment or order."

And Part 3 of that section, "A Peace Officer, whether or not acting pursuant to his special duties, who lawfully exercises any of the powers conferred upon him pursuant to this section, shall be
deemed to be acting within the scope of his public employment for purposes of defense and indemnification rights and benefits that he may be otherwise entitled to under the provisions of Section 50-k of the General Municipal Law, Section 17 or 18 of the Public Officers law, or any other applicable section of the law."

"Clearly, peace officers are trained to protect the public whether on or off duty at all times. In passing this bill, the Legislature would make a lasting impression towards his memory, and help the Reister Family attain the benefits they deserve. Thanking you in advance for your consideration." Signed Vincent F. DeMarco, Suffolk County -- Sheriff of Suffolk County.

Okay. Here is my question. Does anybody know the cost of this action?

LEG. NOWICK:
Yes.

P.O. LINDSAY:
And is it our -- is it all out of our dime? It's in the bill?

MR. NOLAN:
Yeah, 432,000.

LEG. NOWICK:
It's in the bill. It says, "Will cost the County" --

P.O. LINDSAY:
Four hundred and thirty-two thousand dollars. I'm sorry, I didn't see it there. Anybody --

LEG. ROMAINE:
How much?

P.O. LINDSAY:
Four hundred and thirty-two thousand. Legislator D'Amaro.

LEG. D'AMARO:
Just more thinking out loud than anything else. It appears what the statute says is whether you're on duty or off duty is not relevant to whether or not you're acting as a Peace Officer, which --

P.O. LINDSAY:
That's the position that Sheriff DeMarco is taking.

LEG. D'AMARO:
Right, which is what the statute seems to be saying. I don't have that much experience with this, but I think the inquiry is do the facts fit within the statute, and I don't know the specific facts. Is there anyone here that knows the specific facts?

LEG. KENNEDY:
Mr. Chair, I think we all recall that what happened was this Correction Officer actually was working a second job, he was moonlighting. He was in the Publick House. There was a young man -- I recall reading it vividly, as a matter of fact. There was a young man who was out, he became forcibly intoxicated. He started to get into an altercation with another patron. Officer Reister went to intervene, and I believe this patron, this unruly patron struck him, and struck him, either it was in the sternum or he struck him in the head hard enough.

LEG. EDDINGTON:
Choked him.

**P.O. LINDSAY:**
Choked, choked.

**LEG. KENNEDY:**
Was it?

**LEG. SCHNEIDERMAN:**
Is it a choke -- it's a choke hold.

**LEG. KENNEDY:**
Okay, so it was a choke.

**LEG. SCHNEIDERMAN:**
I have newspaper articles about this.

**LEG. KENNEDY:**
It was clearly the patron acted in a manner that led directly to the Correction Officer's death in the midst of that altercation.

**LEG. D'AMARO:**
Right. And what the statute says in Paragraph 3 is that -- is that a lawful exercise of any of the powers conferred upon him by this section, his Peace Officer section -- duties and responsibilities, and I would say the answer is yes based on those facts.

**P.O. LINDSAY:**
Okay. I'm going to call on Counsel to add something to the record.

**MR. NOLAN:**
Just one thing. The State bill says that, "Notwithstanding any other provision of law, the Correction Officer shall be deemed to have been injured and died while acting in the performance of his duties." So that's what the State bill says. Notwithstanding anything else, that's what we're deeming, and that's what we are doing the Home Rule Message on.

**P.O. LINDSAY:**
The other question that I have is will this set some kind of precedent or open the door on any other similar situations --

**LEG. D'AMARO:**
If I could respond to that?

**P.O. LINDSAY:**
-- either past, or present, or future?

**LEG. D'AMARO:**
Just my thought would be, you know, it comes before us on a case-by-case basis. So, you know, what we're doing here today I think is fitting the facts into the law, and we'll make those determinations as they come to us.

**P.O. LINDSAY:**
Okay. Legislator Alden, and then Romaine.

**LEG. ALDEN:**
I think if maybe George could answer, because it seems like a key sentence in there that he was not acting as a bouncer. So is there a prohibition against that type of activity for somebody to be able
to collect on a death benefit or an injury benefit?

MR. NOLAN:
I don't know a lot about this. Just from reading the State bill and from what I know about it, it sounds to me like that perhaps technically, under existing statutes, there may be a problem. And what the State bill is saying is, notwithstanding that, and the State -- you know, the State Legislature has the authority to do this and does this occasionally, they're saying notwithstanding those provisions, this particular person will have -- be deemed to have died while performing his duties.

LEG. D'AMARO:
Could I answer that? I think I could --

MR. NOLAN:
And that's my sense of it.

LEG. D'AMARO:
Bill, I think I could give you -- through the Chair. Legislator Alden, I think the distinction there is that if you're acting as a bouncer, there may be some obligation to intervene whether or not you're a Police -- a Peace Officer, as opposed to someone who is situated at a front door to check I.D.'s has no obligation within the scope of whatever they're doing to intervene in an altercation, making it clear that he was acting as a Peace Officer and not in some other capacity. I think that's the distinction that the Sheriff is making in the letter, that's the way I read it.

LEG. ALDEN:
Is there any other death benefit, other than this, that he would be entitled to? So, if he doesn't get this, is his family entitled to some other benefit?

LEG. KENNEDY:
This triggers --

P.O. LINDSAY:
I think there's a death benefit, because he's an active County employee. Isn't it three years salary he gets?

LEG. SCHNEIDERMAN:
The percentage, I think, is significantly different, though.

LEG. ALDEN:
You make a choice, there's two choices in there, but one of them is three years of your salary as a County employee.

LEG. KENNEDY:
But it triggers the Federal benefit, too.

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

LEG. KENNEDY:
Through the Chair. Mr. Chair, in a discussion in my office earlier in the week, one of the representatives from the Corrections Officers Association explained that this act will also trigger the Federal or national Police Officers and Peace Officers insurance designation. I think it's a benefit that's available for any law enforcement officer that dies in the course of performing his duty, and absent this, there's no eligibility for that. So it's got an effect not only with what we do here, vis-a-vis his retirement or death benefit, but it's got to impact at another level as well.

LEG. ALDEN:
I think I agree with Legislator D'Amaro, we don't want to encourage our employees to put themselves in a position where, you now, they could be killed and then really pass that cost back on down to the taxpayers when somebody's acting in what possibly could be an inappropriate job.

**P.O. LINDSAY:**
Legislator Romaine.

**LEG. ROMAINE:**
As to the effect in the question that you raise, Presiding Officer, I agree with my colleague, Legislator D'Amaro, that this should be considered on a case-by-case basis. But I think the other effect is not to deter Peace Officers from situations where violence occurs, because if we ignore this, if I'm a Peace Officer, I'm going to say, "There's a violent situation, altercation over there, I'm not going to break that up, because if anything happens to me, my family won't be protected." So I think that's the other unintended consequences that could occur. And yes, this Legislature does have, as Legislator D'Amaro indicated, the right to consider this on a case-by-case basis. Knowing something of this situation and listening to the Sheriff's letter, who is the Chief Law Enforcement Officer for the County of Suffolk, I am inclined, more than inclined, to support this, so that other Peace Officers who do put themselves in harm's way to protect the peace will be assured that if the worst happens, their families would be protected.

**LEG. SCHNEIDERMAN:**
Bill.

**P.O. LINDSAY:**
Somebody else? Yeah, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
Just Legislator Alden's question about the difference in benefits of -- this is from, I guess, an attorney representing the Reister Family. It's for retirement pension purposes. Officer Reister was acting in the performance of his duty, as provided by Section 607C of the Retirement and Social Security Law, thereby granting him a three-quarter disability pension, rather than merely be covered by Article 15, which would provide a one-third benefit for his wife, Stacey.

**P.O. LINDSAY:**
You know, I think this goes back to the last resolution, is this would -- wouldn't even probably get much of a debate at all in a normal period of time. It's just that we're so stretched for money that I think that's what triggers the extra scrutiny. And I'm not saying that it's -- that we shouldn't vote for it, it's just something that I think, you know, we've had some real hard talks today about where we're going to -- how we're going to fill this budget gap. And, you know, if we listen to the environmental community, maybe we should put this on the ballot, you know, which is -- but I think that's the genesis of what the heavy discussion is. I don't think anybody wants to go against the Sheriff, and I don't think anybody -- I think Legislator Romaine's point that I don't think any of us want to take any kind of action to discourage any of our law enforcement officers, when they're not on duty, to have a second thought about jumping into an altercation where public safety is involved. And I think that's a very legitimate point that could have long-term and serious effects.

All right? Anybody else? Okay. We have a motion to approve and a second. We don't have any tabling motions on this, right?

**MR. LAUBE:**
No, you don't.

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

**MR. LAUBE:**
Seventeen. (Not Present: D.P.O. Viloria-Fisher)
LEG. ROMAINE:
Could you, please, list me as a cosponsor?

MR. LAUBE:
Will do.

LEG. BROWNING:
Tim, also.

P.O. LINDSAY:
Okay. What do we have now, George? Okay. We have Procedural Motion Number 13 - Authorizing funding for Community Support Initiatives (Phase IV). There's a whole list there.

LEG. MONTANO:
Motion.

LEG. LOSQUADRO:
Second.

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

MR. LAUBE:
Sixteen. (Not Present: D.P.O. Viloria-Fisher and Leg. Beedenbender)

P.O. LINDSAY:
Okay. We have one veto in the packet. It's Resolution 326-2009 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Gotfrids Liepins (SCTM No. 0500-441.00-01.00-006.000).

LEG. BARRAGA:
Motion to override.

P.O. LINDSAY:
Motion by Legislator Barraga to override. Do I have a second?

LEG. MONTANO:
Second.

P.O. LINDSAY:
Second by Legislator Montano.

LEG. D’AMARO:
On the motion.

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

LEG. D’AMARO:
Yes. Mr. Presiding Officer, I’d just like to ask our Counsel if he thinks there's any legal effect to the -- what's pointed out in the veto message, that the physician rendering the opinion in this particular case was not a licensed physician, as required by statute?

MR. NOLAN:
I do --

**LEG. D'AMARO:**
Or can we waive that, too?

**MR. NOLAN:**
I think I stand by my opinion that was stated at the last meeting when we considered this resolution. I think the Legislature has the information it needs to -- that this fits within the statute, that we can reconvey the property to the applicant. That's my opinion.

**LEG. MONTANO:**
On the motion.

**P.O. LINDSAY:**
Legislator Montano.

**LEG. MONTANO:**
Yeah. I just wanted to -- is Ben here, or maybe --

**P.O. LINDSAY:**
I saw him go out before. I think he left.

**LEG. MONTANO:**
How about, Dennis, are you familiar with this? If you're not, stay seated.

**MR. BROWN:**
Well, it's been a few weeks, but

**LEG. MONTANO:**
But you got it. Thank you, Dennis. The way the veto message is written, it's written in legalese. My question is, if the veto is overridden, is it the intention, you know, as you know, to comply with this, or do you -- is there a possibility that you would challenge it, and if so, how would we be notified of that?

**MR. BROWN:**
I'm sure, if the veto's overridden, it would be complied with. I'm not aware, standing here, of a --

**LEG. MONTANO:**
Okay.

**MR. BROWN:**
-- of another process to challenge a veto which has been overridden.

**LEG. MONTANO:**
Well, no. The reason I ask is that, and I think Legislator Romaine probably knows this more than -- but there's a rule that if something is passed by the Legislature and then not acted upon by the County Executive, we're supposed to be notified; am I correct in that, Legislator Romaine?

**LEG. ROMAINE:**
Yes, that is correct, there's standing legislation to that effect.

**LEG. MONTANO:**
And I don't think -- was there an issue as to whether or not we've received any of those notifications over the --
LEG. ROMAINE:
The County Executive is not in compliance with that legislation on several different items.

LEG. MONTANO:
Okay. Then the request I'm making on the record is that if this falls into that situation, you know, I would like to be, and I'm sure everybody here would like to be, notified of, you know -- if there's inaction, we'd like to be notified.

MR. BROWN:
If there's any action?

LEG. MONTANO:
Inaction. In other words, if, you know, for some reason a decision is made that maybe this act of the Legislature is somehow beyond the authority and that the statute, you know, the way you interpret it, is something you shouldn't do, would you let us know from the County Attorney's perspective?

MR. BROWN:
Sure.

LEG. MONTANO:
Okay, Dennis?

MR. BROWN:
Yes.

LEG. MONTANO:
Yeah, I don't mean to put you on the spot, but I just want to follow up on this.

MR. BROWN:
Okay.

LEG. MONTANO:
Thanks.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
With reference to Legislator Montano's question, the County Executive and I had a conversation with reference to this particular issue, and he indicated to me that, even the members of his own staff who agreed that Mr. Liepins should basically receive his land back.

LEG. MONTANO:
Okay.

LEG. BARRAGA:
Okay?

LEG. MONTANO:
So it won't be an issue, then?

LEG. BARRAGA:
Yeah. I didn't sense from the County Executive in our conversation that if the override took place this was going to be a cause celebre with challenging it in the courts, no.

LEG. MONTANO:
Okay. That's what I was asking.

LEG. BARRAGA:
Thank you.

LEG. MONTANO:
Thank you. I should have asked you first.

P.O. LINDSAY:
Legislator D’Amaro.

LEG. D’AMARO:
Yeah. I just want to point out that, you know, in the last item up for consideration, debating the 400,000 to the Corrections Officer, you pointed out, and quite eloquently and appropriately, that we're making some tough choices here. This is a parcel that's valued at $430,000, which the applicant's own affidavit indicates he simply forgot to pay his taxes, which is being submitted. The application does not have a licensed physician. This is a very weak circumstance. And if we're going to do this case by case, I would say this is the one that you need to deny.

LEG. BARRAGA:
Bill.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
On the motion. I was trying to avoid a debate on this issue, but the reality is Mr. D’Amaro has pursued this line of discussion. And just refreshing the memory of the members, Mr. Liepins, yes, he didn't pay his property taxes beginning in 2001.

In terms of getting the property back, a decision was made to do an evaluation of Mr. Liepins in terms of his cognitive capabilities. And a Board Certified, in fact, this Clinical Psychologist is Board Certified in four different areas. He's a Board Certified Psychologist licensed to practice in New York and California, he's been licensed in New York since 1974, and has served as the Chief Psychologist at South Nassau Community Hospital for many years. He has performed a psychological exam and administered the Wechsler Adult Intelligence Scale on Mr. Liepins, and the findings, as I pointed out the last time, of both the mental status exam and the Wechsler Adult Intelligence Scale indicate that Mr. Liepins has sustained a significant cognitive decline, placing him currently at only the 18 percentile in intellectual functioning compared to his age peers.

"Although, I cannot place a precise starting point for this decline, it is likely that his cognitive deficits are long-standing, and if they have worsened over the years, it would be likely that he suffered from this type of deficit certainly as recently as 2001. And I would opine that his failure to pay taxes was linked directly with this problem. It is my professional opinion that Mr. Liepins is not independently capable of dealing with complex or time-sensitive matters. This mental defect will hopefully be considered in the review of his case."

Now, what has happened here is the whole question of the statute, the Suffolk County statute keeps on using the term "you have to be a licensed physician." In New York State there is technically no profession licensed as, quote, physician, unquote. In New York State, both osteopaths and medical doctors are actually licensed to practice, quote, medicine and surgery. So even in the State Department of Education, you don't get a license that says, "Licensed Physician". In summary, it may well be that the Suffolk County Law that we currently are operating under, where it says only licensed physicians to diagnose mental disorders, appears maybe in contradiction to New York State...
Law and should be looked at again, as there is no person allowed to perform this service, since no one in New York State is a licensed, quote, license physician, unquote, since New York State does not issue such a license.

Now, when you take a look at McKinney's Consolidated Laws of New York, you will see a certified psychologist means a person who is registered as a certified psychologist under Article 153 of the Education Law. Quote, psychiatric examiner, unquote, means a qualified psychiatrist or a certified psychologist who has been designated by a Director to examine the defendant pursuant to an Order of Examination. That's State regulation and law in terms of where a psychologist fits in this mix.

If you take a look at some case law, Supreme Court of New York County, People of the State of New York, case dated December 22nd, 2005, background, after a finding that he was competent, defendant charged with assault in the first degree pleaded guilty to a lesser included offense. His defense counsel moved to strike report of court appointed clinical social worker and for reexamination of defendant by a psychiatrist. Holding: The Supreme Court in New York County held that diagnosis and treatment of mental disorders that are organic or result from physical ailment is within scope of social work and psychology professions. The point here, as we take a look at the County statute, I think that has to be revisited, because I don't think it's appropriate. It doesn't really fall in line with what New York State law currently is.

As far as Mr. Liepins is concerned, I have no doubt, I have no doubt that, you know, if he had the ability in 2001 to really pay his taxes, he would have paid it. And the clinical psychiatrist is all but saying is that this problem is of long duration. I think from an ethical moral perspective, we should override this veto.

P.O. LINDSAY:  
Okay. Anybody else?

LEG. D'AMARO:  
Well, just not to prolong it. I appreciate Legislator Barraga's comments. The gentleman that performed the examination of the applicant does not fit the definition of our law. If it needs to be changed, that's fine, you know, we can do that, but as it presently exists, it doesn't fit the definition. And second of all, I don't have the benefit of -- I can't find that letter, but my recollection was that the conclusion of the medical expert was that he probably had this ailment at the time, and probably -- talk about setting dangerous precedence, that's the slope that you don't want to go down, because anyone can guess, whether you're licensed or not. He did not say -- the physician did not say that he definitively had this ailment at the time, and, in fact, the applicant's own affidavit said that he forgot to pay the taxes. So I think coupled with that, I would urge you to sustain the veto.

P.O. LINDSAY:  
Just one minute, Legislator Eddington. I just had a point that I wanted to make, and maybe Legislator Barraga knows this. Did -- we took the man's property. Did we auction off the property or --

LEG. BARRAGA:  
No, we did not.

P.O. LINDSAY:  
We still hold the property?

LEG. BARRAGA:  
We still hold the property.

P.O. LINDSAY:  
So, although it's worth $400,000, it isn't actually -- I mean, if we gave him back the property, we
would get the back-taxes; am I correct?

LEG. BARRAGA:
Well, you've already got the back-taxes, because he didn't have the ability to raise the back-taxes, but he's a Latvian and something called the Latvian Association raised $22,000 to pay all the back-taxes. All the back-taxes are paid. This is only -- the only thing we have left to do is to give the man back his property. And they intend to sell it, all right, deduct the 22,000 that they're owed, and the balance goes into a trust so that man can live a reasonably decent life.

P.O. LINDSAY:
Okay. Legislator Eddington.

LEG. EDDINGTON:
Yeah. I would -- I'm going to take the responsibility as a licensed clinical social worker to examine that law, because a physician does not have the ability to make a diagnosis on mental illness or any of that. He can do what anybody in this room can do, say, "It appears to." But the only people that can do that are licensed clinical social workers, licensed psychologists and psychiatrists, which are M.D.'s.

LEG. D'AMARO:
And, Bill, just to respond to that very quickly, I don't take issue with that. And if we need to change the statute, if it's imprecise, we should do that. Legislator Eddington, I agree with you there. But, again, if you look at that letter, what's being said is that I really don't know whether or not the applicant, this gentleman suffered from a condition that impaired his ability to pay his taxes, and I think that's the dangerous precedent that we'll set if we sustain -- if we override this veto, that's my point. We're talking about a substantial sum of money, $400,000. Yes, we should be looking at expenditures, whether it's a corrections officer killed acting as a police officer, or whether it's someone seeking their property back after 20 or 25 years, but I don't think the standard is met here, I simply don't.

And the final point I want to make is that by allowing this, where the standard is not met, is unfair to all the other applicants that are either turned down or choose not to apply, because they know they can't meet the standard with a letter from a physician, licensed or not saying, "Well, I don't really know when you had the ailment, but I could write you a letter that says you probably did." I just don't think that's fair to everybody else.

P.O. LINDSAY:
Okay. We're done? Can we -- come on, hold it down. Hold it down. The roar's getting loud.

LEG. GREGORY:
Just a quick question. And just --

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:
Clear it for my understanding. So, the way I understand the law is that we've already gotten what we would get, because if we have the property, we would auction it, we would get the property -- the back-taxes. We've already gotten that. We wouldn't get the fair value, market value of the property.

LEG. D'AMARO:
Yeah.

LEG. ROMAINE:
No.
LEG. GREGORY:
No, I don't think so. We changed that law a few years back. So we're not losing anything, we already have -- we're already made whole. So he just needs his property.

P.O. LINDSAY:
Legislator Romaine, and then Montano.

LEG. ROMAINE:
A quick comment.

LEG. D'AMARO:
This is vacant property, by the way.

LEG. MONTANO:
Oh, there may be --

LEG. ROMAINE:
Just a quick comment. The property is worth 400,000, we're owed $22,000 in taxes. I understand it has been paid. But even if it wasn't paid, we're going to take $400,000 when we're only owed 22,000? There's a name for that and that name should not apply to a government who's supposed to act in a moral and just fashion. And any lawyer or others that would argue fine points to sell a $400,000 piece of property when we're owed $22,000, on this or any other property, it certainly talks to the character of this government.

LEG. D'AMARO:
If I can respond to that, Legislator -- Mr. Presiding Officer. I don't think by advocating to sustain this veto I'm acting immorally or unjustly.

LEG. ROMAINE:
This was not aimed at you, Legislator.

P.O. LINDSAY:
Wait, let's --

LEG. D'AMARO:
That's okay, but I just want to respond. In fact, I would say that the moral and just thing to do here, and that's fair to everyone in this County, is to uphold the law. And if the law says we have a standard that needs to be met, and in my opinion it's not being met, I think that is moral and just, and fair and even across the board to every single resident of this County.

P.O. LINDSAY:
Okay. Legislator Montano, did you want to weigh in on this?

LEG. MONTANO:
Actually, no, I don't want to weigh in on this.

P.O. LINDSAY:
All right. Anybody else?

LEG. BARRAGA:
Yes.

P.O. LINDSAY:
Legislator Barraga.
**LEG. BARRAGA:**
In the end, I think there's enough evidence here to give the man his property back. But the question is, you know, a higher moral ethical standard here in terms of this individual and what he's gone through and the fairness. And I agree with Mr. Romaine, this individual, from an ethical, moral perspective, he should receive his land back.

**P.O. LINDSAY:**
Okay. Roll call.

**LEG. D’AMARO:**
That's empathy.

**P.O. LINDSAY:**
Huh? Did you want to say something else?

**LEG. D’AMARO:**
No, no, that's okay.

(Roll Called by Mr. Laube, Clerk)

**LEG. BARRAGA:**
Yes to override.

**LEG. MONTANO:**
Yes to override.

**LEG. COOPER:**
Yes.

**LEG. D’AMARO:**
No.

**LEG. STERN:**
Yes.

**LEG. GREGORY:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. ALDEN:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. LOSQUADRO:**
Yes.
LEG. BEEDENBENDER:
(Not Present)

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

D.P.O. VILORIA-FISHER:
(Not Present)

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Not Present: D.P.O. Viloria-Fisher and Leg. Beedenbender)

LEG. BARRAGA:
Just one comment. I want you to all know that it's my understanding that now that this has passed, Mr. Liepins will shortly enter helicopter school.

(*Laughter*)

And he will forevermore be flying low-level helicopters over Mr. D'Amaro's home.

(*Laughter*)

LEG. D'AMARO:
And I would call that unsafe and dangerous.

LEG. KENNEDY:
Immoral and unethical.

LEG. D'AMARO:
Just trying to protect the taxpayers, Tom, that's all.

P.O. LINDSAY:
Okay. Let's finish up. If we go to late-starters, I'm going to make a motion to set the following late starters:

1558 is assigned to Budget and Finance, and set the Public Hearing for 6/23 at 2:30 at Riverhead, Community College Culinary Arts Building in Riverhead; 1547 to EPA; 1548 to Ways and Means; 1549 to Public Works; 1550 to Public Works; 1551 to Public Works; 1552 to Public Works; 1553 to Public Works; 1554 to the EPA; 1555 to EPA; 1556 to Public Works; 1557 to Labor, Workforce and Affordable Housing; and 1559 to Ways and Means. Is there a 1558.

MR. NOLAN:
You did that first.

P.O. LINDSAY:
Oh, okay, okay. So I made the motion. Do I have a second?

LEG. ROMAINE:
Second.

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

**MR. LAUBE:**
Sixteen. (Not Present: D.P.O. Viloria-Fisher and Legislator Beedenbender)

Second.

**P.O. LINDSAY:**
I don't think we have any other business. Do we have --

**LEG. ROMAINE:**
Motion to adjourn.

**LEG. EDDINGTON:**
Second.

**P.O. LINDSAY:**
Wait a minute. Okay. We have a motion to adjourn by Legislator Romaine, second by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen. (Not Present: D.P.O. Viloria-Fisher and Legislator Beedenbender)

**P.O. LINDSAY:**
Thank you.

[THE MEETING WAS ADJOURNED AT 7:52 P.M.]