SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TENTH DAY

JUNE 23, 2009

MEETING HELD AT THE SUFFOLK COUNTY COMMUNITY COLLEGE
CULINARY ARTS & HOSPITALITY CENTER
20 EAST MAIN STREET, RIVERHEAD, NEW YORK

MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT STENOGRAPHERS

MINUTES TRANSCRIBED BY
LUCIA BRAATEN, ALISON MAHONEY & GABRIELLE SKOLOM,
COURT STENOGRAPHERS
AND KIM CASTIGLIONE, LEGISLATIVE SECRETARY
P.O. LINDSAY:
Call the roll.

(Roll Called by Mr. Laube, Clerk)

LEG. ROMAINE:
Present.

LEG. SCHNEIDERMAN:
Present.

LEG. BROWNING:
Here.

LEG. BEEDENBENDER:
Here.

LEG. LOSQUADRO:
(Not Present)

LEG. EDDINGTON:
Here.

MR. MONTANO:
(Not Present)

LEG. ALDEN:
(Not Present)

LEG. BARRAGA:
Here.

LEG. KENNEDY:
(Not Present)

LEG. NOWICK:
Here.

LEG. HORSLEY:
Here.

LEG. GREGORY:
Here.

LEG. STERN:
Here.

LEG. D'AMARO:
(Not Present)
LEG. COOPER:
Here.

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

P.O. LINDSAY:
Here.

MR. LAUBE:
Thirteen. (Not Present at Roll Call: Legs. Losquadro, Montano, Alden, Kennedy and D'Amaro)

P.O. LINDSAY:
Okay. Could everybody rise for a salute to the flag, led by Legislator Schneiderman?

(*Salutation*)

If you could remain standing. And, Legislator Schneiderman, do you want to introduce our guest vocalist?

LEG. SCHNEIDERMAN:
Yes. Thank you, Mr. Presiding Officer. I'm delighted to have Miss Dylan Jenet Collins, a talented eleven-year-old from Sag Harbor, a student at Our Lady of the Hamptons School, here today to sing the National Anthem. She sang at the Neighborhood Inaugural Ball, helping President Obama celebrate his historic achievement. Dylan is no stranger to singing in front of a live audience. She has performed locally since she was five years old. Dylan won the Star of Tomorrow Award at the famous Apollo Theater in 2006 and toured nationally in the role of young Nala in the stage version of Disney's The Lion King. She has performed alongside major artists such as Beyonce, Mary J. Blige, Mariah Carey, Faith Hill, Jay-Z and Alicia Keys. Dylan Jenet Collins is a role model for youth all across Suffolk County, and I'm proud to have her reside in my District and be here to open our Legislative session. Dylan Jenet Collins.

(*Applause*)

Let's bring her over here and use this microphone.

[DYLAN JENET COLLINS PERFORMED THE STAR SPANGLED BANNER]

(*Applause*)

MISS COLLINS:
Thank you.

P.O. LINDSAY:
Thank you very much, Dylan. That was beautiful. If you would remain standing, Legislator Schneiderman is going to introduce our visiting Clergy.

LEG. SCHNEIDERMAN:
Thank you, Dylan, that was so great. Reverend Steven Howarth is the Pastor of the First Presbyterian Church in Amagansett. Reverend Howarth has been leading prayer services for nearly three decades in churches in Michigan, Chicago, Upstate New York and now in Amagansett. He is also a pastoral psychotherapist, a bagpiper and a motorcycle enthusiast, which should be music to Legislator Eddington's ears. He holds a Masters in Divinity, as well as an MBA. Pastor Howarth's wife, the Reverend Nancy O'Neal Howarth, is also an ordained Presbyterian Ministers. A church elder once said of Pastor Howarth, "Don't be fooled by Steve's easy manner and ready smile. He's..."
P.O. LINDSAY:
Thank you, Pastor. And would everybody just remain standing for a moment of silence for Mary Patricia Shilling, who is the mother of Legislative Bill Shilling, who passed away this weekend.

And, as we do at every meeting, if we would remember all those men and women who put themselves in harm's way every day to protect our country.

(*Moment of Silence*)

I'm awfully sorry, and I'm not going to ask you to stand again, and it wasn't on my agenda, but also in our prayers and thoughts, let's remember the two police officers that passed away this weekend in dreadful auto accidents. Okay? So please remember them. Thank you.

Welcome to Riverhead. I know our -- we're a little cramped here this morning and I apologize for that. I want to thank the Community College for hosting us again, and we'll be back here again in August. But, hopefully, in 2010 we'll have our auditorium in the Riverhead Center finally done, that we can move back into our own facility.

The East End has a reputation for being friendly and hospitable in welcoming they're neighbor, so if there's an empty seat next to you, just raise your hand and somebody come over and sit down and welcome them if you would; all right?

Before we start our proclamations, with us this morning is the Supervisor of the Town of Riverhead, Supervisor Cardinale, who would like to address us and welcome us. And thank you for having us, Supervisor Cardinale.

SUPERVISOR CARDINALE:
Thank you. It's my pleasure, together with Councilwoman Blass and Councilman Wooten, to
Welcome you to Downtown Riverhead. We are very happy to have you here again. You add activities sorely needed Downtown, and you also add some style and sparkle. And before I sit down after welcoming you, I just want to thank you also for, speaking of style and sparkle of -- I know on your agenda you'll be considering today the Summer Wind Project, which I hope will be a great improvement for Downtown, and the YMCA project, which is just off Downtown, and the North Fork Preserve Project, which continues your commitment to preserve properties all over the County. We thank you for all of that and we welcome you, and come back any time.

P.O. LINDSAY:
Thank you, Supervisor. I was just reminded, if somebody really gets tired of standing, there is classrooms upstairs where the proceedings are piped into, if you want to go up and sit down for a little while and listen to what's going on.

We have a few proclamations this morning before we get to our regular order of business, and the first up is Legislator Schneiderman.

LEG. SCHNEIDERMAN:
Good morning, everyone. We just pledged our allegiance to the flag and we have among us a very special individual who has not only pledged but shown his allegiance to our nation. I'd like to invite up Mr. Lee Hayes who served in World War II as a Tuskegee Airman for the U.S. Army from 1943 to 1945. He flew a B-25 Bomber. Before 1940 the military would not allow African-Americans to fly in the armed forces. However, from 1940 through 1946, about 1,000 African-American pilots, including Mr. Hayes, trained at Tuskegee Army Airfield in Alabama. Tuskegee Airmen were dedicated, determined young men who volunteered to become America's first black military airmen. Those who possessed the physical and mental qualifications were trained to be pilots, navigators and bombardiers. They flew more than 200 combat missions without losing a single bomber to enemy fire, a record unmatched by any other fighter group.

Mr. Hayes was invited, along with his fellow Tuskegee Airmen, to this year's historic inauguration of our 44th President but had an unfortunate fall. Thankfully, he made a remarkable recovery at the Southampton Center for Rehabilitation and is here with us today. Where is Lee? Lee, come step forward.

(*Applause*)

I want to say, on behalf of myself and my colleagues in the Legislature, how very proud we are of you, Mr. Hayes, and your historic accomplishments. And I want to present you a proclamation on behalf of the Legislature in your honor. Thank you for your service.

(*Applause*)

MR. HAYES:
I just want to thank Mr. Schneiderman and the rest of you for this proclamation, and I was glad to do what I did. Thank you.

(*Applause*)

LEG. SCHNEIDERMAN:
I have another gift for Mr. Hayes. I have a flag and a Certificate of Special Recognition, both -- this is the flag that was flown over the Capitol, and a special recognition also from Congressman Bishop. So, to Mr. Hayes.

(*Applause*)

Thank you.
MR. HAYES:
Thank you.

LEG. SCHNEIDERMAN:
With the summer now here, the East End is often in the news. Usually it's for fancy parties and movie star sightings, but let's not forget that we have a vibrant year-round community on the East End, and lots of them are also in the news. And I'd like to first recognize a particular young woman.

We often have had Intel scholarship -- Intel competition semifinalists, but I don't recall ever having a finalist, and not only a finalist, an actual winner. This young woman, Amy Van Scoyoc, came in second place in the Environmental Science category in the Intel competition, an extraordinary worldwide competition, an extraordinary accomplishment. So, Amy, if you will step forward. Applause.

(*Applause*)

And now some of you know that I'm also a former science teacher, and I'm not sure I can follow what Amy did. Amy's project focused on the DNA of flatworms and how DNA can actually change over time. And she developed some kind of test that can be replicated by other scientists so they can track how DNA changes over time in other organisms. So where are you, Amy? I want to present you with a proclamation in your honor and maybe give you an opportunity to maybe explain a little bit about your project.

And this young woman is not only, obviously, a brilliant young student, she's a -- and future scientists, she's also Valedictorian in her school this year. She is also a talented musician and contributing to her community. So, Amy, I'll give you the microphone and present you with this proclamation.

(*Applause*)

MS. VAN SCOYOC:
Thank you, Mr. Schneiderman, and Legislators. This is such a great honor to receive this proclamation. My project kind of involved a field called epigenetics, and what it looks at is pollution-induced gene expression. So it was a lot of fun to work with because it really seems to have implication for our future. If we can see how our DNA is being influenced by pollution, hopefully, we can work to stop it. Thank you very much.

(*Applause*)

LEG. SCHNEIDERMAN:
Amy, before you -- before you sit down, Amy; Amy not only made Suffolk County proud, but she also made her -- obviously, her school quite proud and her parents proud. And we have her school teacher from East Hampton High School, Lisa Benincasa, here, if you can step forward, and her mom, Marilyn Van Scoyoc, and Peter Van Scoyoc. Marilyn is a music teacher at East Hampton High School, and her father, Peter, who serves on the East Hampton Planning Board and is active in the community as well, as well as being a fisherman and a very talented carpenter. So it's nice to have you join us, and maybe we can take a picture with all of us. Just step over. Her brother is also here. Where is our photographer? Oh, here we are.

P.O. LINDSAY:
Next, Legislator Montano for the purpose of a proclamation.

LEG. SCHNEIDERMAN:
Can I just, very briefly, more --

P.O. LINDSAY:
Oh, I'm sorry, I thought you were done.

**LEG. SCHNEIDERMAN:**
No. Just a couple of announcements. This is regents week, so it was very hard to get some of the other talented students in my District here, but I did want to end my little East Hampton news -- I'm sorry, East End news report with a little bit of the sports, because I was quite honored to have some All-County teams this year. The East Hampton Bonackers Boys Basketball Team was County Championship -- County Champions for the second year in a row. They were in the State finals last year and the State Class A semifinal this winter. Senior Center Hayden Ward was Newsday's All Long Island First Team selection, and awarded All-County, All-Conference, and All-League honors. Senior Guard Jerome Russell followed Ward as Newsday's All-Long Island second team selection, and was also named All-County, All-Conference and All-League, as well as Senior Forward Jarred Bowe, who was named All-League, and Senior Forward Sam Hyman was an Academic All League selection. The Bonackers head coach, Ed Petrie was named Coach of the Year by Suffolk County Coach's Association for the second year in a row.

I also want to commend the Southampton Mariners Baseball Team and their Coach, Ike Birdsall, for being crowned Suffolk County Champions this year. Its County Championship ran over Southold/Greenport. I know the Mayor of Greenport is here; was the school's first in more than 30 years. The Southampton Baseball Team also made school history this year by winning it's first ever Long Island Championship in a 2 to 1 triumph over Wheatley on Monday, June 8th.

And lastly, I'd like to congratulate the Hampton -- oh, you guys are here. Hey, I didn't know you guys made it. I thought this was regents week. That's great. That's a bit of a surprise. They're skipping out on their regents. Lastly, I'd like to congratulate the Hampton Bays Girls' Softball Team and their Coach, John Maloney for winning the League 8 Title, the Suffolk County Class B and the -- Class B Long Island Championship. After coaching for more than ten years in Hampton Bays School District, Softball Head Coach John Maloney has decided to retire from his successful career, and we wish him all the best.

So I am joined by the Mariners Baseball Team. Again, not only are they Suffolk County Championships, but Long Island Championships. Let's give them a round of applause.

(*Applause*)

Okay. So we have Coach Birdsall here from the Southampton Mariners Baseball Team and he'd like to say a word and introduce some of his players.

**MR. BIRDSALL:**
All right. Unfortunately, we weren't able to get our whole team here today, being it's regents week, and a lot of kids are working as well, but I'd like to introduce a few guys that are here. I'll start off with our Center Fielder, Ricky {Wisnowski}.

(*Applause*)

He was All League this year and hit the most home runs on our team. And next we have our catcher, Jeb Schmidt.

(*Applause*)

Our All Academic second baseman, Andrew Shimkiss.

(*Applause*)

And last, but not least, our All County pitcher and shortstop, Chris Pike.
LEG. SCHNEIDERMAN:
All right. Lots of reasons to be proud on the East End today. Thank you all.

(*Applause*)

P.O. LINDSAY:
Thank you, Jay, for that comprehensive report. And I’m glad about the reminder about regents week. I’m still trying to pass the algebra regents.

(*Laughter*)

Legislator Montano.

MR. MONTANO:
Good morning, Mr. Presiding Officer, and my colleagues here in the Legislature. I've been before you many times. Up here, young ladies. No, over here, over here. I've been before you -- turn around, let them see who you are. You know, this year has been an excellent year for the Brentwood teams and the Brentwood community. Today it's my pleasure to introduce to you the Brentwood High School Girls' Softball Team, who happen to be the 2009 New York State champions Class AA.

(*Applause*)

The team consists of 15 players, 9 of which are seniors whose mission this year was to win the New York State Championship. I understand three of the young ladies are taking regents today so they're not here. They, in fact, won the New York State AA Championship with a record of 24 and 4. They are a three-time Suffolk County League 1 Champions; they are the Suffolk County Class AA Champions, they are the Long Island Class AA Title Champions. And I want to point out specifically senior Nicole Flint finished her season this year by pitching three perfect games.

(*Applause*)

This is the first time that the Brentwood Girls' Team has won both the Long Island and the New York State Title. And I just want to point out, you know, there are other recent teams from Brentwood that have been -- made significant achievements this year. Remember, this year we brought to you the 2008 Boys' Soccer Team, who are the New York State Champions, and I'll add ranked number one in the nation. We also have Brentwood the 2006 New York State Marching Band Champions, the Green Machine Marching Band, which is well-known throughout Long Island. And we, also a couple of weeks ago, presented to you the New York State Principal of the Year from Brentwood High School, Tom O'Brien. And there have been other presentations. They've done an excellent job, and I want to, you know, ask you all to congratulate them for their hard work and their academic achievement.

And I just want to read into the record the names of the students and their position very briefly.

First Base, Vanessa Acosta.

(*Applause*)

Center -- Catcher. Catcher, right, Catcher, Lauren Buscemi.

(*Applause*)

Left Field, Kikki Castillo.
Right Field, Erica Edwards.

Third Base, Kristen Flint.

Pitcher, Nicole Flint.

Outfield, Ashley, Garrett.

Shortstop, Hillary Genova.

Outfield, Jazael Gonzalez.

Outfield, Brianna Harris.

Pitcher, Lisa Quinn.

Designated Hitter and Right Field, Colleen Rivers.

Second Base, Shaakira Samad.

Center Field, Alexa Santiago.

Catcher, Laurissa Torres.

Manager, Krystal Flores.

And we have the Head Coach, Brian Lynch. Brian.
(*Applause*)

The Assistant Coach, Joe LaCova.

(*Applause*)

And we also have the Athletic Director, Kevin O'Reilly, from the Brentwood School District.

(*Applause*)

Kevin, would you like to say a couple of words?

MR. O'REILLY:
Of course, of course. I want to thank the Suffolk County Legislature for inviting us here again. It is always a pleasure to bring my teams here just to show the girls and the boys how our government works. And once again, thank you. The girls made us very proud of the first ever Suffolk County, Long Island, and New York State Championships. Congratulations once again, girls.

(*Applause*)

LEG. MONTANO:
And, Kevin, we have a proclamation and we have a Certificate of Appreciation for all of the young ladies. I'm going to ask you to step outside and take a photograph. Thank you very much, Mr. Presiding Officer and Members of the Legislature. Thank you, young ladies, for your accomplishment. Come on outside.

(*Applause*)

P.O. LINDSAY:
Congratulations. And thank you, Legislator Montano. Next up is Legislator Romaine with a series of proclamations.

LEG. ROMAINE:
Thank you, Mr. Presiding Officer. My first proclamation is going to be for Sam Cila. And I'm going to ask the American Legion, the VFW to escort him up here, please. Not only am I joined with my colleagues this morning, but I am joined by every member of the Riverhead Town Board. Councilman Dunleavy, Councilwoman Blass, Councilman Jim Wooten and Supervisor Cardinale.

Sam is a resident of Riverhead. He joined the National Guard immediately after 9/11. He trained as a sniper and was motivated to serve his country. He rose quickly to Sergeant of the First Battalion of the 69th Infantry. He was deployed to Iraq in October of 2004, and in July of 2005, he was injured by an IED blast, with severe injuries to the left side of his body. His left leg had to be amputated. And since that time, he's had 40 surgeries to repair the damage to his left arm that has served extensive nerve loss. He got involved in Operation Rebound as part of the Challenged Athletes Foundation, and he competes in triathlons, Olympic Iron Men, to raise money to help other returning disabled vets through the healing process by introducing sports to his life. He is, in my view and in the view of all those who know him, a true American hero, someone that has faced adversity and rose above it and turned it around to work and help with others, someone that everyone in Riverhead is deeply proud of. He's here with his wife today, I believe, she's in the audience. And this proclamation is for Sam for his service for his country. We're very proud of you, Sam.

(*Applause*)

While they're not here because of regents, I do want to mention the Shoreham-Wading River Girls'
Lacrosse Team. They are the State Champions for New York State. And we've asked them to be here, but because of regents, they cannot attend. But we do have some other athletes that I do want to acknowledge, and the first one is Michael Smith, if he would come up. Michael.

Michael is a Junior at Riverhead High School. He's a member of their Track and Field Team, and he finished both the winter and spring sessions back-to-back as a New York State Shot Put Champion. He has the record of his personal best of 57 feet, 3 1/4 inches. He is the recipient of the Ed Nook Award, only awarded to five outstanding track and field athletes in Suffolk County. He has another year in Riverhead High School and we fully expect him to break the record again for shot put. Put some pressure on there, Michael, so --

(*Applause*)

And if Michael would stay here, obviously, with any team, any sport, particularly at high school, college level, a lot has to do with the coaches, so I'm going to ask some of the track and field coaches to come up. Pete Hansen, Sal Loverde, Steve -- I'm just going to use their last names, and, Kip -- their first names. Come on up, guys. These are our Coaches.

(*Applause*)

And Becky, Becky is here as well. Becky, come on up, hiding in the back there. I want to thank them, because, as we all know, we've all gone to school, we've all had special teachers, and for those who played athletics, we've all had coaches that have inspired and got us to do what we didn't think we could do with a little effort, hard work, and competition, and it made us all better people for it. So for these coaches, for Michael who's an example of their coaching efforts, thank you so much, and we'll see you outside.

(*Applause*)

And Riverhead has an abundance of talent, and we'll start at the very top with the Director of Athletics, Bill Groth. Bill is the Director of Athletics, Health and Physical Education. He was recently honored by the Stony Brook Chapter of Phi Delta Kappa International, which is the premier professional organization for educators.

MR. GROTH:
I appreciate it.

LEG. ROMAINE:
Good to see you again.

MR. GROTH:
Thank you, sir.

LEG. ROMAINE:
The second time Bill has been here. We've had other good winning teams here. The Blue Waves, as you can remember, were the County and, I believe, Rutgers Trophy, Long Island Champion and --

MR. GROTH:
People of the Year.

LEG. ROMAINE:
So Bill has an inspired staff. He's worked very hard. He's been honored with the prestigious Friends of Education Award, and all I can say is keep it up. I hope we fill that trophy case multiple times over. Thank you again, Bill.

MR. GROTH:
Thank you.

(*Applause*)

LEG. ROMAINE:
Thanks for your indulgences. And it was my pleasure to honor all of these people. They all make up the fabric and the mosaic of Suffolk County, which makes this County a great place to live. Thank you, again. Applause.

(*Applause*)

P.O. LINDSAY:
Okay. The last proclamations are two surprise proclamations that I have the pleasure of presenting. And the first one is to Lynne Albers, who has been my Chief of Staff in my District Office for a number of years. And she's been with me since I've been in the Legislature, and before that, she was an Aide to Steve Levy. And Lynne is happily retiring to --

(*Applause*)

-- a long and happy and healthy life, we hope. So the very best of luck to you and Ralph, Lynne.

MS. ALBERS:
Thank you. I know this is supposed to be about me, but I've got tell you, I have been so privileged to work for Legislator Lindsay. He is a man who demands respect and gives respect. He's a truly compassionate person. I know it's not about him, but I love him so much. He's just great.

And I got to thank County Executive Steve Levy, because he mentored me. His teaching came out when I would ask him a question. He definitely steered me in the right direction all the time. You know, Legislative Aides develop a tool from researching, and about a three or four-year curve. And I wish I could leave that tool behind for the district before senior citizenship takes over and makes mush out of it. But I just want to say that I'm leaving on a high note. It's been such a privilege. I've been to the mountaintop, but the mountaintop is not necessarily the place where you find peace and tranquility. I leave behind many great memories of people. But I'm going out to celebrate life, and when I look back, I'll celebrate yours as well. Thank you, guys.

(*Applause*)

P.O. LINDSAY:
Lynne, in her career, probably drafted hundreds of those proclamations. Now she has one with her name on it.

And the final proclamation of the day is to our colleague, Steve Stern, who has been named the 40 Under 40 Class of 2000 by the Long Island Business News, which is quite a distinction. I just wish I could be under 40 again. Come on forward and get your proclamation.

(*Applause*)

P.O. LINDSAY:
And his -- and your wife was named woman 40 under 40 as well. Wow, wow.

LEG. STERN:
Yeah.

P.O. LINDSAY:
Wow, yeah.
LEG. ALDEN:
Yeah look what he did to himself.

P.O. LINDSAY:
And you tripped.

(*Applause*)

Okay. That's all the ceremonial stuff. I notice -- Tom LaGuardia, are you in the room? Well, Tom from DPW signed a card. He must have stepped out. Okay. First up is Richard Amper.

MR. AMPER:
Good morning, my name is Richard Amper. I'm Executive Director of the Long Island Pine Barrens Society. I'm here to speak in favor of 1536. It's the next step in funding as we continue the great history, the great legacy of this Legislature and this County in preserving open space and farmland. I'm glad you're out in Riverhead to do this. Riverhead is in particular need of this County's assistance. It's a small town. It is doing a first rate job with its own resources, but it very, very much needs the continuation of the Open Space and Farmland Program by this County, and that in turn we hope will help us leverage additional funds from the State of New York.

Yesterday the Pine Barrens Society released its annual report on how we're doing. There's good news and bad news. The bad news is we're not buying land at the rate necessary to achieve the goals we were all committed to in 2006. The good news is that the recession is going to give us a little bit more time. We're buying time in the sense that we've got more time to reach these goals, and it's buying time, because the price of these properties is so relatively low.

So I do want to commend this Legislature on its long history of support for the Open Space Program and hope you'll continue it today. Thank you very much.

(*Applause*)

P.O. LINDSAY:
William Bechtold.

MR. BECHTOLD:
Yes. Good morning. My name is William Bechtold. I'd just like to make a short statement regarding the possible acquisition of the North Fork Preserve Property. I represent a group called Minority Shareholders. We are about 35 individuals who own shares in the North Fork Preserve, Incorporated, although we control less than half of the outstanding shares, so we're called minority shareholders. I'd like to read a short statement, if I may.

"For over 25 years, the property known as the North Fork Preserve, Incorporated, located on Sound Avenue in the Town of Riverhead, consisting of approximately 265 acres, along with additional adjacent leased land, has been preserved as open space and utilized for hunting and agricultural purposes by members, shareholders and others associated with the North Fork Preserve. We understand that part or all of this land is possibly being considered for purchase by Suffolk County. We, as previous and current stewards of the land and as shareholders, have great interest in seeing this tradition and use continue. Approximately 35 minority shareholders have the same interest. We request and would be pleased to meet with the Legislature, or individual Legislators, to discuss this important matter at any mutually convenient time prior to the purchase." Thank you.

P.O. LINDSAY:
Thank you, Mr. Bechtold.

MR. BECHTOLD:
Can I leave copies for the members?

P.O. LINDSAY:
Sure. Please, just give it to the Clerk right here.

MR. BECHTOLD:
Thank you.

P.O. LINDSAY:
Next, Alan Feinstein.

MR. FEINSTEIN:
Good morning, Mr. Presiding Officer, Members of the Legislature. I'm a member of Rustic Road in Yaphank. I've lived there approximately nine years. Rustic Road consists of approximately 42 residences, a residential handicapped facility, and the entrance to the Carmans River Park Preserve down at the dead end. It is on the western side of C.R. 21, which is Middle Island-Yaphank Road. This road is a major north/south route from the Rocky Point, Miller Place, Middle Island and Coram areas, also Ridge, which extends southward and goes to the Long Island Expressway and points south. Traffic on this road is constant, especially during rush hours and work hours. Speed limit is 40 miles an hour on the road. There's a curvature inward on C.R. 21 from the stop line of Rustic Road which gives a very limited sight distance for southbound traffic. I've provided Legislator Browning with a series of pictures to show you the actual sight distance and where we first see southbound traffic coming down on the roadway.

Experienced drivers having to make decisions to pull out and make a left turn after looking to the left and to the right, as we're taught in school, have approximately three to four seconds to safely make a left-hand turn if a southbound car appears in their line of vision. The reaction time has great variables, especially for inexperienced and elderly drivers, which we have many on our block. Furthermore, the Longwood School District will no longer permit their school buses to make a left-hand turn from that street. We have a handicapped residential facility managed by the Long Island Epilepsy Foundation, which has numerous buses and ambulettes entering and exiting the street daily.

I've seen numerous collisions on this corner over my seven years that I've been aware of the situation, and have worked closely with Miss Browning, as well as the prior Third District Legislator, in trying to have the County recognize this serious problem. On behalf of a lot of my neighbors who could not attend today because of work and other obligations, I'm here to beg the Legislature for their approval to remedy this very dangerous situation and approve Introductory Resolution 1509. Thank you.

(*Applause*)

P.O. LINDSAY:
Thank you very much, Mr. Feinstein. Jean Anson.

MS. ANSON:
Hi there. My name is Jean Anson. I'm also from Rustic Road. I've been a resident there for 18 years. I am a mother of two children, a 13-year-old and a 16-year-old, or soon to be 16-year-old. One's a student of Longwood Junior High, the other one's a student at the High School. Two years ago they changed the bus route because the buses can no longer make a left turn. We're only -- we're less than a mile away from the school. Now they have to make a right turn and it takes them an extra 45 minutes on the bus. So my daughter has to get on the bus at 6 o'clock in the morning to get to school for 7:10.

Before they changed the bus route, I instructed my kids to sit on the right side of the bus instead of
the left side. My kids said, "Why would you do that?" "Just in case you get T-boned." "What about the other kids on the bus?" "I'm working on that, trying to get it to be safer for all the kids." Even more scary than my kids on the bus is the fact that my daughter is turning 16 and is going to be learning to drive. Now she's going to have to try to make that left-hand turn and that scares me to death. We really need a traffic light here, it's going to save lives. Thank you.

(*Applause*)

P.O. LINDSAY:
Thank you, Ms. Anson. Martin Sendlewski. Martin Sendlewski.

MS. GIGLIO:
Good morning. Martin is not here yet, but I have a yellow card filled out, Jodi Giglio of Summer Wind on Peconic Avenue right here in Downtown Riverhead. That would be Resolution No. 1507, authorizing the planning steps for the implementation of Suffolk County Workforce Housing Program.

P.O. LINDSAY:
Jodi, what I'm going to do, and it's something that I don't normally do, if someone isn't here, we don't usually accept a substitute, but what I'm --

MS. GIGLIO:
Okay.

P.O. LINDSAY:
I'm going to switch cards.

MS. GIGLIO:
Sure.

P.O. LINDSAY:
I'll put Martin back at 12 and give him a little more time to get here and you will speak. Go ahead.

MS. GIGLIO:
Okay. First of all, I'd like to thank Suffolk County Exec Steve Levy, Ed Romaine, our Legislator in our District, Jill Rosen Nikoloff Thompson, Patrick Heaney, the Riverhead Town Board, especially Christine Kempner, who is in the Community Housing, and the Committee, the Labor and Workforce Housing Committee who heard our presentation last week, and all of you for being here today. And, hopefully, when you come back in August and you enter Downtown Riverhead, you'll see that the two buildings on the southerly portion of Peconic Avenue, on the east side of Peconic Avenue, the southerly two buildings will be demolished when you come back in August, and, hopefully, one year from now you'll see what you have here.

We're very excited about the project. We're very excited about the affordable housing aspect of this where we will be creating fifty-two 650 square feet one-bedroom apartments with a maximum occupancy of two people, and the requirement is eleven hundred dollars a month for the rent. It's based on 80% of the median income of Suffolk County. We feel this will offer several opportunities for our youth to stay here in Riverhead and in Suffolk County where they will have a place where they can live and afford to live. So we want to thank you for that. We will also be creating several jobs over the next year in the demolition and reconstruction of this building. We will have 8,000 square feet of retail space on the first floor, and we're looking forward to putting people back to work and keeping people in Suffolk County. So I want to thank you for your consideration of Resolution No. 1507.

(*Applause*)

P.O. LINDSAY:
Thank you, Jodi. Patrick Heaney. I missed your card. I would have called you up first.

**MR. HEANEY:**
Good morning, Legislator Lindsay and Members of the Legislature. I’m here this morning, joined with Jill Rosen Nikoloff, and there’s a new hyphen, Thompson. Jill and I are also accompanied by -- I tease her; she loves that. We’re accompanied by representatives for three projects that are represented behind Introductory Resolutions 1505, 06 and 07. In total, these -- one is New Village, which is a project, a mixed use project in the Village of Patchogue. That is a mixture of rental housing and commercial uses. We will achieve 67 workforce housing rental units in that project. Another project called Art Space in the Village of Patchogue, which will achieve 45 rentals, and, as been referenced by Ms. Giglio, Summer Wind Square, which is right around the corner from this building, which will give us 52 new workforce housing rental units. All of these projects are ready to break ground. In total, being in partnership with the County of Suffolk, we will achieve 164 additional rental units, all for people earning less than 85% of the region AMI. All are proposed in downtown areas, older downtown areas, and they represent collectively well over 100 million dollars worth of new construction activity, activity that will in the near term generate jobs in an important time in our local economy, and help to revitalize downtown areas with new workforce housing and new neighborhood services. So we encourage support on all three of those resolutions. Thank you very much.

(*Applause*)

**P.O. LINDSAY:**
Thank you very much. And I’m really slipping. Mayor Pontieri is -- again, I apologize, Mayor. If I had seen your name earlier, I would have called you up as a public official.

**MAYOR PONTIERI:**
Thank you very much. I much appreciated it. I’m going to be very brief, because I’d like to introduce the two developers of these two projects. One of the things on the new village one that must be understood also, all of the units are below 120% of the AMI, which is basically the factor that the County has used. So the whole project itself, all 240 units are within the affordable housing range with -- that that I think the 67 number, below the 85. The other piece of it also is the Art Space development is -- really changes a lot of what happens within the community. We have the Patchogue Theater for the Performing Arts. This will be dealing with the fine arts.

What I’d like to do is ask Rob Loscalzo for TRITEC to come up and speak a little bit on the New Village project. Also, Rob is going to be brief because his daughter has her moving up exercises in about 20 minutes, so we’ve got to be quick. Rob Loscalzo.

**MR. LOSCALZO:**
Presiding Officer Lindsay and the rest of the Legislature, I’d like to thank you for your consideration and support of our project in Downtown Patchogue. My name is Robert Loscalzo. I’m the Chief Operating Officer of TRITEC. The project includes a 111 hotel at the four corners, about 30,000 square feet of retail, 20,000 square feet of office space. We’ve just broken ground on the renovation of a 100-year-old property right on Main Street. And, as Mayor Pontieri mentioned, we’ll have 240 rental apartment units, of which 48 of those units will be designated for residents at or below 80% of area median income, and 19 of those units will be designated for residents at or below 85% of area median income. As Mayor Pontieri mentioned, over 100% of the units will be designated for residents at or below 120% of area median income, which is the standard for Suffolk County.

So I just wanted to say thank you for your consideration and support. This workforce housing obviously is great. We need it to retain our young people on Long Island. Thank you. Applause.

(*Applause*)
P.O. LINDSAY:
Mayor, are you done?

MAYOR PONTIERI:
Yeah. Just I think next on is Sean McLearen from Art Space. And I see the next --

P.O. LINDSAY:
Bob Coughlin?

MAYOR PONTIERI:
No, but --

P.O. LINDSAY:
Oh, you spoke --

MAYOR PONTIERI:
He spoke for Bob, yep.

P.O. LINDSAY:
Okay. Sean McLearen.

MAYOR PONTIERI:
Sean McLearen from Art Space. The only other thing with this project, just to remember, too, because of the breadth and the size of it, it will generate about $500,000 worth of additional sales tax, so it's a very dynamic and a regional project also. I figured I'd give you a number that you'd appreciate.

MR. MCLEAREN:
Good morning, Legislators. My name is Sean McLearen. I'm the Project Manager for Art Space Projects. I am joined with Will Law, the COO of our organization, and also Gary Cannella, our Architect. I just wanted to thank you and echo Commissioner Heaney and Mayor Pontieri's comments, and thank you for another opportunity to speak to you, and for the support that you've shown us over the last few years. We've been working with Mayor Pontieri and the community for a number of years now, I think about five years, and have come up with a project that we think is very much in line with the community's long-term goals, and also to dovetail nicely with some of the other projects that are going on in the community. So, with that in mind, I want to thank Commissioner Heaney, as well as Jill Rosen Nikoloff Thompson, Legislator Eddington, Mayor Pontieri, for the work that we've done so far.

And just to echo another point, the project is 45 units of affordable housing, which is live/work space for artists and their families, in addition to another twenty-five hundred square feet of nonresidential commercial space that we look forward to dovetailing with the community's arts, culture and community organizations. It's been a long road and we're very much looking forward to the work that we're going to be doing together in the community building this project over the next year. Thank you for your support.

P.O. LINDSAY:
Thank you very much.

MAYOR PONTIERI:
Thank you very much for your indulgence.

P.O. LINDSAY:
You're welcome. Next is Allan Gerstenlauer.
MR. GERSTENLAUER:
Good morning, and thank you. My name is Allan Gerstenlauer. I'm the Superintendent of the Longwood Central School District, and I'm also here this morning to speak in support of Legislator Browning's Resolution 1509, to install a traffic signal at the intersection of County Road, 21 which is Middle Island-Yaphank Road and Rustic Road in Yaphank. That, as you've heard from one of the previous residents of that road, is a major north/south corridor that bisects the Longwood School District. And in spite of many improvements over the years that many of you are undoubtedly familiar with, I believe that it remains one of the most dangerous thoroughfares in the Longwood community, and in particular, that about three-mile stretch, from Main Street in Yaphank to Middle Country Road that also intersects County Road 21, and there are several reasons for that. There are a number of accidents on that road, including one this past winter that involved one of our school buses that could have had, didn't fortunately, could have had catastrophic results. And you've heard a couple of the reasons. The road is curved in that intersection, limited sight distance, heavily traveled, particularly during peak travel hours. Adding to that is very heavy commercial truck traffic that serves a sand and gravel operation that's immediately north of Route 25. And also, although the posted speed is 40 miles an hour, most of the traffic there, I will tell you, travels pretty well in excess of that posted speed limit.

My concern is heightened for the children of the Longwood community, because that route, County Route 21, also serves as a major transportation route for our school buses. We have one school, our middle school, it's located on Middle Island-Yaphank Road. There are three others that are located very, very near it. Total population of about sixty-five hundred students between those four buildings, and virtually all of them at one point or another during the day will travel on County Road 21. And you've heard that for several years now we have prohibited our school buses from making left-hand turns out of Rustic Road, but also out of our middle school and other places where there are not traffic lights.

There are several measures that I believe the County Legislature could consider. One would be, is the one covered by Resolution 1509, that would install a traffic light on -- at the intersection of Rustic Road and would slow traffic in that portion. I would also ask the Legislature to consider speed sensor signs near the middle school that would calm traffic at the north end of that three-mile corridor, and also increased police presence would certainly improve safety through that stretch.

My office is located at the north end of that three-mile corridor, immediately south of Route 25, and I can attest firsthand to the dangers of that road and the life-in-your-hands experience of trying to make a left-hand turn anywhere on that road, quite frankly. So I would ask that the Legislature give very serious consideration to that measure. And I thank you for your time. Thank you.

(*Applause*)

P.O. LINDSAY:
Thank you very much for taking the time out to come and see us. Mike DePaoli.

MR. DEPAOLI:
Good morning. My name is Mike DePaoli, a Vietnam Vet, Suffolk County resident. I'm here just to bring to the Suffolk County Legislature the idea of good government in Suffolk County emanating, hopefully, throughout the State and throughout the Federal Government.

As we live and breathe right now, there are factions fighting in Iran, there are individuals that are dying for the sake of democracy, but in that particular type of democracy, at least they have two candidates on the ballot. In Suffolk County, there's what is called "Election Fraud Is Ripe, But Nobody Seems To Care."

As a Vietnam Veteran, I look back on our country's fight for freedom in the last century and I am not satisfied with the altruistic goals that will never be reached simply because politics, greed and "your weapons are bigger than my weapons" mentality has taken precedence over democracy. While in that Suffolk County, that same mentality has taken away the rights of voters when, through political
cronyism, patronage, and "my party is better than your party" attitude over a system of checks and balances, fairness and ethics, have gone into the waste stream. How is it possible that through cross-endorsements we wind up with only one candidate on the ballot? How can that be called an election? How can candidates and elected officials sit idly by and do nothing when they see firsthand that these types of elections are ripe with collusion, fraud and quid pro quo provisions that would be prosecuted to the full extent of the law if perpetrators were members of organized crime that fell under the RICO statutes.

It is time that the general public come forward and say, "Enough is enough," and call for the Federal and State investigations into political corruption emanating in our Town, Village and County elections. Then they should continue up the political food chain seeking investigations of State and Federal election violators, which would also include those judgeships that have received party nominations and endorsements that may be ruling on the very same cases that they should have recused themselves from because of personal biases and obvious conflicts of interest.

Our election process is in jeopardy. And in Suffolk County election fraud can only be continued if the foxes watching the hen houses are allowed to get away with a crime, even as it's being committed right before our eyes. Is there nobody out there that cares, or will this type of injustice be allowed to continue unchecked, resulting in the continued erosion of democracy as we once knew it? In addition, how do you spell democracy in America? Missing chads? Disenfranchisement? Single over-cross endorsed candidates on the ballot with no opposition? Is this democracy or what?

So I ask you, Ladies and Gentlemen, as elect officials, to stand up and be counted for. Stand up for your own party, forget about the cross endorsements. Make certain there's at least two candidates on the ballot. We're fighting right now several wars throughout our country, throughout the world, and you can see it every day that there is a high body count, but at least they have two individuals on the ballot. I would expect no less of this Legislative body, and also, too, as an announcement to other candidates up the food chain, including the Federal level. I thank you.

(*Applause*)

P.O. LINDSAY:
Martin Sendlowski. Did Martin arrive yet, Martin Sendlowski? No. I'll put this aside. Stuart Lowrie.

MR. LOWRIE:
Good morning, Members of the Legislature. My name is Stuart Lowrie and I am a Conservation Finance and Policy Advisor for the Nature Conservancy on Long Island. And thank you for the opportunity to speak to you very briefly this morning in support of I.R. 1536. The Nature Conservancy supports this resolution and urges members of this Legislative body to pass this measure later today when it comes to a vote.

Suffolk County has thousands of acres of critical wildlife habitat, open space, and farmland still in need of protection. This resolution would make it possible for the County to move forward decisively, implementing the people's will to protect the best of what remains in Suffolk County before it's lost forever to development. The funds authorized by I.R. 1536 will protect perhaps another 500 acres of our precious heritage and help protect our drinking water quality and our quality of life for years to come. The Nature Conservancy urges your support for I.R. 1536, and thank you.

(*Applause*)

P.O. LINDSAY:

MS. KAHL:
Elaine Kahl of the Suffolk County Coalition for Legal Immigration/No Amnesty. Thank you. It's nice to see you all again.

I came to you today to reconsider our quality of life and our security issues within each of our communities, and I would like and I hope that you will revisit the E-Verify Program, as well as Proposition 287(g). Now, 287(g) deputizes our Police Department to enforce immigration laws. E-Verify helps each one of our businesses, all businesses, to be sure of who they're hiring and to give a fair playing field. We've mentioned this before, we've met this again, but we have not solved our problems on the East End. Every day we are embattled. We are embattled, and I beg of you help our local officials demand that the laws are followed, because then everybody is equal. I thank you very much. Applause.

(*Applause*)

P.O. LINDSAY:
Lori Ann is followed by Alesia Krause.

MS. KRAUSE:
Mr. Presiding Officer, Members of the Legislature, welcome to the Culinary Center. My name is Lori Ann Taggart and I'm here on behalf of Suffolk County Community College to express the College's support for I.R. 1409, which authorizes the granting of an easement over County-owned lands to the Selden Fire District at College Road.

The College has been in discussions with Legislator Beedenbender and the County Executive's Office regarding the future use of the 61-acre County-owned parcel located adjacent to the College's Ammerman Campus. We support the proposed plan for the use of the property, which seeks to allocate 20 acres for the potential future growth of the Ammerman Campus, and to preserve the majority of the property as park facilities for area residents. The College supports this easement as the initial step in the implementation of the overall plan.

And on another note, the College would like to request the Legislature's continued support of its Capital Program as it considers veto overrides later today. Thank you. Applause.

(*Applause*)

P.O. LINDSAY:
Alesia, followed by Ellen Kornrumpf. Go ahead, Alesia.

MS. KRAUSE:
Good morning. Thanks so much for hearing me. I'm here to ask for your support of Resolution 1509, to install that traffic light on County Road 21 and Rustic Road. I'm actually here representing six elderly developmentally and physically disabled adults who live at 12 Rustic Road. If they could be here to speak for themselves I'm sure they would be. I'm here to represent their families who visit them, as well as our staff, and also all the family members who live on Rustic Road. It is extremely dangerous to make a left-hand turn. There's a curve in the road. I say my Hail Mary every time I leave the residence. The residents who attend workshops and their day programs need to take the bus. As was mentioned before, these bus routes have also been re-routed to avoid making that left-hand turn. There is only one way out of that street and that is to make a right or left on County Road 21. So that's it. I'm just asking for your support in that proposition. Thank you.

(*Applause*)

P.O. LINDSAY:
Thank you very much. Ellen is followed by James Morrissey.
MS. KORNFRUMPF:
Good morning to the Legislature. My name is Ellen Kornrumpf and I've lived on Shelter Island for 25 years. Until last year, when I saw a helicopter, I would go outside to see what was going on, what the commotion was, maybe there was a crisis. Now I go outside to note where the helicopter is and to call East Hampton Airport, and to call the FAA, a number I was given. The problem has been so severe that it's affected our quality of life. And I understand that Representative Romaine's bill has been passed and still needs to be signed by Steve Levy, so, obviously, I'm greatly in support of that. However, I just wanted to let this log speak for itself in what the residents of Shelter Island and I'm sure other areas of Eastern Long Island have suffered. I've just chosen two days at random.

August 13th, last year, Wednesday, 7:45 a.m., 8:04, 8:38, 8:40, 10:15, 10:35, 12:42 p.m., 12:44, 2:37, 6:04, 6:13, 7:45, 7:50, 7:55, 10:17, 10:40 p.m., bearing in mind that each time a helicopter goes over, you hear it for about two to three minutes. Add all those times together, you get a severe nuisance.

Here's Friday, 8/1: 2:37 p.m., 2:38, 2:39, 2:40, 2:41, 2:44, 2:47, 3:12, 3:41, 3:45, 3:53, 3:55, 4:20, 5:04, 5:30, 6:00, 6:07, 6:27, 6:44, 7:44, 7:57, 11:24 p.m. In my mind this is a severe nuisance, which nobody on the East End should have to tolerate. And I am in support of the helicopters going back to their original routing, or perhaps a new routing over the Atlantic Ocean, so that our quality of life is not disturbed in this way. Thank you very much.

(*Applause*)

P.O. LINDSAY:
James Morrissey, followed by -- it just says Duffy. James, are you here? No James? How about Duffy? Any Duffy in the room? I don't know whether that's a first name or a last name. No Duffy, okay. Robert Gazza.

MR. GAZZA:
Good morning. I'm Bob Gazza and I live in Cedar Beach in Southold. And, yeah, the helicopters have been horrendous for the last four years. Something must have changed four years ago. But I would like to thank the Legislature for passing that bill. I mean, at least it's a start. For the past four years I keep hearing excuses from everyone that you can't do it, you can't do anything about it, because it's illegal, or it's the FAA's jurisdiction. The FAA says, "Well, we're not going to do anything about it," so nobody does anything. But the Suffolk County Legislature finally stepped up and did something and I just want to thank you for that.

And I agree, I think ultimately they should be out over the ocean. We don't live in Iowa. Maybe they'll have to fly an extra ten miles out to go around Kennedy Airport. Right now, they go up over LaGuardia Airport and they pass three big bridges, Throgs Neck, Whitestone, and the other way they have to go past the Verrazano, I know. And if they go out ten miles, the Kennedy jets are certainly high enough. I used to live in Howard Beach, so I know. And one of the reasons I lived -- I moved out here was for the peace and quiet. Howard Beach, the jets were there, so I couldn't do anything about it. And now, all of a sudden, the helicopters have showed up and they flump, flump, flump, they shake the dishes, they wake you up, they wake up the grandchildren. And I think, ultimately, they have to be over the ocean. And I really urge Mr. Levy to please sign this. And, again, I thank you for all your work that you've done for us.

P.O. LINDSAY:
Thank you Mr. Gazza.

(*Applause*)

Carol Hart. Carol, are you in the room? Here she comes. Take your time, Carol. And Tom LaGuardia is on deck, if Tom is back in the room.
MS. HART:
Yes, thank you. Carol Hart, Director of the Suffolk County Vanderbilt Museum. Last week at the Parks and Recreation Committee meeting, I presented the Vanderbilt's proposal for Operating Budget for 2010. Since that was critical to our business plan, I was happy to get some feedback, and today, I do have for you our business plan as of June 2009, and we will, of course, be continuing to update and modify. But under the terms of the MOU, I do present this to you today. And thank you for your time.

P.O. LINDSAY:
Thank you, Carol. Is Tom LaGuardia -- no, Tom LaGuardia? Yeah, I guess so. Kathleen Cunningham, and followed by Brian Lee.

MS. CUNNINGHAM:
Good morning, Suffolk County Legislators. Thank you so much for this opportunity to speak with you. I, too, am here with respect to the airport noise issue. I -- my name is Kathleen Cunningham. I work in East Hampton and I live in East Hampton. I have been working for the past ten years to help to mitigate airport noise in and out of HTO, the airport in East Hampton. County Legislator Schneiderman, during his tenure as Supervisor of East Hampton Town, helped us initiate some of the noise studies.

I want to thank the Legislature for passing this legislation. I know there are some FAA preemption issues, but we need to send a signal to our Federal Legislators that this is a real problem. The quality of life on the East End is significantly disturbed, as that nice lady from Shelter Island just exhibited. When you are -- when you're at home and these helicopters come in one after another, it's like a scene out of, you know, some horrible war movie. It is really disruptive. People are leaving the area. It has a significant impact on quality of life. As most of you know, the East End is dependent on the second home industry, and it's a real problem. So I would urge the County Executive to sign this into law. And thank you for your support.

(*Applause*)

P.O. LINDSAY:

MR. PARSONS:
Good morning. I'm Randy Parsons. I'm Conservation Finance and Policy Advisor for the Nature Conservancy on Long Island, same position Stuart has. I'm here to speak to you about Legislator Romaine's I.R. 1202, to move planning steps forward for the North Fork Preserve Property in Riverhead.

I can tell you we're monitoring four large marquis properties in the Long Island Sound Watershed that are between 400 and 900 acres, Plum Island, the North Fork Preserve, which, depending on how you count the acreage, has about 400 acres, the Shoreham Property and Eatons Neck Property in the Town of Huntington. Those are the four really large important pieces of open space, and with significant ecological, historic, recreational and even agricultural resources.

I recently went to the site and walked it with one of the owners. I don't know if you've -- how many of you had a chance to go out there, but it's got wetlands, it's got standing water, it's got prime agricultural soil, it's got forest, it's got high ground, it's got groundwater resources that would be suitable for public water supply purposes. This one is obviously -- everyone's aware of the kind of economic constraints the County is under. This is going to be an expensive, complicated acquisition. It's going to need partners with the County. It's got -- there are a lot of questions that need to be addressed. I know you're Planning Department is working on it. Your Real Estate Division is already looking at it.
What we would like is we'd like to ask you to support Legislator Romaine's planning steps resolution so that the County can begin the process of evaluating this acquisition. As you know, it will come back to you, if it's ready to go for your blessing. And I think we're probably a year or more away from that day, but in order to get the State and perhaps the Federal Government involved, the County taking the initiatives here is really a key, a key motion on your part. So we'd like to encourage you to go ahead with the next step on this one. Thank you.

(*Applause*)

**P.O. LINDSAY:**
Thank you, Mr. Parsons. Tom Lyon. Tom. And followed by Walter Gezari.

**MR. LYON:**
Hi. My name is Tom Lyon. I'm a sixth generation Long Islander, retired school teacher. If I talk too long, just ring a bell and I'll stop, I guess.

**P.O. LINDSAY:**
We will.

**D.P.O. VILORIA-FISHER:**
We will.

(*Laughter*)

**MR. LYON:**
You will, okay. I'm used to that. I'm here representing -- after I retired, I became the Co-Director of Hobbs Community Farm in Centereach, and we run this farm with volunteers, and we are donating about 80% of our food to local food pantries. And over the two years we've done this, a lot of our awareness has built up with me. So I'm going to speak on behalf of two constituencies. One is the nonprofit community that's fighting hunger on Long Island, and the second is the young people of Long Island that are kind of looking for a cause.

There's been evolving, as our economic crisis has deepened, there's been evolving a need for people to find more food. Food pantries right on down the line, I can list them for you, are all experiencing much, much more demand. And there was a recent T.V. program where Pearl Kamer came out and said projections are that, you know, this is going to continue. Long Island Council of Churches in Riverhead, statistics very quickly, there were 55 families a day coming, now there are over 100 this year. Projection is that's going to continue to increase; frustrating for all of us.

The Victory Garden concept goes back, as a teacher -- how many people know about Victory Gardens, maybe? Could you raise your hand quick? Not an awful lot. That's sad, actually. Victory Gardens were probably one of the greatest public/private partnerships, volunteer partnerships in the United States in World War II, and we sent something like 4 million farmers into the Army and the Navy, and they weren't home to grow food, so we got civilians to grow food. We have a tremendous opportunity on Long Island to grow food again and to enlist young people to do that. As I said, there's a Long Island Victory Garden network that's evolving, and I'll read you just quickly the names of some of the organizations involved. And what Legislator Fisher has offered to us I think is a wonderful government opportunity to enhance what we're trying to do. Here's some of the players involved in this network: World Hunger Year, Long Island Council of Churches, Interfaith Nutrition Network, Council On Prejudice Reduction, Long Island Regional Service Learning Network, Long Island Volunteer Center, Newsday Future Corps, Green Street Long Island, Health and Welfare Council of Suffolk County.

So the bottom line is we're trying, but as I talk to a lot of folks in the food pantries, and they're just stressed, they are so stressed now and, looking for new ways and looking to allies. The allies are you folks by passing this resolution, and young people that can be challenged to be a real big part of
this solution. So I'm asking you to support Resolution 1547. It has a six-months time limit. It will help us not only research, but promote what we're trying to do to feed the hungry people of Long Island.

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

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

(*Applause*)

**P.O. LINDSAY:**
Walter Gezari, followed by Kevin Peterman.

**MR. GEZARI:**
Hello. I'm Walter Gezari. I'm a lifelong resident of Suffolk County, and a 25-year resident of Riverhead. And I've owned a manufacturing company in Greenport for almost 20 years, which employs 50 employees, and provides sustenance, and year-round employment, and good wages to probably 300 families in Suffolk County, counting subcontractors in various other economic activities.

I'm speaking in opposition to the helicopter legislation, which I understand has already been passed, but hasn't yet been signed by the County Executive. I'm also an ATP certified helicopter pilot and I own a helicopter, which I fly for business purposes in all over of the Eastern United States, and I'm based in Suffolk County. I just have to tell you about a terrible paradox that I have, a problem that I have that has been caused by the -- probably, you know, correct indignation of many people about helicopter noise. I don't fly for a charter, I don't fly for hire, I don't fly anybody that I don't know. I don't -- you can't hire my services. I'm a private individual who owns a manufacturing company who flies my clients and customers from all over -- arriving from all over the world, from JFK, Newark Airport, LaGuardia, and I land at Mattituck, which is the closest authorized legal landing spot to Greenport. I know everybody knows where Greenport is, but it's far away from LaGuardia and Kennedy, and this enables me to bring people in for meetings on a daily basis during the day. It takes 35 minutes to get from one of the major New York airports, or from Boston it's a little longer, to Mattituck. It's a ten-minute drive, and we have a successful meeting and I take them back. This goes on week after week.

I never fly irresponsibly or recklessly. I'm not permitted to by the Federal Aviation Administration which licenses me to operate the helicopter. I would say that largely the public and maybe even everyone the Legislature are probably unaware of how precision and how sophisticated and how well trained the helicopter -- helicopter pilots are who are giving them all this noise. The fact is helicopters can only fly in a certain relationship to the clouds. When the ceilings are low they have to fly low. Very few of them are equipped to fly in the clouds or would fly in the clouds with passengers and cargo.

I'm asking you not to flush people like me down with the bath water, not to flush the baby down with the bath water. I am not a charter pilot. I think they have to fight this battle and they have to make some modifications. I'm in complete conformity with all regulations, and my aircraft are licensed and ensured and properly equipped for their function. And I'm asking you to think of a way to exempt individual operators, individuals from this overall clean-slate approach to abolishing, or controlling, or attempting to control all helicopter traffic. This is unjust.

This other lady from Shelter Island, she's a 25-year resident, I'm a 25-year resident. We're both constituents. We're both taxpayers. We both have different views of this situation. I would just tell you that I think the Legislature has been misled unintentionally to believe that all helicopters flying over Long Island are piloted by revenue -- for-profit revenue carriers from New Jersey, or from New
York, or from somewhere else. I'm a resident of Suffolk County. I fly my helicopter in conformance with all regulations, and I just ask that you figure out some way to allow me to continue doing so.

One more point I'd like to say is that when I land at Mattituck, it is very likely that somebody in Mattituck who may have spoken here, or who may have written to you, or who may have testified before, may believe that a helicopter is dangerously flying over their house. In order to land a helicopter, you have to descend to the ground. There is no other way to land a helicopter. And to take off, you have to ascend from the ground, and this is just and incontrovertible fact. You have to allow us to land and take off. And somebody who lives near a legal airport or landing zone will have to understand stand that that's --

P.O. LINDSAY:
Mr. Gezari.

MR. GEZARI:
-- a legitimate thing.

P.O. LINDSAY:
Mr. Gezari.

MR. GEZARI:
Yeah.

P.O. LINDSAY:
You have to wind up. Thank you.

MR. GEZARI:
Okay, I'm winding up.

P.O. LINDSAY:
Thank you.

MR. GEZARI:
Please, don't flush me --

P.O. LINDSAY:
Thank you.

MR. GEZARI:
-- out with the bath water. Thank you.

LEG. ROMAINE:
Point of personal privilege.

P.O. LINDSAY:
No.

LEG. ROMAINE:
Just two seconds.

P.O. LINDSAY:
Not on the public portion. Not on the public portion. No questions, no statements. Kevin Peterman, please.

MR. PETERMAN:
Good morning, Presiding Officer Lindsay and distinguished Legislators. I'm here today just to thank
you for your vote a couple of weeks ago on the capital projects, particularly the library, the funding to start the library at the Grant Campus. I wish I had the power to make you all Honorary Librarians. But I do truly, truly appreciate your support, and I'm hoping I can count on your support later to do some overrides on some of those projects.

Also, on the College Budget, speaking for the Faculty Association, I certainly appreciate your support in the past, and your continued support of the College I think is going to be vital, because if the enrollment numbers that I'm seeing are true, we are in for an interesting year.

And, finally, since I have the podium, I do want to thank my faculty members that are here today helping you, the technical people and the Culinary Arts people that are hopefully making your stay pleasant and unglitched. And, again, thank you for your support.

P.O. LINDSAY:
Thank you, Kevin. And the hospitality of the College is overwhelming here. They're very, very helpful to us.

Okay. I'm just going to go back to, one more time, Brian Lee. Last call. No. Tom LaGuardia? No. Duffy. No. James Morrissey? Nope. I put my glasses on. Philip Curcio? No. And Martin Sendlewski. No. Okay. They're not in the room. That was the last call. Is there anybody else in the audience who would like to address us? Seeing none, I'll entertain a motion to close the public portion.

LEG. STERN:
Motion.

P.O. LINDSAY:
Motion by Legislator Stern, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? The Public Portion is closed.

MR. LAUBE:
Seventeen. Check that, make it sixteen. (Not Present: Legs. Horsley and Gregory).

P.O. LINDSAY:
Okay. If we go to the agenda, I'll accept a motion on the Consent Calendar. Motion by Legislator Viloria-Fisher, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Legislators Horsley and Gregory)

P.O. LINDSAY:
Consent Calendar is approved. Okay. If you go to Page 6 in the paper copy, Resolutions Tabled to June 23rd, first up is 1205 - Enhancing Administrative budget deficit control.

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

LEG. LINDSAY:
Motion by Legislator Viloria-Fisher to table. I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

P.O. LINDSAY:
Next is 1409 - Authorizing the grant of an easement to the Selden Fire Department across
County-owned property.

LEG. BEEDENBENDER:
Motion to approve.

LEG. COOPER:
Second.

P.O. LINDSAY:
Motion to approve by Legislator Beedenbender, seconded by Legislator Cooper. Anybody want to --

LEG. MONTANO:
Just an explanation, please.

LEG. BEEDENBENDER:
Sure.

LEG. MONTANO:
Brian, what's the history of this. I -- because it's been tabled a couple of times.

LEG. BEEDENBENDER:
Sure. Well, it's been tabled a couple of times because we were trying to get the language right. There were some requests from the County Attorney, as well as we were working with our own Counsel to make sure the language of this was correct. But the brief history is back when Rose Caracappa was the Legislator from the Fourth District, she granted some County property in the northwest corner of this property to the Selden Fire District so they could develop a training center. And the access to this training center comes through a very narrow residential -- through a residential area with a very narrow street. So if they're training there and there's an alarm, when they leave, they leave with lights and sirens and they have to go through this neighborhood. And there's been some complaints, so the First District came to me and said, "Would it be possible to grant an easement through to property to College Road," which is a wider road that's more heavily travelled that is easier for them to access without causing this problem. So it's about 100 feet from the property line on the north edge. It connects directly to their training center. And it would alleviate the problem in the neighborhood just to the north of the property and make it a little bit safer for the Fire District as well.

LEG. MONTANO:
Okay. I recall that. Thank you.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay. On Page 7, 1296 - Enhancing Administrative Budget Deficit Control for Fiscal Years 2009 and 2010 to proportionately include the Police District Fund 115 in the Budget Mitigation Plan. I know Mr. Zwirn wants to say something, but before he does that, I'm going to take the privilege of the Chair. I'm going to make a motion to table this resolution.

LEG. COOPER:
Second.
P.O. LINDSAY:  
And I want to go into a full explanation.

D.P.O. VILORIA-FISHER:  
I'll second.

P.O. LINDSAY:  
Second by Legislator Viloria-Fisher. I want to go into a full explanation of why. It appears that we have negotiated a lag payroll with all of our bargaining units except the PBA, and we've also implemented a lag payroll on our exempt employees that are nonunionized and have passed a bill to authorize it for our elected officials as well. We're in very, very dire straits fiscally. I don't think this County has ever seen the fiscal crisis that we're facing now. Having said that, I know that the PBA and the Executive Branch have been in negotiations, and I know that they have another session scheduled for the end of this week. And it is my hope that they will come to some kind of agreement on the lag payroll to join the rest of the employees, because it is desperately needed. But we want a fair agreement, we want an agreement that's fair to everybody. And so what I want to -- I made the motion to table to give the negotiating process a little bit more time. I just -- let me just -- let's just hear from Mr. Zwirn and then I'll -- because I know he's been -- go ahead, Mr. Zwirn.

MR. ZWIRN:  
I first rose here to speak about Home Rule Messages that I think we can get to in a minute, because we have time constraints up in Albany. But with respect to I.R. 1296, I think the Presiding Officer has made some good points. We have successfully negotiated the lag payroll with all the other unions, all the other bargaining units in the County, and that includes the Superior Officers and the Detective's Associations, Park Police, Probation, AME. We're asking for a lag payroll. It's been done before. We're not looking for any layoffs. And despite the worsening economic condition, we haven't had to go that route. We would ask you to seriously consider this. The only way we were able to get all the concessions just for the lag payroll that we required was to pass legislation like this.

The Legislature has authorized the County Executive to get savings from every bargaining unit in Suffolk County and we have done that, with the exception of the PBA. And we need your help to try to achieve this last -- this last lag payroll so that nobody loses a job, and that we can continue business as usual until we have to deal with this coming up in the budget.

The economic situation has worsened. There are two towns that for the last couple of years could not meet their tax collections to the County, and under the Suffolk County Tax Act, the County has to make them whole. We get liens against the real property, and years down the road, we'll sell it and be made whole, but, in the short term, our cash flow goes to these towns because of the law particular to Suffolk. East Hampton this year is probably going to be added to that list to for the first time, and there may be other towns as we learn from the Treasurer's Office the tax collections are down.

So, while we work today to try to save the County money, we are not gaining ground at the present time. We have a bill on today with the JFA, that if the numbers work out, we could safe another 7 million dollars for the taxpayers of this County, and that will just cover some of the things that we've lost. There's a payroll tax, the MTA payroll tax cost us 3.2 million dollars in unanticipated expenses. We are running in place, we're running a little bit behind. We need this lag payroll from the PBA so that we can keep all the Police Officers working that we have on board. It is the only bargaining unit that has not come forward, and we need your help to make this -- make this happen. You have given us the authority to go forward. We need you to close the circle and help us here. So I would ask you to take that into consideration when you vote today.

P.O. LINDSAY:  
Legislator Eddington.
LEG. EDDINGTON:
Yes. At my Public Safety Committee meeting we were dealing with the issue of COPE, and at that time I looked at both parties, the Administration and the PBA, and I asked them, "Will you sit down today and resolve that issue?" They did, that issue was resolved. And at that time I said I would really like to have daily discussions, and what I'm hearing is that hasn't happened. The next one will be Friday.

Now, I have a background, not in union negotiations, but certainly problem-solving and conflict resolution, and if you meet once every week or two, after that session, they go back to their troops and they rally and they plan. And nothing is really going to move forward, and I think that's what you're saying, nothing really has moved forward. Now I have heard personally at my meeting that the issue really is based in a lack of trust. And what I'm hearing from the PBA, unless I'm mistaken, and I'll certainly ask somebody to clarify it if I'm wrong, they're willing to negotiate, but they need a guarantee that the Police Department won't be -- I don't want to use their words, "decimated", but systematically changed or altered by another public safety or law enforcement agency. Now, I don't know, but that seems reasonable to establish trust, so that we can keep asking and asking. But if we don't establish a baseline of trust, which, I mean, I think everybody in the room knows it's not there, so let's do some reality therapy. We've got to establish trust between that union, and maybe the other ones were better.

And the assumption that everybody has to give the same is ridiculous. Everybody has to give, let's start with that. Let's not say everybody has to give the same, because some have been giving for years, some haven't. So I would like to see negotiations continue nonstop every day. I mean, maybe we can write a permission slip for Jeff Tempera so he can meet with PBA every day.

(*Laughter*)

I want it to continue. I want, like all my peers here at the table, this battle to end. And I would like to know if -- I ask that no changes be made until negotiations are resolved. And I'm hearing that in certain high-crime areas, where they had two people in a car, that one person has been removed and are now single units. And that concerns me, because that's a change in the middle of negotiations, and I don't think that helps trust. So my question to you is can we have more negotiations ongoing daily? And has that unit been -- have the units been changed?

MR. ZWIRN:
First of all, the have been meeting. They met Thursday, Friday, and, from what I understand, they met yesterday, so it hasn't been a long period of time. I don't know where the information that you have is from.

LEG. EDDINGTON:
I was misinformed.

MR. ZWIRN:
Well, you know. And I take umbrage. Legislator Eddington was saying that Jeff Tempera needs a -- I mean, I don't think that's really productive or helpful in this situation. I mean, I don't understand it, but I hear you.

You offered and you said you were going to subpoena the leadership, the negotiators from the County and the negotiators from the PBA before your committee. Jeff Tempera said, "You don't have to subpoena me. I'll tell you right now what's going on the with the negotiations." You want to call a Special Meeting of the Public Safety Committee now? You want to have them sit down and tell you what's going on? You don't have to subpoena Jeff Tempera or anybody from the County Executive's Office. We'll show up voluntarily and do this. And, unfortunately, the Legislature, and we've invited I think Presiding Officer Lindsay to come sit in, but then you'd have to agree on this afterwards, so there's a conflict of interest with having somebody from the Legislature sit in on the
negotiations, otherwise we would welcome that. But then you have to approve any kind of agreement afterwards and it would put you in an awkward position, an untenable position.

But we have no problem going forward, but we can’t ask for a one-time revenue savings, a one-time expense savings to tie the hands of the County going forward forever with the Police Department, with making changes. And as the financial situation deteriorates, the Police Commissioner is going to have to do more and more to try to use the resources of the Police Department as best he can. And I know some of the things that he probably will suggest will make the Legislature and even the County Executive unhappy, but we have to manage the resources that we have with the amount of money that we can. And when you have town now after town where the people cannot pay their property taxes, that’s got to be sending a message to everybody that we are in dire straits, and the public, who supports all of us, is suffering. And we have to try to keep expenses and taxes under control and still produce the services that they have to expect, especially with public safety. It is a balancing act. It is not easy in these difficult times. There are communities across this country that are laying off law enforcement officers. We do not want to go there. In fact, we have sought extra officers through the stimulus package, and, hopefully, we’ll hear from that any day.

But we need your help to try to -- we’re talking about a lag payroll as opposed to layoffs or anything else. Every other bargaining unit has done it. The message that you send to them is that we don’t treat them all the same.

P.O. LINDSAY:
Okay. Legislator Alden.

LEG. ALDEN:
Ben, could you clarify for me a couple of points? You said that all the bargaining units have now agreed to lag payroll?

MR. ZWIRN:
Yes.

LEG. ALDEN:
When did the Sheriffs agree to that?

MR. ZWIRN:
I can get you the date. It was recently, but it was -- it’s been done, from what I understand.

LEG. ALDEN:
Because we heard testimony not that long ago from Jeff Tempera that there was a -- you know, like a drop-dead date, and from what I understand --

MR. ZWIRN:
I’ll get you the date, but I understand everyone has signed on.

LEG. ALDEN:
Okay. But my point being that, you know, when we’re told something, there’s got to be a certain amount of trust that we can have in what you say or the Administration says. And when that trust is eroded because statements are made that there’s a drop-dead date, and then you find out it went way past the drop-dead date -- and we took action, and I didn’t vote for it, but this Legislative body actually gave the authority to the County Executive to fire probation officers, the ones that monitor sex offenders. I find that pretty much objectionable. I also find laying off or firing police officers in this environment objectionable.

My old district, which is represented very well by Legislator Montano, actually had another murder take place, and I think that some of this can actually be laid right at the -- right at the root cause.
When there's a police presence, some of those people that might take illegal actions, they would forego those illegal actions. There's also something that I find very disturbing in the newspaper yesterday, yesterday or the day before. One thousand, over a thousand drug overdoses on heroin in Nassau and Suffolk County. Now I'm trying to get from the Coroner's Office how many of those actually occurred in Suffolk County. The sale of drugs and illegal activity of that nature can be directly correlated with the amount of police that you have on patrol. So it sends a message to me and to my constituents, number one, it puts a little fear in their person and in their head, but it also sends a message to me that maybe we're not doing the right thing and taking into consideration the people that we should be taking into consideration, and that's the people that we were all sworn to protect.

So it gets back to that trust. We have to be able to trust the positions that are put forward when we're asked to go and do some kind of action. And I -- personally, I wouldn't vote for this, and I couldn't find myself voting for this. To, number one, abolish positions that I want to see filled, I think that that's horrible, and then number two, to actually dip into a police force that I think is undermanned and understaffed right at this point, and actually fire seven people. I think that's what the resolution calls for, the actual firing of seven police officers, not in this environment when we've got crime -- and I know people are bringing up statistics that crime is on the decrease, but, unfortunately, when you look at the reports, crime, I think certain types -- a lot of types of crimes are on the increase, especially the murders that take place with dangerous weapons.

So that's my point. And I really would appreciate getting the date that the Suffolk County Sheriffs actually agreed to a lag payroll, because I do have the testimony sitting on my office of Jeff Tempera, and I want to compare when it actually happened to when he said the drop date -- dead date was, and when he tried to convince, and did convince, this Legislative body to lay off the probation officers that monitor sex offenders. Thanks, Ben.

MR. ZWIRN:
If I -- I just want to understand -- make sure I understood, and correct me if I'm wrong, that you're saying that you're not going to support this legislation, and you don't support a lag payroll for the Police Department? I'm asking, I don't know.

LEG. ALDEN:
Well, actually, if that's what you guys can bargain and it doesn't lead to any kind of diminishing of the police protection that we provide to the County, that would be a win-win situation, if that's what the final outcome is, that we don't lay off police officers, and we don't shrink our policing as we've been doing all along. There's one program after another, I can cite them to you, the DARE Program, gone. That helped the kids in school to stay off drugs. Now the COPE Program? And, you know what? I hear a lot of rhetoric on it, but the COPE Program, COPE patrolling basically doesn't exist in Suffolk County. And I don't care if you actually officially abolish it or if it's just -- where we're going to use COPE officers to backfill into the patrol cars. You know, our patrolling has been diminished. The amount of the cops on the street is less than what it was a couple of years ago, and, unfortunately, the amount of people who live in Suffolk County is a hell of a lot more than there were a few years ago. So, if we compare the number of sworn officers, say even 10 or 15 years ago, to the number of sworn officers now and use our population as a basis to compare that, we're way down on a comparative basis.

So a real quick answer, if that's what we can agree to and that would help save our financial situation and keep the police, the number of police that we need on the streets at a good level, then, yeah, I'd like to see that happen.

D.P.O. VILORIA-FISHER:
Okay. Legislator Kennedy.

LEG. KENNEDY:
Thank you, Madam Chair. I have concerns about this. As a matter of fact, we talked about it in
Budget and Finance. As you know, I didn't agree to it in Budget and Finance; I'm not going to agree to it now. I hear you speaking about the lag payroll, and about the PBA being the only bargaining unit that hasn't agreed to that, but as usual -- well, let me rephrase, I shouldn't say as usual. In this case, I don't think we're getting a full picture, Ben, of what's going on. I think we agreed from a policy perspective to support the efforts on the part of the Administration to achieve savings, but there's a whole host of other representations that have been made with each bargaining unit, and all we're hearing with the PBA is, "We don't have an agreement on lag." What were the representations that we had about hold harmless? What were the representations about no assignments with other units? What were the representations? In essence, we can't do it only part of the way. If you want us to support this, then we need to know each and every issue and item that was represented with each and every bargaining unit. And perhaps, conflicts notwithstanding, maybe each and every one of us does need to sit in this bargaining table, because we can't get a blank agreement or check to pursue one of the aspects.

What I'm told is that there has been more than what the Administration is seeking that's been offered at the table, but there's an unwillingness to go ahead and have the Executive agree.

Like my colleagues here, I had a break-in, a home invasion on Monday last week in Lake Grove. We can't afford to have less police. We don't have enough police now. Drug use is skyrocketing. My special unit up in the Fourth Precinct has been decimated, and I'm still waiting for a callback from Chief Varrone. I put it in on Friday, I haven't gotten it back now.

I think we're not at the level of trust. I think we're at the level of an absence or a dearth of any kind of information in order to participate. So I don't think it's a surprise that as we sit here and look at this, we're saying we can't support lag. We asked our taxpayers to go ahead and support an increase in the Police District levy. We did it, we did it in good faith, we did it predicated on the fact that we were going to have an increased class. We're waiting for stimulus money. Has there been any effort to go ahead and seat the class or start the investigation? When are we going to get a new class? When are we going to get more police? When are we going to address the safety issues we have right now? I'm all ears.

MR. ZWIRN:
We have the lag payroll bill before you. This is the same bill -- we had no trust -- I mean, all these things you say, then how did we reach agreements with everybody else? If there's no trust, with every other bargaining unit we have reached an agreement and they have all chipped in. People who are making $30,000 a year, $40,000, where the lag payroll really, really hurts them without question, have signed on to this. And I know we treat police officers differently, they're public safety is our foremost responsibility as government officials. And they put their lives on the line every day, and we respect that, and they do a great job, they clearly do a great job. The Suffolk County Police. I mean, just read about it in the papers every day, the kinds of arrests they make, the kind of efforts they make. This isn't to punish them. We've asked every bargaining unit in the County to try to help with the financial problems that we face without the pain of layoffs, and this is the last -- the last one. And you talk about trust and you talk about all these accusations you throw at the Administration. We're trying to keep people living in their homes and provide services at the same time. We're not trying to add to the pain of the police officers by laying anybody off, but we need your help in trying to get a lag payroll from the last bargaining unit in the County. And police officers have signed on to this. The SOA, the Detective's Association, they have -- how could we reach agreements with them if there's so much distrust that you talk about?

LEG. KENNEDY:
Because there were other items that were represented on the table as far as filling of positions, as far as hold harmless for multiple years. I don't want to negotiate here in this forum. This is not what negotiation is supposed to be about. It's supposed to be at a collective bargaining table, but, yet, you're coming to us and giving us a portion of what went on, but not the rest of it. If it's going to be we're all going to be in it, then maybe we need some kind of opinion from Counsel that's going to put us all in it. We can't have an absence of information.
You know, and the other thing is, if we're going to hear from the Administration, and through the Chair, we should also hear from the PBA as well.

(*Applause*)

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

D.P.O. VILORIA-FISHER:
Jeff, was your hand raised?

MR. FRAYLER:
Yes, I would like to comment.

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

P.O. LINDSAY:
In the interest of clarity, you know, we'll hear -- you know, if someone wants to ask Mr. Frayler a question. I really -- I agree with Mr. Zwirn in that the Legislature should not be involved in the negotiations here; we don't want to be involved in the negotiations. But I'll say it again, we need a deal, we want a deal, we want a fair deal. So Mr. Frayler, if you could come forward and answer the question from the Legislator?

MR. FRAYLER:
Thank you, Legislator Lindsay. Thank you for giving me the opportunity to come up here right now.

One thing I feel needs to be commented on is we are all County employees -- whether you're a Police Officer or a Clerk in AME -- but no other bargaining unit in the County had their jobs given to another agency. Nobody came in to do the Deputy Sheriff's job, nobody came in to do the Park Police job, but our jobs, mainly Highway Patrol, have been given away. And I hear that they really don't want to do that, that that's not their intention. Well, we put clear language out there that would guarantee the positions that we currently hold would not be filled by another bargaining unit. It doesn't mean that they couldn't be civilianized or eliminated if they weren't necessary due to technological gains or some other invention, but the reality is we've already given a lot. Eight million dollars went to the County, according to Steve Levy, when we were removed from the Expressway; $3.2 million went -- when you budgeted that class and it was canceled, we lost $3.2 million. And April 1st, which was the drop-dead date, our overtime was cut 50%, that was $6.8 million. No other County agency gave that much. Now they want another $6.9 million. We can't do it unless we have guarantees that our jobs won't be given away to other police agencies. Because from my membership's point of view, it's, "I can give you 6.9 million and you could decimate the job, or I don't give you the 6.9 million and you decimate the job"; that's what we're faced with. Everything else is agreed to.

And don't lose site of the fact that Suffolk County Detectives got 24 new Detectives, which was a 5% increase in their ranks; that the SOA got guarantees for no demotions for two years and they got five Sergeants promoted to Lieutenant. And you want to come to me and not offer anything, but you want to lay off six young Police Officers from Patrol? No matter what they tell you, those officers will ultimately come from Patrol, because what happens is it will go down to the youngest Police Officers in the last class. Those seven Police Officers will not save your budget, will not save Steve Levy, it won't save anything, it will just hurt those individuals.

And it does appear, like Legislator Alden said, it's just to hurt the PBA. Initially the world was going to end if we didn't agree to everything by April 1st; well, we're getting through and we're working. I
showed the good faith of the PBA when after the last Legislative session, I told everyone here, there is no problem with agreeing to the COPE issue. That they tried to make as a major issue, that it was the PBA who had them tied up and hamstrung where they had no ability to work Police Officers in COPE and they were going to enhance COPE's ability to perform by transferring them to Patrol, to the 10 command. Well, it took all of about ten minutes to end that because I agreed to it at the Legislature and we worked out language back at my office. The PBA does make concessions and does accommodate the County which we've done over the years. I can't even count the number of times that they've come to us for charts and we did it. We're always looking to enhance the ability to improve the job, that's what we do. But this -- what they're talking about now is hurtful. And it's not going to save the budget, it's going to hurt seven young Police Officers.

But what's more important to that, when we look at it from a Police perspective is we're short. The only reason you need to backfill sector cars with Police Officers from COPE is because you don't have enough in Patrol. You do not have enough cops in the 10 command that run those sector cars 24-hours a day, seven days a week, 365 days a year. Clearly if you did, you wouldn't have to transfer any Police Officers from anywhere. So all of this nonsense that Steve Levy and Richie Dormer have put more cops on the street than we've ever seen in the history of the Suffolk County Police Department is absurd.

I'll tell you this. I hate to say how old I am, but in 1975 when I was working in the 1st Precinct in North Amityville, guess? We had more cars County-wide than we have now. We didn't shut down three cars per precinct every night at the stroke of midnight and two cars in the 7th and two in the 6th; we didn't do that. We had those Police Officers working 24/7. We need that again. The rise in heroin, the rise in drug use, it's going through the ceiling, we all know that; even Newsday, who's clearly not in love with the PBA, published it. There are problems out there that require more Police Officers. We need that.

What you should have done is held strong, hired the class with the 3.2 million you injected into the budget and then sought stimulus money and sought more stimulus money than for 85 cops. But I understand that the economy is facing difficult times, that people are facing difficult times, all of us are. And we have been at the table every day and the one issue that's left, the only issue that's left to bring this to a resolution is a guarantee that these Police jobs that are held by us will not be given away to another Police agency. Now, no other unit in the department, no other union had to deal with -- Nassau County Social Workers aren't coming here to do Suffolk County Social Workers jobs; it's just not happening, yet we have Sheriffs coming and taking Police jobs.

Now, even when it comes to that, that move that was already made, we are willing to live by the PERB decision, whatever it is. If the jobs come back to us, we want them protected with the same language that the rest of the job will be protected under. And it's over, everything's back to normal. Suffolk County Police are doing the jobs that are historically theirs and we can move forward and we can help the County get to its savings number.

And yes, we did offer more money than what the County Executive asked for, and there's potential to go further than that. But as everyone here alludes to, the trust factor is a little bit weak. Okay? I didn't walk into the County Executive's Office and tell him, "Oh, I guarantee I'm going to do this," and then turn my back on it and not do it. Vinny DeMarco gave me his word a long time ago, they would never take our jobs. Guess what? They did. Now we're here and everybody is faced with a crisis. The Police Officers are faced with a crisis, County government is faced with a crisis, the people of Suffolk County are faced with a crisis. But don't lose site of the fact that your most important job is to protect those citizens and we're not doing a good job of it, despite what the Commissioner tells you. They like to do it with language, but they don't like to do it with work. And clearly, if there were enough Police Officers in the 10 command, in the Patrol Division in the Suffolk County Police Department, then nobody would be getting backfilled and nobody would need to be losing their jobs and we could move forward and cut this deal in ten minutes. And I'm sorry for
going on as long as I did, but I'll answer any questions that you may have.

**P.O. LINDSAY:**
Thank you, Jeff. I think you answered everybody's questions.
Thank you.

*Applause*

**MR. FRAYLER:**
Thank you.

**P.O. LINDSAY:**
Legislator Viloria-Fisher.

*Standing Ovation & Applause*

**D.P.O. VILORIA-FISHER:**
Jeff, before you sit down. When we were deliberating on the Probation lag payroll/layoffs resolution, I asked Gail one question; I asked her is if she was willing to sit and negotiate in good faith and her answer was yes and I voted no on that resolution. I'm asking you the same question; will you continue to sit and negotiate in good faith with the County?

**MR. FRAYLER:**
Absolutely; we have been and we will continue to.

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

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

**D.P.O. VILORIA-FISHER:**
Now I have questions for Ben. Thank you, Jeff. Ben, we all know that we're in very hard times and with the chaos going on in Albany, the clouds have become even darker. I'm concerned about the Hotel/Motel Tax and a number of other issues that will impact us.

That being said, you know how I feel about these layoff bills, we've had a lot of discussion about that. I felt that they were put out in the first instance before negotiations had begun and so I was opposed to all of these bills because of that; I thought that they were put out too early and became a threat rather than a fact of life.

But I wanted to ask you a couple of questions regarding the Police. I was looking at the laid on the table packet for next month and there are five bills that have some linkage with Federal Programs -- 1579, 1581, 1583, 1584 and 1585 -- one is SNAP, another one is ICE-EI Durato Task Force, one is from the U.S. Marshal's Office, one is from the DEA, a Long Island Task Force, and another one is an ATF task force for a total of $153,000.

**MR. ZWIRN:**
Uh-huh.

**D.P.O. VILORIA-FISHER:**
Now, when we engage in all of these different programs, where are we getting the Police Officers for those task forces? Are they going to be off of Patrol and put in those task forces, is it going to be part of their general assignments; how does that work?

**MR. ZWIRN:**
I would have to ask the Police Commissioner. I don’t -- I don’t tell the Police Department how to run their operation.

(*Laughter From Audience*)

**D.P.O. VILORIA-FISHER:**
No, I’m not implying that you tell --

**MR. ZWIRN:**
I’m just saying. I mean, I don’t --

**D.P.O. VILORIA-FISHER:**
I’m just asking --

**MR. ZWIRN:**
I don’t understand your point. Police Officers are going to be --

**D.P.O. VILORIA-FISHER:**
No, I wasn’t making a point, I was asking a question. I was asking --

**MR. ZWIRN:**
The Police Officers will be handling those grants.

**D.P.O. VILORIA-FISHER:**
No. And I was wondering --

**MR. ZWIRN:**
A lot of it goes to overtime --

**D.P.O. VILORIA-FISHER:**
When they’re handling those --

**MR. ZWIRN:**
But a lot of that money goes to overtime and salaries.

**D.P.O. VILORIA-FISHER:**
So it would be in addition to the regular --

**MR. ZWIRN:**
It’s revenue that’s anticipated when we do the budget. There’s Federal grant money that’s included when we do the Police budget. I mean, there’s different kinds of grants from the State and the Federal Government that come forward.

**D.P.O. VILORIA-FISHER:**
So what you’re saying --

**MR. ZWIRN:**
We have an HOV grant, for example, to do the --

**D.P.O. VILORIA-FISHER:**
But what you’re saying is that these tasks are already in the budget as part of the assignments for different Police Officers?

**MR. ZWIRN:**
I assume they are, yes.
D.P.O. VILORIA-FISHER:
Okay. Could you please check into that so that you can give me a clearer answer, perhaps speak with the Commissioner.

MR. ZWIRN:
Absolutely.

D.P.O. VILORIA-FISHER:
Before we deliberate on these so that I can understand them better?

MR. ZWIRN:
Certainly.

D.P.O. VILORIA-FISHER:
Okay? I had a drug forum in my district last Monday and I have to say that the Commander of the 6th Precinct and people that he brought to that forum were very, very helpful in answering questions that people in my district had, because of the concern regarding heroin. And there was a level of concern that we have done away with programs like DARE where they felt that there was a presence of the Police on a more ongoing basis. I understand that some of the SRO Officers in other schools, those numbers have gone down? I don't think we've kept up the School Resource Officer numbers up?

MR. ZWIRN:
I'm not aware that the School Resource Officers have been reduced.

D.P.O. VILORIA-FISHER:
Okay. Can you check on that also?

MR. ZWIRN:
Sure.

D.P.O. VILORIA-FISHER:
Because there -- as many people have said earlier, there is a concern that we are diminishing the numbers out there, that there is a concern among our citizens that they don't feel as safe and we just don't have as many Police Officers. And certainly voting on this bill, voting to remove seven new Police Officers would I think be of great concern to the public.

Legislator Eddington mentioned most of the items that I wanted to talk about which is the fact that we can’t resolve conflict on the basis of threat, that we have to sit down at the table and really resolve the conflicts and with a true sense of good faith negotiations, and I hope that that's where we're going forward with this. Because when I spoke with Jeff before I asked him the question on the record, I had said, "Every one of us has been willing to make a sacrifice, these are hard times, and we're asking the PBA to make a sacrifice, too, but" -- and Jeff said to me, "We've already made some sacrifices". So I'm hoping that everybody can sit on the table -- at the table and come to a conclusion where we help everybody in the County without hurting any one group inordinately.

MR. ZWIRN:
We don't try to hurt any one group. I know there's been talk about the Deputy Sheriffs patrolling the Long Island Expressway and Sunrise Highway; no Police Officer lost his job. It wasn't about -- the savings came by putting these Police Officers that were on the Highway Patrol and Sunrise highway back into the precincts and not having to hire another class, so you had Police presence more in the local precincts than you had and the Sheriffs took over patrolling the highways and Sunrise and they've managed.

In these tough economic times, tough decisions have to be made. You have to manage the
resources of the County in such a way that we try to reduce the expenses for the people who live here. I mean, we could have the most wonderful services, but nobody could afford to live here to enjoy them. We have to try to balance that and I think in these tough times, the Legislature, the County Executive, everybody is under the spotlight and this is where the rubber hits the road and we just have to make those tough choices, and there are going to be tougher choices coming down.

D.P.O. VILORIA-FISHER:
But you know, Ben, last month I went to visit a class, my niece is a 4th grade teacher and I went to visit her class, and I was so impressed by these kids that I asked them to come to the Legislature; actually, their Legislator asked them to come to the Legislature. And when I went to their class, they came up with two pieces of legislation that they would like to see passed by us, one would be to help people who can't afford it buy healthy food; okay? These were 4th graders. The second piece of legislation was, "Please help to make our parks safer."

In today's paper I was reading about the County Executive at a press conference at Timberline Park where there was a young man who was shot in the eye, talking about increasing the patrols; that's only one park in one place where kids don't feel safe. I want to know that kids like that 4th grade class can feel safe when they go to parks. And we can't just increase patrols in parks after we've had a tragedy; we have to make sure that all of our parks provide the kind of safety that kids are looking for when they go out and play in them.

So this is why I'm asking that we not deplete our forces, that we make sure that we have the boots on the ground that we need to keep our kids safe.

P.O. LINDSAY:
Okay. Legislator Romaine?

LEG. ROMAINE:
Yes. I have no questions for Mr. Zwirn, he can sit down, and I will continue to debate amongst my colleagues on Resolution 1296.
Mr. Zwirn, you can sit down, I have no questions for you.

MR. ZWIRN:
I have other -- if the Presiding Officer asks me to sit down, I'll be glad to sit down, but I have other items on the agenda.

P.O. LINDSAY:
Just -- go ahead, Legislator Romaine, with your statement.

LEG. ROMAINE:
Very good. This is a question for Mr. Lindsay. Your motion to table this would table this 'till the August 4th meeting?

P.O. LINDSAY:
That's correct.

LEG. ROMAINE:
Thus no action could be taken on this until August 4th.

P.O. LINDSAY:
That was the intent of the motion.

LEG. ROMAINE:
Thank you. I'm going to definitely support this. I would have voted in in the negative had this come to a vote today because I'm concerned about this. The resolution not only fires seven Police Officers, but it strikes $5.5 million in permanent salaries from the Police Department; that's a
concern. It's a concern because I listened to the debate and what I try to do is filter out the words and watch the actions.

We had a proposal earlier this month from the Executive Branch to what would have, in essence, eliminated COPE as an active, vibrant force in the Police Department protecting our communities. We had a suggestion of holistic policing which would take experienced Police Officers in the areas that they're working and move them to totally different areas where they would not have the experience or the background to respond as effectively as they're currently doing. You've got to wonder about that in the name holistic policing.

(*Laughter From Audience*)

It boggles the mind. You've got the Police Department shutting cars down in various sectors on the midnight shift. So that there are some days when some Police Officers call in sick and they're not replaced that somewhere between four and eight in the morning there are very few, if any, sector cars in certain areas. You've got a question about the effectiveness of the staffing of the Marine Bureau. You've got a question about the stimulus money. We're applying for 80, 83 positions, which is exactly the class that we authorized, I understand the desire is to replace that with stimulus money. But in essence, we can apply for many more Police officers we're entitled to apply for under stimulus money that we're not applying for.

All I'm concerned about is how effective our patrolling abilities will be. And somehow, some way, there seems to be some type of conflict that is going on with the Executive Branch and members of the Police Benevolent Association. I hope that's not the case, but from what I can read and from what I can see, apparently it is. When COPE is being dismantled, we're told, "No, they're just reformatting it." A holistic Police Department is supposed to improve policing, despite the fact you remove experienced Police Officers to areas that they have no experience in patrolling. I can only imagine the impact on crime.

The fact that midnight cars are shut down in certain sectors, the fact that COPE officers are regularly reassigned from COPE duties to patrol duties leads me to question the effectiveness. I'm not a Police expert, but certainly those facts alone raise a lot of concerns. And now we're being asked to strike $5.5 million in permanent Police salaries and fire seven Police Officers while negotiations are going on. I've heard County Executive’s representatives and the PBA President say that, in fact, they are negotiating, the PBA President saying that they are prepared to continue around-the-clock negotiations.

So Mr. Presiding Officer, I am going to support your motion. Thank you.

P.O. LINDSAY:
Thank you very much. Legislator Montano.

LEG. MONTANO:
Thank you. Ben, just a couple of comments on the bill. It looks like it's going to be tabled and I'm glad that it's going to be tabled. I have -- and I'm not on the Public Safety Committee, but I have followed this debate. I've been in the Legislature now finishing my sixth year, one would have to live in a parallel universe not to know that there's been a history, since I've been on this Legislature, of antagonism between the Executive Branch and the members of the Police Department. I think Newsday editorial came out this past week with a plea that, you know, this animosity and this bickering cease. I believe it was Legislator Eddington who voted -- was quoted in Newsday as saying, and I think it was a brilliant quote, "We have a war going on in Iraq, we have one in Afghanistan and we have one here in Suffolk County between the PBA and the County Executive." Is that accurate?

LEG. EDDINGTON:
LEG. MONTANO:
You know, from a Legislative perspective, I think enough is enough.

Now, I'm looking at this bill, I'm reading it here, and I don't think any of us have a problem with all of us partaking in sharing some of the economic burden that the County is facing. I think all the Legislators themselves voluntarily took a lag payroll, other unions have done their part. There are different ways to achieve, you know, a desired result, and I'm hearing from the PBA that they're interested in achieving the desired result. It may not necessarily be the plan that you put forward, but I don't think that's the critical issue, I think the end objective is more important.

Several Legislators here commented earlier on the recent shooting in my Legislative District of a 13-year -- 13 and a half year old young man who was simply playing basketball with a group of friends and he lays at Schneider Children's Hospital in very grave condition with a bullet in the head. Yesterday -- and this bill, what I don't like about this bill in particular is the threat of seven layoffs of Police Officers which I consider nothing more than, you know, Legislative blackmail, if I can use that term. I don't want to put seven Police Officers, whoever they are and whatever unit they are in this climate, I don't want to put them in that position that they're a tool that we're using to, you know, somehow extract a particular end result in a negotiation.

Yesterday the County Executive was in my district, you know, and I read about the COPE issue. Yesterday the County Executive had a press conference at Timberline Park where the incident that I alluded to and that Legislator Viloria-Fisher and Legislator Alden alluded to; I might add, I wasn't invited initially to the press conference, but I showed up anyway with the family. And what I can't square in my mind was that the press conference, after all the issues we had, you know, heard about on Thursday in Public Safety, that the press conference was to announce the redeployment of two COPE officers to that unit and I think that's fine.

You know, the family indicated to me that they appreciate that, but where were they before the incident? Where was the Police presence, where was the security? And we obviously are deploying two officers to this area because there have been a number of shootings in my district, I think there have been a number in Legislator Gregory's district and in other districts, you know, and yet we're deploying more cops to solve this particular problem. I don't know how long they're going to be, but yet we're laying off seven officers on the other hand. There seems to be an inconsistency in my mind in how you accomplish the two goals at the same time; we either have the cops or we don't have them. And I think that you need to -- when I say you, I mean I think you need to carry this message to the County Executive that to, you know, continue with this type of antagonism carried out in a public forum and to continue to, you know, put on the table that we're going to layoff seven people -- I don't know were you get the number seven, I don't know where that number comes from, I don't know how that's been studied. But I do have problems with what is going on and I want it stopped. I want the kids in my district to be able to go to the park, feel secure with good police presence, not to be intimidated by special units and special squads but to have a real communication with the community policing that's supposed to go on so that they -- you know, so that when something happens, cops know that they can talk to particular kids and get information. So far I haven't heard that this issue has been -- you know, that there's a suspect or that it's been solved and these are the issues we've got to deal with. So we need these cops on the street.

We also understand the fiscal reality. But I don't want to be put in this position where I'm a tool for you and the Executive Division -- or not you, but the Executive Division -- to extract, negotiate, cause pain, aggravate, especially when I'm hearing from the PBA that they're willing, within certain parameters, to reach the accord that we're looking for in terms of the financial issues that we all have to deal with.

So I know this is going to be tabled today. I'm hoping that it doesn't come back, but I think the message, Ben, is that, you know, I personally don't think that I can support something that's going
to layoff people. We have to find a way -- particularly Police Officers, particularly now with what's going on. You know, Legislator Kennedy alluded to the issues in his district, I have several issues in my district. Can't we, just, you know, end this friction and put something legitimate on the table? Do what Jack Eddington said, you know, roll up your sleeves, negotiate, negotiate and come out with something fair and comprehensive and, you know, let's move on to some really important issues. I mean, that's the message that I have. And I hope that, you know, somehow you can resolve that within the next -- within this -- between now and the next meeting. But I certainly would not vote for this today if it came up for a vote. I know it's going to be tabled and I'm glad, and let's hope that it doesn't come back to us, you know, in this environment.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
Mr. Zwirn, I think that over the past six to 12 months you and I and the administration have been on the same page with reference to the economic realities that face this County, the State and the nation. And even before I come here, I'm a full-time Legislator, I know what I'm seeing in my office in terms of people coming in to me. Times are very, very difficult for the middle income taxpayer. I mean, I've got people who can't pay their mortgages, their oil bill, the gas bill; it is just a tough, tough time.

By the same token, I also sat as a member of the Public Safety Committee with yourself, Mr. Eddington and several others last week for a three-and-a-half hour meeting dealing with these Police issues. And I heard not only the Commissioner of Police, but I heard Police persons coming up talking about the changes in the Marine Bureau, the changes in COPE. After you hear that over and over again, you have to have some questions with reference to whether or not the Commissioner is making the right decision, and I think some questions were posed to him.

The next day I read in the paper that there was a resolution with reference to COPE, but it was spread over seven days and I still got the sense that there was some patrolling that was going to be done by the COPE officers. At that Public Safety Committee, I had suggested to Mr. Tempera and yourself whether or not if there was an agreement with the PBA, if the COPE changes and the Marine Bureau changes could be taken completely off the table. The door is not shut on that issue. Okay?

On this resolution, I will vote against it if it came to a vote. I'm glad it's going to be tabled, not because of the mechanics associated with what's going to happen here, it's just that there has been a legitimate, honest difference of opinion between myself and you and the administration with reference to what's the best way to go here, lag or use more of the rainy day fund, $135 million that's sitting there, we're only using 30. All right? I've lost that argument because every other group obviously has acquiesced to do a lag payroll, the only outstanding group is the PBA.

Now, it is my understanding, when I listened to Mr. Frayler this morning, he's basically saying, "Look. You know, whatever happened on the Expressway and Sunrise Highway, we'll wait and see what PERB has to say. We just want some sort of assurance or guarantee that whatever Police positions we have now will continue to hold in the future, that you will have no more situations develop or policeman's jobs covered by the PBA are given to some other law enforcement entity.

Now, in fairness, you know, I'm just trying to go down a road here where we get a resolution. Is that so absurd? I mean it seems to me, you know, they have -- we've already instituted a major problem because of personalities, whatever it is, with reference to the Expressway and Sunrise Highway. Is it so much for them to ask for some sort of assurances, even if it's limited, even if it's a two-year period or a three-year period, say, "Hey, look. You know, whenever jobs we have we're going to keep and we're not going to lose them to the Deputy Sheriffs or anybody else." Is that something that the administration can take a hard look at? Because as I understood him, and I could be wrong, maybe I didn't hear it correctly, that seems to be the fundamental issue. If you have an agreement on that, everything else sort of falls into place.
MR. ZWIRN:  
If I might respond?

P.O. LINDSAY:  
Go ahead.  
LEG. BARRAGA:  
Yeah.

MR. ZWIRN:  
I'm not part of the negotiations with respect to this. I think if there were guarantees for limited periods of time, that might be something that could be discussed. I think part of the problem has been is that -- and I really -- I haven't been inside the negotiations, but I think that for the one-time lag payroll, I think some of the requirements that the PBA has had is they want this to be permanent going forward and I think the County Executive has been reluctant to make a commitment to the County Exe's Office, to the Legislature that certain things could not be changed somewhere down the road. And I don't think he wants to, you know, tie this Commissioner's hands, the next Commissioner, the next administration as well, but I think if it was something that -- there was a guarantee for a limited period of time or something like that, that might be something that would be considered.

LEG. BARRAGA:  
Well, what if there was a commitment, for example, on the part of the administration that the guarantee would be in place until the end of his term, the end of the County Executive's current term?

MR. ZWIRN:  
Well, certainly everything that's --

LEG. BARRAGA:  
Use your flexibility to himself if he gets reelected, if he runs, or some other County Executive to make adjustments if he -- he or she feels it's necessary in the future. But at least guarantee that there will be no Police jobs lost to other law enforcement entities for the remainder of his current administration; is that something that's so absurd?

MR. ZWIRN:  
I think everything is on the table and I think your suggestions will be brought back and I will pass them on.

LEG. BARRAGA:  
Thank you.

P.O. LINDSAY:  
Legislator Eddington.

LEG. EDDINGTON:  
Yes, thank you. I just want to quote Mr. Zwirn because I thought you said it all, "Public safety is the foremost responsibility of elected officials." And I take the responsibility, as the Chairman of the Public Safety Committee, extremely serious.

MR. ZWIRN:  
I know you do.

LEG. EDDINGTON:  
And I think you were aware of that last Thursday. And you also said today, "Tough decisions must
be made during these poor economic times." And I want to make it clear, I could not do the County Executive's job, I could not do Jeff Tempura's (sic) job and I could not do Jeff Frayler's job; it's not who I am. And I realize that they're doing the best they can representing the people that they represent. So I want to make that clear, I don't want to disparage Mr. Tempura (sic), he's doing his job. I just feel there are all different ways to do it.

And I spoke earlier from some misinformation and I apologize, but that's part of the problem. I think Legislator Kennedy said it, we're getting pieces of information and what we're doing now is like I did Thursday, you have Legislator Barraga who's saying, "Well, how about this?" That's our frustration. We're stepping over the lines and, "Can't you try this and can't you try that and can't you try that?"

And I just want to let you know that I'm just expressing the frustration from myself and from the colleagues that I've spoken to, that if it takes every day until it's resolved, please let's have it done before we have our next meeting. Because I really believe this is starting to ripple out into the communities.

And again, you know, I say perception is reality? The perception of the people in my community is something bad is going on in Suffolk County with the Police. And I can keep reassuring them, but until they see a resolution with the County Executive and the PBA standing side by side saying, "We're working as a team to protect you," I'm still going to have some caution and some fear.

So all I just plead is that we resolve this as soon as possible. I know you want that, I know the County Executive wants it, so I will support that. Thank you.

P.O. LINDSAY:
Legislator Losquadro.

LEG. LOSQUADRO:
Thank you and I'll certainly try to be brief. Rigor mortis has set in on this horse that we're beating here.

(*Laughter From Audience*)

We've all gone through this, those of us who are on the Public Safety Committee, but the bottom line is we're looking for a complete plan and we just keep getting things piecemeal. I've said this over and over to the Commissioner when we were speaking that day during the committee meeting. We were emphatic that day, both myself and Legislator Eddington and the other members of the committee, that an agreement could be reached on COPE. But the point is, just as with these negotiations, they shouldn't be done in a public forum like this, it's not beneficial to anyone. It's the same reason we changed the way we handle our real estate acquisitions. We do things internally because when they're put out in a public forum, prices could be artificially inflated, things can be manipulated, there's a reason that we change that system, yet I see the same sort of thing happening here. With the bits of information out, we're asked to act on things, we get information from both sides put out into the public. This is no way to handle any sort of negotiation. Just as we were emphatic that the COPE situation could be worked out and just as emphatic that a deal can be reached here. I see no reason, from what I've heard from both sides here, why accommodations cannot be made, it seems relatively simple at this point.

I certainly think that far more complex issues have been negotiated amongst labor relations boards and I ask that the County Executive's Office of Labor Relations and the PBA continue to work, come to an accommodation on this, just as we saw they could do with COPE in very short order. And I think everyone in this body will be very pleased, as Legislator Eddington said, that we can go to our constituents and say, "This problem has been resolved." Because people are concerned, I am concerned as an elected official and we want to see this issue put to bed. And I thank everyone who came out today.
And I thank the Executive's Office for moving forward with negotiations on the COPE issue, but we need to get this issue put to bed and we need it put to bed now, because without a complete plan we have no basis on which to act. And we haven't been willing to act in the absence of information up til now and we're not going to do so in the future. Thank you.

P.O. LINDSAY:
Legislator Gregory.

LEG. GREGORY:
Thank you, Mr. Chair. I know we're going -- it looks like we're going to table the bill today, but my concern is to the administration. I feel your frustration and I feel the frustration of the process, not necessarily your frustration that, you know, with the budget being what it is that we have to come sort of resolution, we're looking for monies, I understand that. But my concern about this particular bill is how is it going to impact the department as a whole. I know Mr. Frayler had mentioned that it's more than likely going to effect patrols, that's a major concern of mine. I know that you guys state that crime is down overall in Suffolk County, but I'm feeling that I'm going through a crime wave in my district. We've had four incidents, maybe five incidents in the past ten days, so I have major concerns about how is it going to impact patrol.

And then I get a, it looks like some type of proposal, and one of which the items it says, "Greater utilization of COPE, Crime Section and Gang Units to backfill sector cars"; so that tells me that we don't have enough Police, although you guys say that you do. So to me, the COPE issue is not really resolved. And I know there's a lot of talk about trust, I'm not going to use the words that I really want to use but, you know, I think we all have to grow up. Trust is not something that we should be speaking about, you know, speaking just from my particular interest. I mean, there's people in this dais, when I ran last year for this office, they looked me in my face and said, "I won't actively work against you," and they did that. But you know what? When they came to me and they said, "Look, we have to do something for the better of the people of Suffolk County." I was the first one with them. And you guys have to do the same thing because you're working for the residents of Suffolk County, it's not personal. So forget about trust, that's BS. There's a job that has to be done, you have to do it, and I don't know what's going to make that happen but something has to happen. So I don't want to hear about trust.

We have to do it. I'm sure the guys out there, the members, of course they don't want to do a lag payroll, but I'm sure that they're more than willing to do it because they're willing to chip in. But both people, both parties have to come to the table, come to some type of solution or resolution so we can get this behind us. Because in a few months, we're going to be looking at next year's budget and it's not going to be a pretty site. So let's do what we can.

I don't support the bill, I'm going to support the tabling motion. But, you know, I think from what I've heard, I think you guys are close to, you know, what you want to do, but we keep talking about this trust issue; forget about trust, let's do what we have to do and put it behind us. You have any comments about that.

MR. ZWIRN:
All I can say, Legislator Gregory, is that we have reached agreements with everybody else.

LEG. GREGORY:
I know that, but your relationship with everybody else is not the same.

MR. ZWIRN:
Well, I have to tell you, it is the same. They're different -- it's not personal. They're bargaining units, we've had to reach an agreement and we've done it with this type of legislation, we've needed your help to do it. You gave us -- you told the County Executive that we were going to get savings across the board, we had a plan, some to take from Tax Stabilization, we were going to have a lag payroll, we were going to have certain revenue enhancing legislation, the cigarette tax, the
hotel/motel tax, the PSAP tax; all of those are not on the Governor's special agenda today. So the revenues that are there, and if you added those up it's close to $40 million in revenue, is not anywhere in the near picture. It's not on the Governor's agenda today that that Senate is going to consider. Bills pass the Assembly, they're not going to be considered today and this may be the last day or tomorrow may be the last day. We're trying to deal with an economic crisis so the people in your community who are struggling to pay their taxes, to pay their oil bills and everything else, can afford to live here and still provide the services. Every other union, whether there's trust or not, with this type of legislation we were able to get a lag payroll; without this type of legislation, we were not.

LEG. GREGORY:
But Ben, you have to -- one thing -- I'm not as old as you. I'm not calling you old.

MR. ZWIRN:
Oh, thank you.

(*Laughter From Audience*)

LEG. GREGORY:
I should say I don't have as much experience as you.

MR. ZWIRN:
When did I become Rodney Dangerfield? I get no respect.

LEG. GREGORY:
I don't have as much experience as you but, you know, I think it's always a good perspective to try to put yourself in someone else's shoes.

MR. ZWIRN:
I'm not that old, I just look that old.

LEG. GREGORY:
I know; they work you hard on the 12th floor. But I try to look at it from their perspective and try to see where they're coming from so you can understand what their plight is or what their argument is. I mean, you turn around and there's always some type of change, and whether it's -- I'm not saying it's personal, I'm not saying -- whatever reason there's a change, whether it's for enhancing, whether it's just to mobilize the troops better or whatever, there's been change after change, and according to this document, there's more changes to come. You know, you took a measure to take out, what was it, $3.2 million, strike it out so there was a Police class, because of the shortfall in revenues for sales tax?

MR. ZWIRN:
The Legislature went along with that --

LEG. GREGORY:
Right, because you proposed it.

MR. ZWIRN:
Well, we did because there's no sales tax coming in.

LEG. GREGORY:
Right, I agree.

MR. ZWIRN:
And we transferred --
LEG. GREGORY:
I agree.

MR. ZWIRN:
-- sales tax into the Police District.

LEG. GREGORY:
I agree.

MR. ZWIRN:
Over the objections of some Legislators.

LEG. GREGORY:
I agree.

MR. ZWIRN:
So we put that back.

LEG. GREGORY:
But yet, you know, when it comes to bills like 1458 who was sales tax specific, you want to make those same types of motions or resolutions. You know, so you have to look at it from their perspective, what's going on? Is this, you know, we're looking at you, you know, we're trying to negotiate with you, and then we have to look over our shoulders. So how can we negotiate under those conditions?

P.O. LINDSAY:
Legislator Gregory, if I might, I'm going to take something that Legislator Losquadro said; not only is this horse dead, it's on the ground with rigor mortis setting in. Okay?

I think intention of everybody here is simple; that we're going to table this bill for now, it isn't dead. We want both parties back to the negotiating table, we want some kind of agreement so we can move forward. It's as simple as that.

LEG. GREGORY:
But my concern -- and I respect what you said. This is not a dead issue. I mean, the County Executive can call a Special Meeting any time he wants.

P.O. LINDSAY:
He could call as many Special Meetings as he wants; until this Legislature agrees with him, you know, we want both parties to negotiate a fair agreement. I think that's about as easy, as simple as I can phrase it, you know. And it's -- we've got ten minutes to the lunch break and I'd like to dispose of this and get one other resolution off of our agenda before the lunch break.

LEG. GREGORY:
Okay, understood. Thank you.

P.O. LINDSAY:
Is everybody else all right; everybody's talked out? Okay. Thank you very much.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
If we could turn to page eight of the agenda, and I'd like to take 1516 out of order. I'd like to make a motion to take 1516 out of order, seconded by Legislator Viloria-Fisher. The reason for taking it
out of order is -- page eight; is everybody up-to-date? Okay.

Mr. Blass is with us in the audience and I wanted to address this because he has a busy schedule himself and I don't want him to hold out all day here. So is it before us, did we take a vote to take it out of order?

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

P.O. LINDSAY:
We did.

MR. LAUBE:
No.

P.O. LINDSAY:
No, we didn’t.

MR. LAUBE:
You didn’t.

P.O. LINDSAY:
Okay. We have a motion and a second to take 1516 out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay, 1516 is before us, Approving the appointment of Gregory Blass as Commissioner of the Suffolk County Department of Social Services (County Executive).

LEG. ROMAINE:
Motion to approve.

P.O. LINDSAY:
Motion to approve by Legislator Romaine.

LEG. D'AMARO:
Second.

P.O. LINDSAY:
Second by Legislator Barraga. It is before us. Does anybody -- Mr. Blass has appeared before committee and, you know, has answered a series of questions. But anybody not on the committee, if you have another question; Legislator Schneiderman? Mr. Blass, would you please take the podium? Thank you.

CHIEF DEPUTY COMMISSIONER BLASS:
Sure. Thank you, Mr. Chairman. Good morning, everybody.

LEG. SCHNEIDERMAN:
How are you, Greg? You're probably anticipating this question, I have to ask it. You know, the County is mandated by law to house the homeless and, as you know, a subgroup of the homeless are registered sex offenders, many of them Level II and III sex offenders. The County has established a policy -- not through this body, I guess through DSS and the Executive -- to house these individuals in trailers. There are two right now, they're both located in my district, one about
a half-mile from here at the correctional facility and another in Westhampton. It is, to me, a very wrong-headed policy to round up all the homeless sex offenders from throughout the County of 1.5 million people and bring them into one area and segregate that area to whatever could happen when you congregate individuals like these.

I’m looking to you, as the potential new Commissioner of DSS, to craft a new policy that will share this burden. It’s very unfair to this area with several schools, a library, an aquarium, an area where we’re trying to encourage families to come to vacation, to have a trailer full of homeless sex offenders right in this area. So I want to give you an opportunity to say something that will make me feel a little bit better that the County is going to craft a new policy in this regard.

CHIEF DEPUTY COMMISSIONER BLASS:
Thank you, Mr. Schneiderman. And thank you, Mr. Chairman, Members of the Legislature. I appreciate your taking what will be a brief moment to consider this resolution.

I want to say also that I’ve tried to talk to each of you personally. I haven’t been able to achieve that entirely, but I will pledge a level of communication that will be regular and consistent and substantive in the course of my tenure, if I am honored with your confirmation vote.

On the specific subject of the sex offender trailers, I have to invite to your attention that we are in litigation with both the Town of Southampton and the Town of Riverhead over this very difficult issue. Because we’re going into Supreme Court as a defendant as early as this Friday, the only thing I can say to you, on the advice of the County Attorney -- and I asked if this would be appropriate and I’m told it is -- is that I will keep a very open-mind about resolving this issue, and that the original concept of the trailers as being rotated in different locations was abandoned primarily for financial reasons.

I can’t say more than that other than it has our constant attention. It is a complex issue that arises not really from the County, who is tasked by the Constitution to house homeless sex offenders, as with any homeless individuals, it is a problem that originates really with the State of New York who maintains a policy of releasing sex offenders into homelessness if they don’t have a residence to go to, and that has been the focus of our attention.

I am being made aware of a bill in Albany that will prevent the State from continuing that policy, that will go a long way towards resolving the constant supply of sex offender releases from the Penal System who are brought to Suffolk County. That number is always going to grow, unless they die or move. And as long as that number grows, we are dealing with a very unruly problem unless the State comes to grips with it and I will work very hard towards that end to see that a bill like that gets passed.

LEG. SCHNEIDERMAN:
Of course, no community wants a trailer full of homeless sex offenders, and I know you live in this area and I’m sure you personally don’t. But, you know, the Riverhead area has been quite gracious, in a sense, not even demanding that it be moved to another area but that the burden be shared, that this not be the only repository, you know, the only place where these individuals are housed. So I think they’re asking for fairness and I just hope that as Commissioner you will find a way to solve this problem.

CHIEF DEPUTY COMMISSIONER BLASS:
Thank you, Legislator Schneiderman. I’ve talked with all the Legislators, including Legislator Romaine, about this very issue, but the constraints I’ve alluded to will prevail for some time yet until litigation is resolved.

P.O. LINDSAY:
Anything else for Mr. Blass from anyone? We have a motion and a second on approving Mr. Blass as our Commissioner of Social Services. All in favor? Opposed? Abstentions?
MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Congratulations, Mr. Blass.

Applause

CHIEF DEPUTY COMMISSIONER BLASS:
Thank you very much. Thank you. I appreciate your support and I'll earn your confidence.

P.O. LINDSAY:
I hope you keep that smile.

Legislator Stern would like to make a motion.

LEG. STERN:
Yes, thank you, Mr. Presiding Officer. In the very few minutes that we have left, I'd like to make a motion to take 1310 out of order, it's in the Ways & Means Committee, it's Legislator Beedenbender's bill.

P.O. LINDSAY:
Legislator Beedenbender, would you like to second that?

LEG. BEEDENBENDER:
Yeah.

P.O. LINDSAY:
Okay, we have a second to take 1310 out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
Okay 1310 is before us, Establishing mandatory ethics training for Suffolk County Employees and Elected Officials (Beedenbender).
Do I have a motion?

LEG. BEEDENBENDER:
Motion.

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

LEG. HORSLEY:
Second.

P.O. LINDSAY:
Second by Legislator Horsley. On the subject, does anybody --

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

P.O. LINDSAY:
On the motion, Legislator Kennedy.
LEG. KENNEDY:
I had hoped to go ahead and speak with Legislator Beedenbender before this. I have a question for our Counsel. The requirements of the bill would apply uniformly to all electeds upon taking office, or is there any kind of a grandfathering provision or recognition for those of us that have ethics requirements as part of our discipline?

MR. NOLAN:
It would apply to all electeds, even attorneys who have to do ethics training. As part of their continuing legal education, they would have to undergo the ethics training called for in this particular resolution.

P.O. LINDSAY:
Does that answer your question, Legislator Kennedy?

LEG. KENNEDY:
Can we get any CLE credit for this, Mr. Chair?

(*Laughter From Panel*)

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
George, I brought up at the meeting the possibility of some kind of conflict with any of our labor agreements. Is it your opinion that there is no conflict with any of the labor agreements?

MR. NOLAN:
No, I believe we can mandate what's in this particular bill. Basically for union employees, they're going to get -- new union employees, they're just going get a booklet. It's really the electeds and the elected's appointeds who are going to have to undergo the training, the training seminar that's called for in this resolution.

LEG. ALDEN:
And the nice part about it is even though it says it's mandated for elected officials, if you don't show up there's no penalty, so.

(*Laughter From Panel*)

LEG. BEEDENBENDER:
Well, Legislator Alden, we did talk about that. In the interim, I did think while there is no penalty on the -- in the bill, I do imagine that there would be a large amount of free press coming to any Legislator, courtesy of Newsday and several other publications.

P.O. LINDSAY:
And if this passes, I intend to have that training before December 31st.

(*Laughter From Panel*)

P.O. LINDSAY:
Legislator Romaine.

LEG. ROMAINE:
Yes, I support this bill, I think it's a great idea. There are some members that weren't elected, we
think, you know, we act in an ethical fashion, but others could question this and it would help us certainly focus in.

I will say for the record, and I hope George will respond affirmatively, that I relay -- I rely on Legislative Counsel and his advice or his cautions or his warnings, should any of us, in a manner that he is aware of, digress from any path that might be viewed as a conflict or an ethics breach. I think that's safe to say that our Legislative Counsel would serve to warn us should anything of that nature come that he had personal knowledge of. Thank you.

**D.P.O. VILORIA-FISHER:**
(Inaudible).

**P.O. LINDSAY:**
Yeah, he's our conscience.

(*Laughter From Panel*)

**LEG. KENNEDY:**
Mr. Chair?

**P.O. LINDSAY:**
Legislator Kennedy again, and you have 30 seconds.

**LEG. KENNEDY:**
Okay. Through yourself or to the sponsor, have we gotten any indication from the Ethics Board as to their ability to actually put together a program and implement it?

**LEG. BEEDENBENDER:**
Yeah.

**P.O. LINDSAY:**
I'll go to the sponsor; go ahead, sponsor.

**LEG. BEEDENBENDER:**
Yes, they can.

**LEG. KENNEDY:**
They said there's no -- okay. Fine.

**LEG. HORSLEY:**
Okay, let's move.

**P.O. LINDSAY:**
Okay. If that concludes -- up, Legislator Montano.

**LEG. MONTANO:**
Yeah, I'm looking at the bill here and I don't have any problem with the bill, but I just think that this bill, you know, with respect to ethics reform and how that's run, doesn't go far enough.

I had introduced a bill a while back on ethics reform and we're going to be resubmitting that bill. This is good that everybody is aware, but I think we really need some more comprehensive -- a more comprehensive look at the structure. And I would just ask my colleagues who haven't had a chance to see what transpired in Albany with the Ethics Commission there, to really look at that. I'm not saying that we necessarily have parallel problems, but it's always good to know what the potentials are. So this bill simply doesn't go far enough. And for Legislator Kennedy, I just finished
my four hours of ethics this past week.

**LEG. KENNEDY:**
There you go.

**LEG. MONTANO:**
And if anyone wants to read the tape, I have it. And there were some issues there that pertain to our role here as elected officials. But I think it's a good bill, I just don't think that it really covers the area of comprehensive ethics reform and structural ethics reform that I think we need here in Suffolk County. I'm sorry, Legislator Romaine?

**LEG. ROMAINE:**
The structures are different.

**LEG. MONTANO:**
There is, I believe very clearly, and my bill addressed that and we will be amending that bill and resubmitting it.

**P.O. LINDSAY:**
Okay. Do we have anybody else on this bill? Okay. We have a motion and a second on 1310. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Eighteen.

**P.O. LINDSAY:**
And before I adjourn this --

**LEG. STERN:**
Tim, cosponsor.

**LEG. GREGORY:**
Tim?

**P.O. LINDSAY:**
I know Legislator Stern is in pain and wants to go to the doctor, but Legislator Viloria-Fisher wanted to take up one more bill.

**D.P.O. VILORIA-FISHER:**
Thank you, Mr. Chair. I'm just going to ask to take -- Legislator Montano, if we could take 1547. I don't think it's controversial. And the reason I'm asking to take that out of order --

**LEG. MONTANO:**
What page?

**D.P.O. VILORIA-FISHER:**
It's in Environment.

**LEG. MONTANO:**
What page?

**D.P.O. VILORIA-FISHER:**
What page is that? Anyway, the class that inspired me to introduce this bill is streaming this on the web, and by the time we finish with Public Hearings they'll be done with school. So I was hoping that we could vote on this.
LEG. MONTANO:
I'm sorry.

D.P.O. VILORIA-FISHER:
Page eight.

LEG. MONTANO:
Was fifteen -- I apologize; 1547?

D.P.O. VILORIA-FISHER:
Yeah. I'm making a motion to take it out of order.

P.O. LINDSAY:
Do we have a second to taking it out of order?

LEG. COOPER:
Second.

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

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
1547 is before us, Establishing a Long Island Victory Garden Task Force (Viloria-Fisher).
Do I have a motion?

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

P.O. LINDSAY:
Motion by --

LEG. COOPER:
Second.

P.O. LINDSAY:
Legislator Viloria-Fisher, second by Legislator Cooper.
Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:
Eighteen.

P.O. LINDSAY:
It passes.

D.P.O. VILORIA-FISHER:
Thank you, Mr. Chair.

P.O. LINDSAY:
We stand adjourned until 2:30 for public hearings at 2:30. Thank you.

(*The meeting was recessed at 12:34 PM & reconvened at 2:34 PM*)

P.O. LINDSAY:
Could I have all Legislators to the horseshoe, please. Okay. Roll call.

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

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

**LEG. SCHNEIDERMAN:**
Here.

**LEG. BROWNING:**
Here.

**LEG. BEEDENBENDER:**
Here.

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

**LEG. EDDINGTON:**
Here.

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

**LEG. ALDEN:**
Here.

**LEG. BARRAGA:**
Here.

**LEG. KENNEDY:**
Here.

**LEG. NOWICK:**
Yes, here.

**LEG. HORSLEY:**
Here.

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

**LEG. STERN:**
Here.

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

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

**D.P.O. VILORIA-FISHER:**
(Not present).
P.O. LINDSAY:
Here.

MR. LAUBE:
Twelve.

P.O. LINDSAY:
Okay, welcome back to our afternoon session. Public Hearings.

First up is the Public Hearing on 2009-2010 Suffolk County Community College Budget. I don't have any cards on this subject. Is there anyone in the audience that would like to speak to us on this subject?

MR. NOLAN:
(Inaudible).

P.O. LINDSAY:
Seeing none, I'm reminded by Counsel that I don't have to close it, it's time limits and it will just carry on.

Public Hearing on IR 1290-09 - A Local Law to enact grading policy for food establishments (Losquadro). I have no cards on this subject. Is there anyone in the audience that would like to speak on this subject? I don't see the sponsor here, so I'm going to make a motion to recess. Do I have a second?

LEG. ALDEN:
Second.

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

MR. LAUBE:
Thirteen (Not Present ?????).

P.O. LINDSAY:
Public Hearing on IR 1314-09 - A Local Law to authorize a County registry for domestic violence offenders (Gregory). I don't have any cards on this subject. Is there anyone in the audience that would like to speak on this subject? Seeing none, I'll -- whose bill is this?

MR. NOLAN:
DuWayne Gregory. You should recess it. I'll make a motion to recess.

LEG. ALDEN:
Second.

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

MR. LAUBE:
Thirteen (Not Present ?????).

P.O. LINDSAY:
Public Hearing on IR 1347-09 I have a number of cards on, it's Adopting Local Law No.-2009, A Local Law banning the sale of e-cigarettes to persons under the age of 19 (Cooper). And first up is Eliot Bloom.
MR. BLOOM:
Thank you. Good afternoon. My name is Eliot Bloom, I'm an attorney. My office is located at 114 Old Country Road, Mineola, and I represent Henry Kuhn who's seated in the front row here. Henry Kuhn operates and owns four e-cigarette kiosks, three of them in Suffolk County in malls.

You're going to hear from a number of people this afternoon and I'm hoping that I don't take too much of your time and merely have people repeat what I'm saying, so I'm going to leave some of my technical comments to other people from some of the organizations here. But you're going to hear a number of issues raised regarding the sale and use of e-cigarettes.

E-cigarettes, for those of you who don't know, are electronic cigarettes that use a battery, an atomizer and a microchip and by smoking an e-cigarette, it resembles smoking a cigarette but the obvious differences are quite apparent when you watch somebody smoke this apparatus. It provides clean vapor release that has no odor.

It is somewhat an alternative to cigarette smoking because it doesn't produce any carcinogens. It is a healthy alternative for recreational use or for people that are smoking addicts.

There is a proposition before you that would prevent a sale in Suffolk County of these cigarettes to people under age 19. I'm not sure that anybody that is a proponent of e-Cigarettes would oppose that sort of a regulation. It makes sense to the extent that we certainly don't want to promote cigarette smoking, but we do want to promote cigarette alternatives. The problem that my client has and the reason why I'm here is to talk to you about the smoking and use of these cigarettes indoors, and our proposal to you is the following.

There is no problem, once again, with us preventing the sale of cigarettes, of e-Cigarettes to those under the age of 19. But when people come up to our kiosks, we want them to be able to sample the use of one of these e-cigarettes; we want them to see what it tastes like, to smell it, to feel it and to touch it and use it. Actually, smelling it was the wrong word because there is, as I said, no odor created by the use of an e-cigarette.

We also would ask that if there is any sort of regulation imposed on e-cigarettes that there be a provision that permits tavern, bar and restaurant owners to post on their doors that e-cigarettes are permitted to be used in their private premises and, once again, in shopping centers, so that people can use these harmless e-cigarettes as alternatives in bars. It has been suggested, though, that if people see others using e-cigarettes, there might be some sort of a shock value, it may create some sort of turmoil and people wouldn't know what to do, they wouldn't know how to react and they may walk over to somebody and say, "It appears that you're smoking." Well, my answer is the following to that on behalf of my client. Number one is we always change, things are always subject to change, and things that are new sometimes feel and look uncomfortable. It's like a new kid transferring into a school, it's like the issues that were -- hi, Jon -- that were raised with turf fields when we were -- schools were using turf fields and people started to raise the issue of cancer-causing particles on turf fields and finally the State Ed department issued a report saying there was no truth to that. People start rumors and people sometimes don't base their opinions on fact.

I was going to start by talking to you about the fact that there are no present negative scientific studies with respect to e-cigarettes, but I think all of you know that. The FDA has not studied and made a final determination as to the harmfulness or the harmless value of smoking e-cigarettes. So first, I had already asked that you consider providing an exemption in your regulation if you were to impose a law allowing private bar, tavern and restaurant owners to allow customers to use these e-cigarettes in their establishments. Second, as an alternative, we ask that you hold off on passing any laws or statutes or regulations until there is a final scientific report regarding e-cigarettes from the FDA.

It would almost make no sense for you to jump the gun and regulate e-cigarettes when you don't know what the scientific data is. The only scientific data that you can rely on to pass this sort of an ordinance is from a study in New Zealand, and that extensive study, and I'm sure you'll hear more
about it this afternoon, found that there were absolutely no harmful emissions from e-cigarettes. The vapors that are emitted from e-cigarettes are the same thing that you find in cabarets, in fog and smoke machines; it's the exact same vapor, it's water-based. You find them in asthma inhalers --

P.O. LINDSAY:
Mr. Bloom? Could you wrap up, Mr. Bloom? You're out of time.

MR. BLOOM:
Oh, I'm sorry. I didn't even realize there was a time.

P.O. LINDSAY:
Yeah, it's five minutes. Everybody gets five minutes and you're over the five.

MR. BLOOM:
That's usually the crux of my problem. So as I wrap up, I am most respectfully asking that first you hold off on passing any rules or regulations that curtail the use of e-cigarettes until there is a proper scientific report. Number two, if you are going to pass this sort of an ordinance, that you pass an ordinance permitting private use, private tavern owners and bars and pubs and restaurants to allow customers to use these cigarettes, and they can post it and even register the fact that they're using these e-cigarettes with the Department of Consumer Affairs. Thank you very much, Mr. Presiding Officer, for your time.

P.O. LINDSAY:
Mr. Bloom?

MR. BLOOM:
Yes?

P.O. LINDSAY:
Legislator Cooper has a question; you have a question?

LEG. COOPER:
No.

P.O. LINDSAY:
No, you don't have a question. Thank you very much.

LEG. KENNEDY:
Mr. Chair? Mr. Chair?

P.O. LINDSAY:
Wait. Oh, John Kennedy, I'm sorry.

LEG. KENNEDY:
I just have one question in your role here, sir. You are -- who is it that you're representing?

MR. BLOOM:
I represent Henry Kuhn who is an owner of four kiosks, three of which are in Suffolk County, that sell e-cigarettes.

LEG. KENNEDY:
Where are those kiosks located?

MR. BLOOM:
South Shore Mall --
MR. KUHN:
South Shore Mall, Walt Whitman Mall and Smith Haven Mall.

MR. BLOOM:
Walt Whitman Mall and Smith Haven Mall.

LEG. KENNEDY:
Okay. All right, thank you.

P.O. LINDSAY:
Legislator Schneiderman has a question as well.

LEG. SCHNEIDERMAN:
I'm not all that familiar with these cigarettes, but I know that they typically dispense nicotine the way a nicotine patch might. Are they being used for tobacco cessation to get people off of cigarette smoking and can you reduce the amount of nicotine; is this something that is commonly used as a way of quitting cigarette smoking?

MR. BLOOM:
It's a safe alternative to cigarette smoking. I'm just going to read you, if I may, just one quick blurb regarding the operation of the way that it's used and in answer to your question; "An e-cigarette uses a battery, an atomizer and a microchip to resemble a cigarette which provides relief to smokers seeking an alternative from the health risks presented with regular cigarettes. The e-cigarette provides the smoker with a regulated dose of nicotine to ease their desire and provides them with a clean vapor release which resembles smoke. There is simply no way to compare the benefit of an e-cigarette to the danger of a regular cigarette. While a tobacco cigarette contains over 597 additives, of which 43 are known carcinogens, the e-cigarette contains only nicotine which is not a carcinogen and Propylene Glycol, an FDA approved safe food preservative." So the e-cigarette is considered to be a safe alternative to smoking.

LEG. SCHNEIDERMAN:
But is it set up so that you can wean somebody off of cigarette smoking by reducing the quantity of nicotine?

MR. BLOOM:
May I respectfully ask that my client answer that question, just that one question, since he is more familiar with it than I?

P.O. LINDSAY:
Your client has a card in, he's going to speak, right, Mr. Bloom?

MR. KUHN:
Yes.

MR. BLOOM:
Yes.

LEG. SCHNEIDERMAN:
Maybe when he speaks he can address it.

P.O. LINDSAY:
Yeah, wait till he comes up, legislator Schneiderman. All right?

LEG. SCHNEIDERMAN:
Yes.
P.O. LINDSAY: Thank you very much, Mr. Bloom. We appreciate it.

MR. BLOOM: Thank you. Thank you all.

P.O. LINDSAY: Mark Irby.

MR. IRBY: Good afternoon, Ladies and Gentlemen. My name is Mark. I'm here representing Vapers -- Long Island Vapers Club, okay, and I'll tell you my little story.

For almost 20 years I was a smoker, until this past February where -- you know, and the last couple of years I've been looking for an alternative for myself to conventional tobacco cigarettes. So I found what is known as an e-cigarette, or what we like to call a personal vaporizer. We as -- we don't consider ourselves smokers, okay, we consider ourselves vapers. Why do we use these terms? Because we're trying to distance ourselves from the smoking community, and that's why this legislation, to fall in line and lump us with tobacco smokers, we feel is not necessary. Because as you will hear later and what is part of what has already been explained, that this is odorless, you know, it doesn't have any of the carcinogens or anything like that in it.

We feel that owners and patrons of restaurants, bars and businesses should be left with the decision to whether or not they will accept this. Most non-smokers that I've met and come across and some of the venues that I've been in that do let us vape have had no problem with this and actually are kind of almost excited about it, you know, that smokers now have found a possible alternative beside your patches, your nicotine gums which, you know, as a smoker will tell you that they generally don't work in the long run.

So what we found is the personal vaporizer. So we're here today to help inform you, the Legislators, and the public about what this new product is. Thank you.

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

P.O. LINDSAY: Thank you very much, Mr. Irby. Spike Babaian.

MS. BABAIAN: Hi. How are you? Good afternoon. Thank you for the opportunity to speak today. A special thank you to all of you Legislators who met with us individually to go over some information and to be educated about Propylene Glycol and personal vaporizers.

My name is Spike Babaian, I’m the President of the Long Island Vapers club. I'm also a former smoker and I am a part-time Suffolk County resident. This device is what we have been talking about for the last ten minutes or so. It is known as a personal vaporizer; in the legislation proposed, it's called an electronic cigarette. It has three parts, one part is a battery. The battery will be attached to a charger that plugs into the wall and it will charge, then there's a heating element that has a little metal arch in it. The metal arch heats up and it vaporizes a liquid that's held inside of a cartridge. The cartridge is refillable and the cartridge contains liquid nicotine. The liquid nicotine, as somebody had asked, can be dropped down to lower and lower levels to use less nicotine than previously used when you were smoking cigarettes. I do not use nicotine in mine, I have not used nicotine in three months and I did not find any difficulty reducing myself to no nicotine; that was my choice, that was not a suggestion by the company selling the device.
When sucking on the cartridge and/or the mouthpiece end of the device, it lights an LED light on the end that can be many colors, most of them are blue or purple or red, which when it lights up means that it's turned on. When you inhale -- when it heats up the vapor, you inhale the vapor which you then exhale. I would demonstrate it, but since we're trying to pass a law that I shouldn't use it indoors, I'm not going to demonstrate it unless somebody asks. The vapor that is exhaled does not smell, unless it smells like a flavor which the nicotine is flavored, in menthol or chocolate or whatever flavors there are. When exhaled, it looks like fog that comes out of a fog machine, as the lawyer had mentioned. The fog machines are used in shows, in presentations, in plays, everywhere, you know, in the country and the fog that's exhaled is Propylene Glycol. Propylene Glycol composes more than 98% of most of these liquids that contain nicotine, so 98% of this is Propylene Glycol.

I have a pamphlet which I did e-mail to a number of you, and I'll leave a couple of them with someone, on Propylene Glycol, and explaining that there are more than eleven studies on Propylene Glycol showing that it has had no ill health effects in any of the studies done. The studies started in the 1940's. One of the first studies done, they pumped vaporized Propylene Glycol into children's convalescent homes. They determined that after three years, the number of illnesses and infections where there was no Propylene Glycol was 132 infections in the children. And in the areas where there was Propylene Glycol, they found only 13 infections in three years in the children, and they're talking about bronchial lung infections, staph infections, viruses.

Propylene Glycol at that point was proven to be a germicide and a viricide. The EPA determined in 1950 and 1959 that Propylene Glycol and Dipropylene Glycol would be registered by the FDA for use in hospitals and food establishments as an air sanitizer. They released it in aerosol form into the air to prevent germs and to prevent viruses and bacteria from growing. They also used it in lung transplant patients. Because it's a viricide and a germicide, when inhaled, either in an asthma inhaler or in the form of a -- I forget what they're called, the heated things, they have the machine on it that you can inhale things to treat your lungs.

MS. ORTIZ:
Nebulizer.

MS. BABAIAN:
Nebulizer, thank you. In nebulizers and asthma inhalers to deliver medication to the lungs because they killed the germs and bacteria, so they protect lung transplant patient's lungs while they're delivering the medication.

There is also studies on actual liquid from the e-cigarettes. In these studies, again, the lawyer mentioned, it was done in -- one of the studies was done in New Zealand and it's the only one that's currently up for peer -- to be published in a peer review journal. They found only two -- only two carcinogens in extremely low levels and the levels were determined to be below the minimum risk -- below the minimum risk level which is accepted by the U.S. Public Health Service and OSHA, the Occupational Safety and Health Administration. Both of these were also found to be in higher quantities in the air and in cars, the emissions that cars give off. So the minimal levels were extremely low and accepted as reasonable.

Bottom line is this. Propylene Glycol is a base-carrier liquid for small percentages -- for the small percentage of liquid nicotine found in e-cigarettes is a safe and a well-studied substance studied for more than 60 years. It amazes me to hear the misinformation that's spread about e-cigarettes. We're not sure 'why or where people got this information, but there's a lot of information going around that's not true, which is why we're here to educate you. I believe that this misinformation is put out and is scaring people and I think that educating people on what they are would reduce the fear that people feel when they see the vapor emitted by the electronic cigarette.

I would be happy to provide -- actually, I believe I have e-mailed each of you individually and I'm happy to e-mail you again with the research results, the research and study results on Propylene Glycol and answer any questions you have. And I'll put the opportunity out again, we're happy to
meet with each of you individually, or the other half of you individually to explain any information that you have not gotten or any questions that you might have and I'm happy to answer any questions you have today as well.

P.O. LINDSAY:
Legislator Beedenbender has a question for you, Ms. Babaian.

LEG. BEEDENBENDER:
Thank you, Mr. Chairman. I appreciate all the information, I got some of the information in my office. And I appreciate the statement that the previous speaker and yourself made as well that, you know, you view this as an alternative to smoking.

I guess my concern would be, and you gave us a lot of information on the emissions of what comes out, once you breathe it in you exhale. But when I've -- I walked past the kiosk in the Smith Haven Mall, sir, and when I hear words -- and even the lawyer -- I don't think you said it, but say "healthy" and "safe", the reason I have -- I am inclined to support this legislation is, you know, I'm looking at this pack right here and I know the goal is not to be like smokers, but it looks like a pack of cigarettes and it says that, "This e-pack is equivalent to four packs of normal cigarettes," I guess four times the amount of nicotine. So do you -- I guess my question would be can you understand where we're coming from, from a public policy standpoint in the sense that nicotine isn't in us normally and nicotine obviously produces a result. And while everybody doesn't use nicotine, you know, to inhale four -- and I understand you're not going to smoke all these at once, but can you understand where we're coming from from a public policy perspective in that, you know, this is a concern? And we don't know that nic -- I'm not, certainly, in a position to say nicotine is safe.

MS. BABAIAN:
There have been a number of studies on nicotine, obviously. Whether or not it's safe is, you know, determined by which study you look at. They have not found nicotine to cause any significant damage except heart issues, if you have heart problems already, outstanding heart problems.

I hope it's okay to say this, but we did meet with Legislator Cooper this week and we discussed the legislation and we do understand why people are concerned about the fact that it may look like a cigarette and that it makes people uncomfortable, it gives them anxiety. What we've discussed and propose is a potential compromise was maybe changing the legislation to state that we would allow them that didn't look like cigarettes. Like there would be no way with a blue light on the end of this that you would -- I mean, I can actually without using it turn on the battery, that it has a little blue light on the end. There's no way that from across a bar, a black stick with a blue light is going to be mistaken for a cigarette.

So one of the proposals that we had suggested and maybe talked about together was changing legislation to disallow electronic cigarettes or personal vaporizers that look like cigarettes, because that will ease the comfort of, you know, the public in general and the bar owners worry about being able to determine whether it's a cigarette, etcetera, etcetera.

And as far as the nicotine use, most people that use them find that -- you know, they don't buy them in a pack of cigarettes, they don't keep them in a pack of cigarettes. They're buying them in a box, they're keeping them in a case, I actually keep mine in an eyeglass case because it's too big for a cigarette box. And they choose to use a nicotine level that's comparable to what they feel they needed in their body, but it is very easy to lower it down in small amounts because the liquids come in very small increments of varied nicotine, so you can actually decrease it by such a small amount that you wouldn't even notice the decrease.

LEG. BEEDENBENDER:
I appreciate that. I just -- I'm just trying to --

MS. BABAIAN:
Oh, you asked about health, I'm sorry.
LEG. BEEDENBENDER:
Well, no --

MS. BABAIAIN:

LEG. BEEDENBENDER:
I shouldn't have asked you about health because I'm not a doctor and I don't think you are; are you?

MS. BABAIAIN:
Not yet, no.

LEG. BEEDENBENDER:
Okay. All right. Well, my question is, you know, from my perspective, you know, when I hear the words "safe" and "healthy", and we are willing to admit that there are few studies about this, that's where my concerns are. And if it's being marketed as "safe and healthy" and, you know, the FDA has not said whether it is or it isn't, that's -- I guess that's where my level of concern comes from.

MS. BABAIAIN:
Understandable. I understand. You know, there are a lot of things that we -- cigarettes were determined to be safe, once upon a time. Just because the FDA approves something does not make it safe. And I would like to -- you know, if you look at the number of recalled FDA statements of drugs and things that they said were safe that caused people to have 18 children with four heads and two ears, you know, two years on top of their head; I mean, we can't know. We can't know for another 50 years whether or not it's definitely safe, there's no way to know. What we do know is that it is definitely safer than cigarettes. We know that there are -- you know, of the 4,000 ingredients in cigarettes or, you know, emissions of cigarettes, that there are at least 70 carcinogens, and in these they have found none, not one, which is why the FDA can't ban it yet because they haven't found a reason to; they haven't come up with a study that says it's not safe.

LEG. BEEDENBENDER:
Okay, thank you.

MS. BABAIAIN:
Also, I'm going to pass around a couple of the devices because I notice you're all looking at the one that looks like a cigarette, we have a bunch of them back here we're going to pass around for people to look at.

P.O. LINDSAY:
Thank you. Thank you very much. William Friedman.

MR. FRIEDMAN:
Hello, Ladies, Gentlemen and Honorable Legislators. My name is William Friedman and I have been a resident of Suffolk County for the better part of my life. I am also an active member and officer of a social club known as the Long Island Vapers Club. I am here today to address concerns over IR 1347-2009 that is currently being proposed by the Honorable Jon Cooper. A copy of this text will be supplied to the recording secretary upon my completion, if so requested.

Suffolk County was one of the first places in the country to start instituting smoking restrictions in public and work places. The importance of safeguarding the health of Suffolk County residents was recognized and acted on in an effective way. When the bans on public smoking were instituted, the health risks to non-smokers were well documented and clearly identified. The rights of non-smokers were being infringed upon and Suffolk County acted in proper fashion to protect the health and well-being of these non-smokers.
I am standing here today because I am greatly concerned about the proposed legislation that seeks to reverse those actions and forcibly thrust non-smokers into the midst of smokers once again. Worst of all, the proposed legislation is aimed directly at the most vulnerable of all non-smokers, it is aimed at the former smoker that has already effectively reduced or eliminated the presence of harmful cigarette smoke in their life.

IR 1347-2009 is a well-intentioned attempt that falls short in execution. The Introductory Resolution seeks two purposes; quoting the exact wording of IR 1347-2009; "Therefore, the purpose of this law is to ban the sale of e-cigarettes and like products in Suffolk County to persons under the age of 19 until the United States Food and Drug Administration determines that e-cigarettes are safe and/or effective smoking cessation devices and to prohibit smoking or otherwise using electronic cigarettes and like products in public places where traditional forms of smoking are already disallowed."

Prohibiting the sale of electronic cigarettes to parties under the age of 19 is a measure I entirely agree with. So much so that I have personally contacted the proprietor of the County's most well-known brick and mortar distributor and been assured that his employees have been directed to not to sell products to individuals under the age of 19 and signage is posted in all of his locations indicating that the products are not available to parties under 19 years of age.

I stand here in full support of the parts of IR 1347-2009 that are directed at prohibiting the sale to minors under the age of 19. The part of the legislation that becomes a problem is prohibiting e-cigarette like products from public places where traditional forms of smoking are already disallowed. Those traditional forms of smoking are known to be a hazard to the health of people exposed to it; the electronic version does not produce the same harmful exposure risk. Furthermore, where are my -- furthermore, if I am prohibited from using an e-cigarette in non-smoking areas and I have to be exposed to identified hazardous second-hand smoke to be in a smoking permissible area, than what area is left for me to use my personal vaporizer that is also known as an electronic cigarette?

Time restraints prevent me from going into great detail with regards to past and present scientific research, but a website with links to comprehensive studies is provided through the Long Island Vaper Club Website on the info page. The ingredient that comprises the largest majority of the exhaled vapor is very well studied going back to the 1940's. Information is also available on the -- I'm sorry. Information is available and all the current scientific data, including specific e-cigarette study results, are indicating that there is no threat to public health present.

I am asking the members of the Suffolk County Legislature to please be aware that there are real people that can have their lives changed by this product. We should be making laws that become -- we should not be making laws that become an impediment towards the public, getting a product that can potentially save lives. If Suffolk County wants to remain a leader in quality of life issues, then we should be spreading awareness and doing what is in the best interest of all the people rather than promoting broad stroke legislation that is well intentioned but will catch an innocent minority in its stroke. Thank you for taking the time to listen.

**P.O. LINDSAY:**
Thank you very much, Mr. Friedman.

**MR. FRIEDMAN:**
Thank you.

**P.O. LINDSAY:**
Michael Kuhn.

**MR. MICHAEL KUHN:**
Good afternoon. My name is Mike Kuhn, I am an employee of Tobacco less Cigarettes, that is the
proprietor at hand in Suffolk County.

Now, as was previously stated by William, we do have 19-year old signs saying we will refuse to sell to under age in all of our locations. I have not personally, nor have any of our employees, been known to sell to anyone under age; we have no argument against that being implemented.

To address Legislator Beedenbender's statement before that we are not actively exposed to nicotine on a regular basis; that is factually inaccurate. As anybody who has taken an introductory botany course would know that tobacco is a member of the nitrate plant family which also encompasses tomatoes, potatoes, eggplants and various other shade of assortment of dietary plants which if anybody who is eating them does have trace amounts of nicotine in their system.

As for Senator -- I'm sorry, Legislator Schneiderman's comments about is it being -- is it useful to step your way down. It does come in high, medium, low and zero levels in nicotine, as previously stated, which allows someone to step their way down if they are so inclined. However, as it is not currently approved as a cessation device, we would not actively mark it as such. However, impiracle evidence from satisfied customers coming back and returning, I've had customers smoking upwards of five packs a day of traditional cigarettes coming in and successfully transitioning over. While there's not the scientific study of complete cessation as of yet, there have been successful -- I have personally come across successful attempts. Now with -- thank you.

**LEG. LOSQUADRO:**

Bill?

**P.O. LINDSAY:**

Dan?

**LEG. LOSQUADRO:**

Yes.

**P.O. LINDSAY:**

Legislator Losquadro has a question for you, Mr. Kuhn.

**LEG. LOSQUADRO:**

Aside from the things that aren't in this product, we're talking about studies and known effects.

**MR. MICHAEL KUHN:**

Uh-huh.

**LEG. LOSQUADRO:**

It's a known fact, nicotine is a vascular constrictor, correct?

**MR. MICHAEL KUHN:**

Uh-huh.

**LEG. LOSQUADRO:**

Okay. It makes it harder for the heart to pump blood, nicotine releases stores of fat and cholesterol into the blood stream, leads to heart disease; these are known facts, correct?

**MR. KUHN:**

Right, but anybody --

**LEG. LOSQUADRO:**

And you're not a doctor. But, I mean, based on the studies that have been released by doctors, this is what's out there. So when we talk about healthy and we talk about alternatives, I just want to be clear that we are talking about a nicotine delivery device with known reactions to -- from the body to
the introduction of nicotine.

So I just wanted to put that on the record and I just wanted to be clear on that. Because I’m hearing a lot of different terms bantered about here, but it’s a nicotine delivery device, there are known physiological results from introducing nicotine into the body. So I just wanted to put that on the record.

MR. MICHAEL KUHN:
Well, as Spike had previously stated, that there are no nicotine alternatives. There are numerous individuals who have purchased it for that very reason, to have just the no nicotine who are previous smokers who have problems giving up this psychological aspects; that is the hardest aspect. Seventy-two hours after cessation of a traditional cigarette, nicotine is out of your system. Two weeks after that, Cotinine and other metabolites are out of your system. The hardest part for most smokers is the psychological, the hand-to-mouth, the social aspects; this is what this product is able to replicate.

So while -- yes, you're absolutely right, nicotine can be doing that. We're not actively --

LEG. LOSQUADRO:
Does do that.

MR. MICHAEL KUHN:
Yeah, absolutely right, it does do that. We're not actively offering it to people who are not currently addicted to nicotine.

LEG. LOSQUADRO:
I would think as a business person, you're -- you only want to target this to people who are currently smoking traditional cigarettes?

MR. MICHAEL KUHN:
You're absolutely right, yes.

LEG. LOSQUADRO:
You don't want to expand your market share, you don't want to open this up? You have kiosks in a mall where people are walking by --

MR. KUHN:
Uh-huh.

LEG. LOSQUADRO:
We call it impulse buying; people walk by, they see something, it's interesting to them. Do you think -- I mean, it doesn't seem like common sense to think that only people who are smokers are going to stop and check this out, especially when it might be marketed as something that is an alternative to the traditional hazards of smoking. I have to disagree with you entirely there; I think that by having it in a public setting like that, you're absolutely going to entice people who are not necessarily within that demographic, even if you say it's not your intention.

MR. KUHN:
Right.

LEG. LOSQUADRO:
So I -- we can disagree on that, I'm just telling you what my opinion is in having that in a public setting.

MR. MICHAEL KUHN:
Well, if you go around the corner from our kiosk, there are candy shops, basically stationery stores
inside the mall where they do sell traditional cigarettes which are in public view, in the same way. What is to entice them more on this one?

LEG. LOSQUADRO:
Like I said, we can disagree on that, but what I'm telling you is you can say what your intention of the demographic you're going towards. When you have something like that in a public setting, just as with the tobacco companies having their product in a public setting, you're marketing to not just a single demographic, you're marketing to the entire population. So I disagree with you entirely on the segment that you're trying to target.

P.O. LINDSAY:
Okay, thank you. Wait, Mr. Kuhn, Legislator Barraga has a question for you.

MR. MICHAEL KUHN:
Yes.

LEG. BARRAGA:
I think your Dad was in to see me; is Mr. Kuhn your Dad?

MR. MICHAEL KUHN:
Uh-huh, yes.

LEG. BARRAGA:
And he came in to see me about I guess maybe a month ago and we talked in depth about this; in fact, he did most of the talking.

MR. KUHN:
Sounds about right.

LEG. BARRAGA:
In fact, I almost took up cigarettes and drinking after listening to him.

(*Laughter From Audience*)

But let me ask you a question. At the time he spoke to me, I think the bill as Mr. Cooper had designed, it was going to ban e-cigarettes right across the board.

MR. KUHN:
Yes.

LEG. BARRAGA:
All right? And then Mr. Cooper I guess compromised on the bill and now there's a 19-year limitation. Mr. Bloom was talking about these kiosks and how you sell e-cigarettes.

MR. KUHN:
Uh-huh.

LEG. BARRAGA:
How does the bill currently drawn negatively effect your ability to do that versus what you're doing now?

MR. MICHAEL KUHN:
Because in order to be able to attract most of the customers, we have to be able to demonstrate it. If we're just sitting there at the kiosk, no one will be able to understand what it's for.

LEG. BARRAGA:
Does the mall currently allow you to do that?

**MR. MICHAEL KUHN:**
Yes, they actively sought us out.

**LEG. BARRAGA:**
Are you at three malls?

**MR. MICHAEL KUHN:**
We are four malls, we have one in Nassau County.

**LEG. BARRAGA:**
So each mall allows you to do that.

**MR. MICHAEL KUHN:**
Yes. Like I said, they actively sought -- we were originally in the South Shore and Sunrise Malls; the Simon Group purposely sought us out to bring us in, so they wanted us there.

**LEG. BARRAGA:**
So this legislation would prohibit you --

**MR. MICHAEL KUHN:**
From being able to sell at full capacity, yes.

**LEG. BARRAGA:**
To have someone sample it, as it were.

**MR. MICHAEL KUHN:**
Well, being able to sample it and to demonstrate.

**LEG. BARRAGA:**
And use it before they buy it.

**MR. MICHAEL KUHN:**
Yes, we demonstrate it that way people are able to see how the product works.

**LEG. BARRAGA:**
Is that something -- I guess we can legislate a prohibition, but I'm just wondering, do we have the right to do that or does the mall owner still have the right to supercede us? I mean, do we have the right as a Legislature to do that?

**MR. MICHAEL KUHN:**
Well, that's what I'm here for.

(*Laughter From Audience*)

**LEG. BARRAGA:**
For example, there are certain provisions in law with reference to campaigning and yet a mall owner will tell you, "Don't campaign on my property, go someplace else."

**MR. MICHAEL KUHN:**
Right.

**LEG. BARRAGA:**
All right. But that's your problem with it --
MR. MICHAEL KUHN:
Yes. My problem is being --

LEG. BARRAGA:
-- that you're not really able to show the product to a potential customer.

MR. MICHAEL KUHN:
Yes, effectively.

LEG. BARRAGA:
To demonstrate it.

MR. MICHAEL KUHN:
Yes.

LEG. BARRAGA:
All right. Thank you.

P.O. LINDSAY:
Henry Kuhn, please.

MR. HENRY KUHN:
I’m the guy with the big mouth, I don’t even need the microphone. All right. Legislators, I would like to address this from the heart, I don’t have any script here. If we can start -- when I believe it was Legislator Schneiderman? Okay. The FDA has not approved this as a smoking cessation device, that requires a lot of money, and they’re in the process of doing that. Now the FDA has jurisdiction over all tobacco products; this is not something they’re not aware of and they are working on it. So to answer your original question, although we do not and cannot market it as a smoking cessation device, I can’t hide empiracy, okay. There are four levels of nicotine including a zero level, which is not available in tobacco cigarettes. So somebody who is trying to wean themselves off from smoking, going from high, medium low which you can do with cigarettes, there is no "no". And as my son had said before, you can look that up, after 72-hours, the nicotine is out of your system. But like an alcoholic, the difference is for a smoker it's not just the nicotine. I'm sure everybody in this room knows somebody who quit for a week or a month or six months or a year; that wasn't the nicotine calling them back. Okay? What happens is it’s the sensation. To a smoker, and I suspect maybe {Legislature Benderner}? 

(*Laughter From Audience*)

I'm sorry. Were you ever a smoker?

LEG. BEEDENBENDER:
No.

MR. HENRY KUHN:
How about Losquadro; did you ever smoke?

LEG. HORSLEY:
Fess up.

LEG. LOSQUADRO:
No, I have not.

MR. HENRY KUHN:
Okay. And that's fine, that's understandable because I can understand where you two are coming
from. Okay, like an alcoholic, somebody who's addicted to nicotine, okay, somebody who's addicted to smoking more so than the nicotine; they'll be addicted to nicotine for 72-hours, they will be addicted to this for a lifetime. Because nicotine releases Dopamine which makes them feel good, so they're always looking for that. When things get rough, people will tell you, New Year's Eve -- go to a smoking cessation clinic, they'll tell you New Year's Eve is the day everybody falls off the wagon; they get drunk or they get stressed and if you're not a smoker you cannot appreciate this. It's like, "Give me my friend." When things go wrong, you have a fight with your wife, the dog pees on the carpet, okay, that's your friend, it never leaves you, it's always there and it releases Dopamine, it makes you feel good.

As far as the way they look, we're not going to fool anybody with that cigarette, it looks like it came -- I mean, even the one Spike had here; it looks like it came out of Spencer Gifts. If I'm smoking that, you're going to say -- I get little kids coming to the mall saying, "Hey, there's a fake cigarette." Why do they make it look like a cigarette? Not to -- we are not going to get somebody to start smoking with the e-cigarette. Why do kids start smoking? They do it for peer pressure, they do it for this or that; they're going to start smoking with the guy around the corner. Okay? What I'm saying to you is this; realistically we're not looking for that market. There are enough smokers out here. I don't know if you know anybody who has died from lung cancer. You can say that -- go look at the American Cancer Society's website, 95% of all health related illnesses don't come from nicotine, it's from tar, and if you take tar out of the equation, there goes the emphysema, there goes the lung cancer. You take the carcinogens out of there. You don't need a study for this, that's remedial math; I mean, all you've got to do is figure out, 597 minus 593 and take out all the carcinogens, okay, I don't have to go to school for that, as long as I'm into the 2nd grade.

The other thing I'd like to address is the way they look. And I can understand, there is change and change does bring fear. When they started letting 18 -- when they changed the drinking law from 18 to 21, that wasn't a tough one to try to, you know, keep into effect when you have minors in there with drinkers?

More importantly, to address the other concern about cigarettes. I have people coming in here who ask for one that looks like a cigarette because psychologically they need this to think that they're smoking. And once they get down to zero nicotine, it's an adult pacifier. Okay? But for them, they want the one that looks like a cigarette so they feel like they're smoking. You get other people who want to make a statement, they want the purple one, that's fine. But the important thing is when we get people who are nonsmokers who come in and look for it, it's because they know somebody who smokes. My father smokes, my mother died of lung cancer and she's still -- my other one is sick and she's still smoking. They come in here begging that even if these people will smoke it part of the time, okay, they're still getting nicotine, but the other chemicals they're not. The 4,000 carcinogens or the 4,000 chemicals including the carcinogenic ones that go up into the atmosphere every time somebody lights up, that's out of the picture.

Yes, I agree, education could solve this whole dilemma. If you have a sign that's posted that e-vaping is permitted here, somebody is going to say, "What the heck is that?" And then the bartender or the proprietor can say, "You see that gentleman over there that looks like he's smoking? He's vaping." Okay? That solves it. As I think Mr. Friedman said, real quick, you tell them, "Okay. Well, you can go out to a pen or you can go out in front of the bar," bars are in residential areas, okay? Drunk people in front of bars tend to make noise, okay. Putting them in a pen means that now you're putting him back in to the same environment he just got himself out of.

You know, gentlemen, I'm going to close now because I heard the buzzer. If I could just --

**P.O. LINDSAY:**
But Mr. Kuhn, Legislator Nowick has a question for you.
LEG. COOPER:
Bill?

LEG. NOWICK:
I'm not -- I don't want to sit here and argue with you because obviously you have your thoughts, we have our thoughts. I just wanted to say one or two things, having listened to you.

I think one problem might be if people are in a restaurant smoking these e-cigarettes, I think it might be a little hard for people to determine whether they're smoking real cigarettes or not. We have a law that you can't smoke in bars; be that as it may, what I wanted to tell you is that it seems to be that the County does have an incredibly good cessation program and I thought if you do have people that come to your kiosk and have questions and have a sincere desire, you might have want to share what the County has to offer. Just a --

MR. HENRY KUHN:
And I certainly would, that's absolutely correct. If I could just address your one other point there, and we can agree to disagree. But if I took this vaporizer out of my pocket and I started puffing it, I guarantee, in all honesty, you would never know sitting there, and that's the difference, if I started puffing a cigarette and you were in a restaurant sitting at the next table, you would know. I could puff this for the next 20 minutes and it will never get to you.

LEG. NOWICK:
Oh, I understand what you're saying, you don't smell it. My point is it's a visual thing.
MR. HENRY KUHN:
Right, but my point is if we --

LEG. NOWICK:
But for children to watch people sitting around a table smoking --

MR. HENRY KUHN:
Right, but if we --

LEG. NOWICK:
-- whatever they are, it's kind of a visual thing. But I don't want to get into it, it's late.

MR. HENRY KUHN:
Yeah, okay. Fair enough. Thank you.

P.O. LINDSAY:
Sorry. Legislator Cooper has some questions, Mr. Kuhn.

LEG. COOPER:
I do want to say, I met with a number of the people that spoke here today and they were very articulate and intelligent and we had a good productive meeting. But I want to reiterate that the FDA and the American Cancer Society have some real concerns about e-cigarettes at this point, and I'm quoting a representative of the Cancer Society saying that they need to go through some vigorous testing before the Public Health Committee would feel comfortable with it.

You're aware that my bill would still permit the use of e-cigarettes in homes, in cars, outside.

MR. HENRY KUHN:
Yes.

LEG. COOPER:
It would only prohibit their use in restaurants and bars, areas where cigarettes are restricted. And one reason that we did that, aside from concern that we don't know exactly what may be in this
vapor, I know we've heard testimony as to what supposedly is in it, but the FDA has not tested this, there have been no independent peer reviewed studies, to my knowledge, of this, which is why I think Australia has banned these cigarettes completely, not the more limited restrictions that we're envisioning.

How would you address a situation that could arise, and I'm actually already aware of one instance where it did arise, where a vaporizer -- what is the right --

**MR. HENRY KUHN:**
Yeah, vaporizer; personal VP, whatever.

**LEG. COOPER:**
Someone who is vaporizing whips out an e-cigarette at a restaurant and begins to puff away and a patron at the next table is upset. And one of my constituents actually came up to me --

**MR. HENRY KUHN:**
Fair enough.

**LEG. COOPER:**
-- a couple of weeks ago and said, "Legislator Cooper, this is a great bill. I support it because I saw a fight break out at a restaurant last night between two patrons and it turned out that one of them was using an e-cigarette.

**MR. HENRY KUHN:**
Right.

**LEG. COOPER:**
How would you weigh the rights of non-smokers at a restaurant --

**MR. HENRY KUHN:**
Okay.

**LEG. COOPER:**
-- versus the rights of someone, one of your customers?

**MR. HENRY KUHN:**
Right. Well, what I'm saying is -- and again, I'm not -- I'm trying to be reasonable here, I think you are, too, and I appreciate that, that you're willing to address this. And the same way we had a smoking area or a non-smoking area, this way the smoking area would never infringe on the non-smoking area. And, I mean, in the old days you had to put the little vents up to make sure it didn't go -- it's not going in the other room, okay? I mean, they both should have rights, and if one does not infringe on the other and education is what it takes -- look, it's a matter of time. The tobacco companies thought this was a novelty, it was going to go away, that's when nobody paid attention a year ago when it came here. Okay? Now people realize, there are no -- people are paying for this, they're paying a hundred, $150 to own this unit, they're not getting reimbursed by insurance. And with all due respect to the County, 95% percent of all FDA approved smoking cessation devices fail. Okay?

So my point is if wasn't working for the people who we intended to, that's who it's marketed to, okay, they wouldn't buy it. And it's just a matter of education, simple signage, like I said. The public -- it's a private property. I tell people, people say, "Well, you know, if I bring it into this restaurant, am I going to be able to smoke it?", and I tell them, "That's up to the individual establishment. They set -- if they don't want you to wear a green hood in there, it's their property, they can set those rules. You will not be doing anything illegal at this time, okay, but you have to respect whatever the proprietor says, if he permits it or he doesn't permit it." And that's what I think. It's just a matter of -- we're not that far apart if we're sincere in trying to protect the rights
of both sides by saying, "Hey, look, it's just a matter of time." Because I see it, when I first -- when we first opened the first two back in December, everybody was like -- they called, the 3rd Precinct is over in South Shore Mall and they kept calling these guys and the cops kept coming, "Yeah, I know, I know." Now -- and at that point it was like, "You can't smoke in here," and then it got down to everyone in Sunrise was like, "What's that? What's that?" Now it's like, "Oh, that's that tobacco-less cigarette." It's education.

And I have people who are not smokers, to address the other two gentlemen, who come in there because, again, they now understand and they want to help someone who they know and love who is a smoker. That's the point. I mean, the point is as far as jobs, I know a lot of people now who buy them for their jobs. Bosses love them for productivity. I know people who work on college campuses, they're not allowed to smoke on the campus, okay, now they can use this. They don't lose 15, 20 minutes in downtime because they have to be given a cigarette break. And most people, if you're really honest about it, if you come to one of my shops or stand around and talk to people, most people will say -- tell you that the people around them are supportive because they know what they're trying to do here. Okay? You're trying to take that away from them because a smoker is a smoker. To a nonsmoker I can appreciate it, look, if nobody ever smoked it would be beautiful. It would be a beautiful thing.

P.O. LINDSAY:
Mr. Kuhn, I think you answered his question. Are you done?

LEG. COOPER:
I'm done. Thank you.

MR. HENRY KUHN:
Thank you.

P.O. LINDSAY:
I've got a whole list. I've got a whole list.

LEG. GREGORY:
One question.

P.O. LINDSAY:
I've got people in front of you.

LEG. GREGORY:
Oh, okay.

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
Thank you. Thank you, Mr. Kuhn. First let me just say, I appreciate people who are passionate about anything, so I can appreciate the fact that, you know, this is something that -- this is your business, it's your livelihood and you are attempting to make sure that you can continue to make that livelihood.

MR. HENRY KUHN:
Absolutely.

LEG. BEEDENBENDER:
The point -- and I think maybe you misunderstood or maybe I didn't explain myself correctly. The point I was making is that when you say "safe and healthy", you used the word, you know, nicotine is addictive. So I guess my concern is to say "safe" for an addictive substance, while it may appear
in food and naturally occurring in situations, I’ve never heard a story of somebody that buys a bushel of tomatoes to eat them to get a nicotine fix.

**MR. HENRY KUHN:**
Well, I think we're getting -- honestly, with all due respect --

**LEG. BEEDENBENDER:**
Yeah.

**MR. HENRY KUHN:**
I think we're getting caught up in semantics. Because we specifically do not say "safe" or "healthy"; it's safer or healthier based on what you -- it's addition by subtraction. What you've taken out, nobody is arguing that nicotine remains, but what we are saying is that, again, without any studies, if you start with a 597 and take out 595, that's just -- you know, I mean, it's just math. I'm not saying it's safe.

**LEG. BEEDENBENDER:**
Right. Okay.

**MR. HENRY KUHN:**
I am not saying it's safe and I am not saying it's healthy.

**LEG. BEEDENBENDER:**
Okay.

**MR. HENRY KUHN:**
Can we agree on that?

**LEG. BEEDENBENDER:**
Okay. That was the point that I was trying to convey.

**MR. HENRY KUHN:**
Yes. No, I understand. Like I said, I think it's a matter of semantics but I don't want everyone to get --

**LEG. BEEDENBENDER:**
Thank you, Mr. Chairman.

**P.O. LINDSAY:**
Okay. Legislator Browning.

**LEG. BROWNING:**
Okay. You know, I want to say thank you to the people from the vapors club that came to see me, because I think they gave me a better understanding of what this is.

You know, I do support the legislation as far as the 19-year old issue. I have never been a smoker, ever in my life, and I certainly don't want to see kids smoking. And again, we don't have the studies to show that it's harmful if you use it inside. So just my question is if, you know, we go to your restaurant or a store and it says "No Shirt, No Shoes, No Service"; so if an establishment was to choose to put up a sign, "No E-Cigarettes Used Here", is there an objection to that?

**MR. HENRY KUHN:**
Not at all. Not from my quarters; I can't speak for anyone else. But not at all, it's private property. And I can understand, like Legislator Norwick (sic)? Yes, I believe she said the whole idea is we're not here to scare people. As you can see, again, I've got no script here, I am passionate about what I do and I believe in what I do. As I explained to the other Legislator, I don't need any more
customers. Do you know how many people smoke in Suffolk County? I don't need a bigger base. Okay? But what we want to do is educate people so that they have that option, the same one that everyone in the country has. And I agree with you, if someone said -- I would have no problem if there was signage, like we have signage that says "Be 19 or Be Gone. We will not sell, we will check ID". If someone put in their restaurant "Please refrain from e-cigarettes or vapors" or whatever you want to call them, I would have no problem with that whatsoever.

**LEG. BROWNING:**
Okay.

**MR. HENRY KUHN:**
You know? The same way I have no problem with the 19-year old.

**LEG. BROWNING:**
Thank you.

**P.O. LINDSAY:**
Legislator Gregory, last question, hopefully.

**MR. HENRY KUHN:**
Legislator Barraga warned you about this.

**LEG. GREGORY:**
Just I think somebody here mentioned it already, I think maybe Legislator Browning. So you're acceptable to having segregated areas, like a non-smoking area, a quote/unquote smoking area in a restaurant?

**MR. HENRY KUHN:**
Yes, in a restaurant, if they -- again, I have no problem. As I believe Legislator Browning said, if you don't want it in your restaurant, I have no problem with that either. If you say, "Hey, look, it creates confusion in my establishment, I don't want it," personally -- and like I said, I can only speak for myself -- I don't have a problem because I now have a choice, do I want to frequent that restaurant, okay?

And as far as the smoking/non-smoking; again, I don't have a problem with that if, on a case -- if a restaurant proprietor decides that, it would be less confusions to prevent, as Legislator Cooper said, a place where they're being put in a situation they don't want to be. So I am not against that, okay. But I am against the fact that it's -- you know, we're throwing the baby out with the bath water, we're taking everybody's personal choice out of here when it can be resolved where you can say, Legislator, in your particular restaurant you don't want it; well, that's fine. I'm not going to force you to do it. This gentleman wants it in half of his restaurant and not the other half? That's okay. But leave it up to the individual establishment. I'll take responsibility -- if I let it in there, I'll take responsibility to make sure my patrons know" we allow e-smoking", and that's what they're doing.

And to be honest with you, it's just a matter of time now before we won't have to say, "Well, what is that?" People are going to know. And it's just a matter of time now before the FDA is going to make a ruling. They have been reviewing this for years. I mean, if it was out and out detrimental, it would have been struck out already, okay? But like I said, the point of this point is why don't we just -- if we can meet, if we can meet there in the middle and say, "Hey, look, let's do it on a case -- let the proprietor decide. If he wants to take response -- he doesn't want it, put a sign up there, "I will not allow it"; fair enough. Wait for the FDA, then this all becomes epidemic.

**P.O. LINDSAY:**
Mr. Kuhn, just one question from one of my colleagues. Your product is just -- the tax on it is just sales tax, there's no tobacco tax.
MR. HENRY KUHN: Yes, that is correct.

P.O. LINDSAY: Okay, thank you very much.

MR. HENRY KUHN: Very good.

P.O. LINDSAY: Josh Planet.

(The following was taken by Lucia Braaten, Court Stenographer, and transcribed by Kim Castiglione, Legislative Secretary).

P.O. LINDSAY: Josh Planet.

MR. PLANET: Hello, everyone. Hello, Legislator Cooper. How are you? I'm just -- I got here late so I missed a lot of what was covered. I got really lost.

From my perspective, my father had died from lung cancer. I have three small children, and I was a pretty heavy smoker as of last year. And from using this product, you know, I feel -- I feel better. I'm sure you've all heard whatever I'm going to tell you already I don't know how many times today. But the thing that should really be considered is that I'm most grateful for is my children. I'm not smoking cigarettes so I'm not smelling like cigarettes. If I'm out somewhere with my family I don't have to excuse myself to leave to have a cigarette. When I'm at work I don't have to leave to have a cigarette, and I'm much more productive. So from my whole perspective everyone that's using these devices are adults and they should have the option to be able to use them instead of having a cigarette, and it's not going to affect non-smokers the same way a tobacco cigarette would affect non-smokers.

A lot of adults that smoke do have a very difficult time quitting tobacco products. I think it's something between three and 11% of people using nicotine replacement therapy, the success rate is three to 7%. From polls that were taken and users of personal vaporizers it comes out to be 70 -- 77% that have succeeded quitting cigarettes. So I just think if this could be something that is going to help hundreds, thousands, maybe even millions of people, just don't make it tough on them. You know, this is something that seriously can change the future for a lot of people. Everyone must have someone in their family that has passed away from cancer or someone that's ill, and this can actually help. That's all that I really have to say. If anyone has any questions.

P.O. LINDSAY: Thank you, Mr. Planet. I think we've covered almost everything. All right? Thank you very much for coming and testifying today.

MR. PLANET: Thank you.

P.O. LINDSAY: I don't have any other cards on this subject. Is there anyone else? Yes. Alex, identify yourself for the record.

MR. STRAUS: Yes, Alex Straus. I know a person that smokes four packs of cigarettes a day. He brought one of these things in and now all he does is take like two little hits, maybe every 30 minutes. Before he
used to smoke a cigarette, put it out, light up another one two minutes later. It doesn't give you any smell at all for the ones that he had. I don't know about these ones that have fragrance in it, but I'll tell you one thing, it makes this guy a hell of a lot better to be with. I mean, I don't smoke and I can't stand the smell of smoke, but this guy here, now he just takes this thing and it's like a toy. That's all I have to say.

**P.O. LINDSAY:**
Thank you, Alex. Oh wait, Legislator Cooper.

**LEG. COOPER:**
I just wanted to put something on the record and I'll put it in the form of a question. Are you aware, Sir, I've been googling some stuff on the internet and I came across an article that makes reference to a tobacco researcher that was hired by the Chinese company that actually invented these cigarettes, and he did come to the conclusion that they're relatively safe, but he did admit that although e-cigarette does not produce carbon monoxide or the carcinogens that are the byproducts of combustion, its cartridge contains acidal dehyde. The chemical is best known for its part in causing hangovers but when allowed to build up in the body can be carcinogenic. Now, he does go on to say, are you aware, that he feels that the amount exhaled is low enough concentration that it won't be harmful. But I did want to just point out for the record that some of the chemicals that are exhaled are potentially carcinogenic. So I just wanted to correct the previous record.

**MR. STRAUS:**
The only thing we ever smell when he exhales is the garlic that he ate the night before. That's about it.

**P.O. LINDSAY:**
Okay. Anybody else?

**MR. {DeVILLE}:**
Yes.

**P.O. LINDSAY:**
Please come forward and identify yourself.

**MR. {DeVILLE}:**
Thank you. My name is Paul {DeVille}. I had never heard of e-cigarettes before I came in here today. I am not here because of that. I'm an ex-smoker, and I think that I've heard a lot of viewpoints, all in favor, so I would just like to give you my immediate impressions. As I've said, I've never heard of these things before.

Nicotine it is a poison, there is no doubt about that. It severely messes with you vascular system, and in great enough quantities, it can be fatal. I'm not suggesting that you'll get anywhere near that with an e-cigarette, but nicotine's a poison, and should we be encouraging poison delivery systems in public settings.

As an ex-smoker, I have been thrilled at the way that over a number of years smoking has become less and less publicly acceptable because it's become more and more restricted in the workplace, in bars and restaurants. People know that they've got to quit it because it's just not acceptable anymore. And I think that making excuses and making things easy by providing poison delivery devices is not a good idea. Now, in private, sure, do whatever you need to do, but I think in public settings it would be a mistake to apologize for people's consumption of a harmless -- of a harmful chemical. Thank you.

**P.O. LINDSAY:**
Thank you. Anybody else? Seeing none, Legislator Cooper, what would you like to do with this bill?
LEG. COOPER:
Motion to recess, please.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. Next up is IR 1415 - A Local Law banning the sale of drop-side cribs in Suffolk County. I don't have any cards on this subject. Anyone in the audience want to speak on the subject? Seeing none, Legislator Horsley?

LEG. HORSLEY:
Motion to recess.

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

MR. LAUBE:
Fifteen.

P.O. LINDSAY:
Okay.

MR. LAUBE:
Check -- sixteen.

P.O. LINDSAY:
Okay. 1418 - A Local Law to reduce the use of disposable bags by retail stores. I have a number of cards. Alpa Pandya.

MS. PANDYA:
Good afternoon. My name is Alpa Pandya. I'm with the Nature Conservancy and I'm here in support of IR 1418. Plastic bags are all over the place. For those of you who didn't live in a pre-plastic bag age maybe, let me just tell you I come from India, where there didn't used to be plastic bags when I was growing up. Everyone went to their grocery store, which was a bazaar. They went to the bazaar and everyone had little bags and everyone would do their day's shopping and they would all take them home with them. There were no plastic bags, they were just too expensive. Petroleum was very expensive and they weren't wasting it on plastic bags. It wasn't a big deal; everyone had their little dailies, they call them little bags. They were usually made from scraps of materials so no bags matched.

A few years ago when I went back, about 10, 15 years ago, plastic bags had started coming in very cheap, they were very easy to transport around, and they started giving them out. Even at your little vegetable seller on the pavement in the bazaar in India was now having these little plastic bags, and it was dramatic seeing these plastic bags blowing around in the wind all over the communities and parks in India for the first time which I had never seen growing up. It just kind of made me realize for the first time just how many of them are out there.

I strongly support this. I think that we can do much better. If you become a member of the Conservancy you can get a bag like this too and use it for your grocery shopping. I use it all the time. And I ask you to pass this bag bill because I think it will help reduce the number of plastic bags in parks, our waters and our natural areas. Thank you very much.
P.O. LINDSAY:
Thank you. Jennifer Hartnagel.

MS. HARTNAGEL:
Good afternoon. My name is Jennifer Hartnagel and I'm here on behalf of Group for the East End. We're here again to show our strong support for this proposed legislation. I'd like to thank Legislator Viloria-Fisher for all of your hard work on this measure. We believe this bill provides an innovative, creative solution to the problems associated with the excessive uses of disposable bags.

At the last hearing we presented to this Legislature a sign on letter on which 26 countywide organizations signed on in support. This bill compliments Legislator Horsley's bill. Together the two bills can really tackle the issue of excessive waste and pollution. And of importance, ten U.S. states have proposed similar legislation. Seattle, Washington recently passed a 20 cent fee for plastic and paper bags, and there is currently a Federal bill proposing similar legislation. The point being is that there is a national movement to reduce the use of these bags and Suffolk County has frequently led the way on conservation initiatives and the passage -- excuse me. The passage of this bill would certainly be reflective of this longstanding tradition. So please support this legislation. Thank you.

P.O. LINDSAY:
Legislator Viloria-Fisher has a question for you, ma'am.

D.P.O. VILORIA-FISHER:
Thank you for coming down, Jennifer. You know, we often hear of the three R's, reduce, recycle and reuse. Which of those would you say is the most beneficial to the environment?

MS. HARTNAGEL:
We have to reduce first. Reduction is important, and recycling and reuse, but we have to reduce our waste first.

D.P.O. VILORIA-FISHER:
Okay. Thank you, Jennifer.

MS. HARTNAGEL:
Thanks.

P.O. LINDSAY:
Wait a minute, Jennifer. Come on back, Legislator Alden has a question.

LEG. ALDEN:
Hi. Thanks for coming down. Do you know what the cost would be to switch over to an alternative?

MS. HARTNAGEL:
For a consumer or for who?

LEG. ALDEN:
Well, ultimately the consumer pays for everything, especially that we legislate, so for the consumer then.

MS. HARTNAGEL:
The disposable bags are very affordable.

LEG. ALDEN:
How much does it cost for a disposable bag?

MS. HARTNAGEL:
I've seen them as low as 40 or 50 cents.

**LEG. ALDEN:**
How much?

**MS. HARTNAGEL:**
Reusable bags.

**LEG. ALDEN:**
How much are they?

**MS. HARTNAGEL:**
As low as 40 or 50 cents.

**LEG. ALDEN:**
Forty or fifty cents?

**MS. HARTNAGEL:**
But the point being --

**LEG. ALDEN:**
But the cost would be an additional 40 or 50 cents basically every time a consumer went to the grocery store.

**MS. HARTNAGEL:**
No, no, no, no, no. You're buying them at one time and reusing them over and over and over again.

**LEG. ALDEN:**
Okay. So a one time deal of 50 cents basically per bag. Okay. Thank you.

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

**MS. BAUER:**
Good afternoon, Presiding Officer and members of the Legislature. My name is Cassie Bauer and I'm a graduate student at Stony Brook University studying Marine Science. I'm here today to speak in support of IR 1418-2009, a Local Law to reduce the use of disposable bags by retail stores. Disposable bags, mainly plastic shopping bags, are a highly visible component of the litter stream because they are lightweight, moisture resistant, and only degrade over a long period of time.

The annual impact of plastic bags on the litter stream has increased due to the physical persistence of the material. Therefore, even with litter clean ups, the actual number of bags in the environment increases annually and impacts may continue to occur from bags that were littered many years before.

Much of the concern regarding plastic bag litter revolves around the impacts on marine life. Currently at least 143 species are being injured or killed by plastic bags, either by ingestion or entanglement.

Fuel consumption by transportation is another area of concern regarding disposable bags. Disposable grocery bags are shipped all over the world, and of the estimated four to five trillion plastic bags produced per year, North America and Western Europe account for nearly 80%. The U.S. eventually throws away 100 billion plastic bags annually. Container ships used to transport these bags to each consumer country use fuels which produce high levels of pollutants.

I believe the Local Law to reduce the use of disposable bags by retail stores will help decrease both
litter and fuel consumption. Our environment and wildlife will greatly benefit from this law being passed. As someone whose career is going to focus upon the marine environment, I have an understanding of how fragile our ecosystems are. I feel this bill is a good first step to conserving our resources and protecting wildlife for the future generations. I'd like to thank Legislator Viloria-Fisher for introducing this bill.

**D.P.O. VILORIA-FISHER:**
Cassie, I just have a question for you because I had been reading something about sea turtles in particular having problems with the plastic bags in the oceanic environment. Are they on the endangered species or not?

**MS. BAUER:**
Yes, all seven species.

**D.P.O. VILORIA-FISHER:**
And so we have an endangered species that's being further endangered by the floating debris.

**MS. BAUER:**
They mistake it for jelly fish, which is their main food, especially leatherback sea turtles.

**D.P.O. VILORIA-FISHER:**
The leatherback?

**MS. BAUER:**
Yes.

**D.P.O. VILORIA-FISHER:**
Okay. Thank you, Cassie. I also read someplace else that plastic bags now out number plankton in our marine environment 46 to 1. What is the impact of that?

**MS. BAUER:**
I've never heard that before.

**D.P.O. VILORIA-FISHER:**
Yeah, I just read that on --

**MS. BAUER:**
That's a lot, because there's a lot of plankton.

**D.P.O. VILORIA-FISHER:**
Yeah, that's a lot.

**MS. BAUER:**
Yeah.

**D.P.O. VILORIA-FISHER:**
So plankton, though, are in the food chain. Where do they lie --

**MS. BAUER:**
They're in the bottom of the food chain.

**D.P.O. VILORIA-FISHER:**
Yeah, so a lot of other sea animals -- marine life rely on plankton for their survival.

**MS. BAUER:**
Yes.
D.P.O. VILORIA-FISHER:
Thanks, Cassie.

P.O. LINDSAY:
Elizabeth Dovell.

MS. DOVELL:
Good afternoon, Presiding Officer and Legislators. My name is Elizabeth Dovell and I'm an undergraduate student of Political Science at the State University of New York at New Paltz and I'm here today to speak in support of IR 1418 - 2009, a Local Law to reduce the use of disposable bags by retail stores.

Using the model set forth by the PlasTax in Ireland we can predict the impacts of this legislation. A levy will incur costs in order to set it up. Some retailers may need to make structural adjustments at their counters to facilitate the use of alternative or reusable bags. This one time cost, simply a one time cost, may be offset completely by the reduced amounts of bags purchased by the store.

There were concerns expressed prior to the introduction of the program in Ireland regarding potential for increased theft from stores with the reduction of plastic shopping bags. According to retailers, theft of product has not been an issue, although one supermarket chain, which had handheld baskets which were able to be used outside of the store, did experience a high level of basket theft in the first three months. This was not experienced in other stores where baskets could not be used outside of the store or where a deposit was required to use a basket. Shopping cart theft also has not been an issue.

Though retailers in Ireland report as high as 77% increase in kitchen Tidy bag sales, this increase is not significant in comparison to the reduction in plastic shopping bags. The base level for the sale of these bags was minor compared to plastic shopping bags, and in addition, larger garbage and garden bag sales have not shown any increase.

And just on a personal note I would like to say that as a young college student I'm concerned about a future in which my generation and generations to come must feel the consequences for the pollutants created by past generations. Thank you for your time.

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

P.O. LINDSAY:
Thank you. I don't have any other cards on this subject. Anybody else want to talk on this subject? Seeing none, Legislator Viloria-Fisher? Oh, come on forward, Ern. I'm sorry, I didn't see you.

MR. MATTACE:
Good afternoon, everyone. My name is Ernesto Mattace from Local 338, retail, wholesale, and department store union. First, I'd like to thank Legislator Horsley for our original bill on plastic bags. From the first day it was thought of we were brought into the loop and able to discuss all the ramifications of it. One of our concerns with this issue is our members and protecting our members jobs. Employer has the great tendency to look at every little thing and if someone does something wrong, all right, fire for that, going down for a nickel bag. This is not unusual because it happens everyday. Our concern also is the extra tax that we're looking on individuals who shop.

The idea of reducing bags is wonderful, I agree with you 100%, and we talked about this. Another misnomer is plastic bags are not made of petroleum; they're made of natural gas byproducts. So there's a whole area out there that we have to look into. Again, looking at what happens on a day-to-day basis, and it should be -- it should be reduced. In the first bit of legislation that was passed, and I look at our stores, we have 18,000 members in the metropolitan area and a majority
of them work in retail supermarkets. I see what's happened as far as the change goes, I see customers every day. More and more customers come in with the reusable bags. I use reusable bags myself. Hopefully before I leave here today I will make sure every one of you get a reusable bag from Local 338. Thank you.

**LEG. ALDEN:**
That might be midnight.

**MR. MATTACE:**
I'll leave them here. I got to get to work.

**LEG. ALDEN:**
I thought you were going to hand them out.

**P.O. LINDSAY:**
Legislator Viloria-Fisher has a question for you.

**MR. MATTACE:**
Go ahead.

**D.P.O. VILORIA-FISHER:**
Ernie, I have a question for you because I have met with representatives from the union on a variety -- as I've been working on this for about a year now. I agree with you that the recycling legislation was very good. But considering the state of the environment and the globalization issues that we're finding that more and more countries are becoming greater consumers, this is becoming a very powerful and compelling issue for all of us, because the waste stream is growing exponentially.

And so with so many different countries and municipalities moving toward this, I have a difficult time understanding why it would be a particular problem for your union locally to see this as a positive thing where the training of the workers could be here to simply have that charge of a nickel per bag, if people bring their recyclable -- their reusable bag -- they can use their reusable bags. Right now many of the people at the cash registers are charged with giving people a nickel credit if they bring their own bags. So cashiers are being charged with more work. So I'm just not seeing what the great dilemma is that you're having for your workers.

**MR. MATTACE:**
Well, we'll go back to the training part. I would love to see a proper training process for all our members that come on board. Ninety percent of the time, compared to the way it was 30 years ago when I started in this industry you had a good five to six days of training. Now a cashier might get their two days if they're lucky, all right? You have services that will go out there who come in and watch if they are selling beer and other products to underaged individuals, all right. They are going to do the same thing with this. I will guarantee you they will be coming in to check our members to make sure they're doing the right thing. All right?

The idea of, again, charging a nickel, all right, for each bag, and I still have to take a look at the whole legislation itself, our concern, again, is something else is put on the backs of our members, all right, where the employer, if they decide to really be scrupulous and check everything, because everybody makes a mistake, there's no getting away from it. I've only seen one company that we deal with that will proof everybody, I'm talking everybody, and the particular company I went into, there was a 70 year old woman in front of me, didn't have photo ID, couldn't buy beer. They wouldn't do it. It's great, okay, if you do it all the way across the board. Again, at this point, all right, I think we have to take it one step at a time and I think this first bit of legislation that was passed was the right way to go. Six months, a year from now, it might be something different. I can't tell what's happening in the future.

**D.P.O. VILORIA-FISHER:**
See, my issue is it's good, it works mutually with this. If we have recycling, and all of the stores have been required to do the recycling piece, and the customers are learning to use their own totes, etcetera, the workforce that you're talking about, and a lot of the kids are part-time workers who go in and I was a high school teacher and I know what the kids had to put up with in the stores, but you know what? That kind of behavior that you're talking about, it sounds like abusive behavior.

MR. MATTACE:
It is.

D.P.O. VILORIA-FISHER:
It is going to exist whether or not you have this law. I mean, if somebody wants to find something to pick on, you've just given us a good example. They can pick on anything. So to oppose a legislation such as this, which is really an issue that we will see growing everywhere, we're seeing every day another municipality, another country, coming on board and eliminating as much as possible this tremendous waste of resources. So it would be better for your local, for the people who are here regionally, to have had that training, because they can go anyplace else where this becomes the law and have already been trained. They'll be ahead of the game. Do you see what I'm saying?

P.O. LINDSAY:
I really -- I don't want to the debate the bill at this point.

D.P.O. VILORIA-FISHER:
Okay, but I'm asking the question as a labor leader.

P.O. LINDSAY:
But you're not asking a question, you're making a statement.

D.P.O. VILORIA-FISHER:
Okay. Well, that's never been done before, right?

P.O. LINDSAY:
It's almost four o'clock. We have a number of public hearings.

D.P.O. VILORIA-FISHER:
I understand that, but I've been very patient. Last month when people came to speak I did not ask one question.

P.O. LINDSAY:
All right. I'd like to move it along. Thank you very much.

D.P.O. FISHER:
Okay. I'd like him to answer that.

P.O. LINDSAY:
You didn't ask a question.

D.P.O. VILORIA-FISHER:
Yes, the question was would not this legislation locally prepare your workforce to be able to work almost anywhere as we see more and more municipalities throughout the country and throughout the world embracing this type of a reduction of the waste stream?

MR. MATTACE:
I don't know about preparing, but they would have to follow the law like everyplace else. That's the bottom line. If it's passed into law they would have to follow it.
P.O. LINDSAY:
Thank you. Thank you.

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

P.O. LINDSAY:
Let me see if anybody else wants to make a statement. Anybody else want to make a statement? Seeing none, Legislator Viloria-Fisher makes a motion to close. Do I have a second?

LEG. D'AMARO:
Second.

LEG. ALDEN:
Lou just seconded it.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. For the record, I’d like the record to indicate that Legislator Stern has left us. He's on his way to the emergency room. He's in a lot of pain with his ankle. Okay. The next one is **1467 - A Local Law authorizing an optional lag payroll for certain Elected County Officials.** Didn't we do this already? Didn't we pass this?

LEG. ROMAINE:
Yes, we did.

P.O. LINDSAY:
Does anybody know why 1467 is on our agenda?

LEG. D'AMARO:
County Executive's.

LEG. HORSLEY:
There was two bills.

LEG. BEEDENBENDER:
Mr. Chairman, the difference in this bill, this bill would have required the elected officials to do it the same way that AME did it. Our bill did it a different way.

P.O. LINDSAY:
It's really moot. There's really no sense in having a public hearing, all right. We can make a motion to recess but I'd rather strike it from the agenda.

LEG. ROMAINE:
Motion to close.

P.O. LINDSAY:
Motion to close. Second. All in favor? Opposed? Abstentions?
LEG. ROMAINE:
Motion to strike it from the agenda if that's in order.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1485 - A Local Law to prevent double taxation for public safety services in certain towns and villages. Jodi Giglio is the one card.

MS. GIGLIO:
Good afternoon. Jodi Giglio. I am a taxpayer from Town of Riverhead; I am also a candidate for Riverhead Town Council. This is a very passionate subject for me in that I've had to use the 911 services on several occasions here in Riverhead, and it is also a very passionate subject for a lot of our residents here in Riverhead, equating to approximately 34,000 people. We have had our own police and dispatchers yet I'm told we have been paying the County up to $500,000 a year for services that we have not been receiving. We have been paying our own dispatchers and we have been paying the County and we have not put any calls into the Yaphank dispatchers.

I'm just curious as to whether or not any of you know what the process is when I call 911 if you were to say that no, we will not double tax you and that you are forced to use County dispatchers, what the process would be. If I call 911 it's going to Yaphank and then from Yaphank where is it going?

P.O. LINDSAY:
This isn't -- this is to make a statement on a pending bill, it isn't to ask a question,

MS. GIGLIO:
Okay. So I can't get answers to those questions? Okay.

P.O. LINDSAY:
The process is you can make a statement on a bill before your public information.

MS. GIGLIO:
Okay. Well, I'm told that it would be from Riverhead the call would go to Yaphank and then it would go to an outside agency and then it would go to our emergency services team here in Riverhead, which could cost approximately ten seconds of time before it actually reaches the first responder unit that would be coming to my house. Your budget, seeing as you would still be collecting the $500,000 a year from the taxpayers from the Town of Riverhead and you would be getting approximately 34 thousand dollar -- 34,000 people added on to your dispatching service, are you going to be creating more new jobs on the County level? That's something that you need to take into consideration before you state whether or not a town can have autonomy from the County when they choose to have their own police and dispatching units.

Also, I would like you to take into consideration the liability and the lives of the people in the Town of Riverhead and throughout the County of Suffolk with the 34,000 people that would be added onto this dispatching unit in Yaphank. If you are not creating new jobs, that is going to increase the demand of the 911 calls coming into Yaphank and residents throughout the County, as I said, would suffer. So I urge you to look into these questions that I've asked you before you make a decision on this.

Like I said, we've been paying close to $500,000 into the County for as long as we've had our own dispatchers. Now we've had to layoff our dispatchers because our Supervisor has decided that it's not in the best interest of the taxpayers of the Town of Riverhead to be paying the double tax, and I ask that you take into consideration whether or not you want the liability to be in your hands as to the lives of people that this will possibly affect. Thank you.
P.O. LINDSAY:
Thank you. Is there anybody else? That's the only card I have on 1485. Is there anybody else in
the audience that would like to speak on 1485? Seeing none, Legislator Romaine.

LEG. ROMAINE:
I'll make a motion to close. I'm hoping to bring this to a vote at our August fourth meeting if it can
make it out of committee. Obviously there's a concern about double taxation, people paying both
the County and their towns for the same service, so obviously that's something --

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

LEG. GREGORY:
Second.

LEG. MONTANO:
Second.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
**IR 1508 - A Local Law amending Chapter 278A of the Suffolk County Code addressing
invasive non-native plant species.** Alpa Pandya.

MS. PANDYA:
Good afternoon again. My name is Alpa Pandya. I have copies of a support letter, one for you guys.
Thank you. My name is Alpa Pandya and I work for the Nature Conservancy, but I'm here also as a
member of the Suffolk County Water and Land Invasive Species Advisory Board to support passage
of IR 1508, to amend the County's invasive species legislation. The advisory board is made up of
Legislator Schneiderman as Chair of the Environment, Planning and Agriculture Committee, and
representatives of Department of Energy and the Environment, County Parks, Office of Ecology, Soil
and Water Conservation District, the Nature Conservancy, Long Island Invasive Species Management
Area, Cornell Cooperative Extension, Long Island Farm Bureau, and Long Island Nursery and
Landscape Association.

We have been meeting for the last six months and through many long, thoughtful discussions
recommend amending the invasive species list as well as adding a cultivar exemption clause to the
legislation. I thank Legislator Schneiderman for Chairing the Advisory Board as well as for following
up on recommendations by sponsoring this legislation. The Advisory Board voted unanimously for
all of the amendments. Escaped ornamental invasive species are a significant source of introduction
of invasive species. Invasives spread into County lands and waters from nearby communities. As
they spread and take over natural areas, they impede resident swimming, boating or enjoying our
lands and waters. Some invasive species spread thousands of seeds in a year. We're not talking
about not liking the look of a dandelion on a carefully manicured lawn. We're way beyond that in
terms of spread, impact and ability to control.

One purple loosestrife plant produces two million seeds a year. It's covering in some instances
thousands of acres in Upstate New York and surrounding states and is now being seen in natural
areas on Long Island. Kudzo is on Route 110. It was once thought kudzo would never be invasive
on Long Island because it would die in our cold winters. Thanks to global warming, our winters
aren't that cold anymore and kudzo is surviving winters. If you've ever been to the south and have
ever driven on a highway, you've seen kudzo. It is covering every tree along their highways.

Preventing new invasions are a necessary component of an invasives management plan. Prevention is also far more cost effective and likely to succeed than after an invasive species has become established. In 2007 Nassau County spent over a million dollars to remove aquatic invasive plants from three ponds. This effort and cost will have to be repeated for many years to come. If Nassau had put a fraction of that one million dollars into a proactive prevention plan, they would not be facing these continuing costs in those amounts now.

The list is based on a rigorous, scientific protocol. If you would like to see the scientific assessments for invasiveness for each species yourself, it's kind of boring, but if you really want to I invite you to visit LLinvasives.org. Phase out periods for the growers and nurseries to sell off their current stock were made with the input of industry professionals. The cultivar exemption provides an opportunity for horticultural professionals to create 100% sterile cultivars of valuable species.

Lastly, I would like to thank Legislator Kate Browning for introducing this legislation once upon a time, I should say. Her district includes Yaphank Lake, a lake which looks almost like a lawn at this point it is so overgrown with cabomba. She has been on the front lines receiving complaints from residents who can no longer boat, fish or swim in their lake. If any of you would like to see the impact of invasive species for yourself, ask Legislator Browning for a tour. The County Advisory Board recommends this to slow the spread of invasive species into Suffolk's lands and waters. Thank you for your time.

P.O. LINDSAY:
Charles Scheer.

MR. SCHEER:
Good afternoon, Legislators. I'm Charles Scheer. I represent Long Island Farm Bureau and we are in support of this legislation. I want to take a minute to thank Vivian Viloria-Fisher for her efforts in getting us a seat originally when this law was passed. I think Legislator Lindsay may remember we had a very long and very contentious meeting about this law when it was first proposed. I think now we had a seat on the committee, thanks to Legislator Fisher and Legislator Schneiderman, and we had been able to come to a settlement of an agreement, compromise obviously, that have made us in a position where we can support the law.

The most important part as far as we're concerned, and I'm a retired nurseryman, ex-president of the Long Island Farm Bureau, and I find that this resolution for cultivar exemption is very important. It's probably a first for the United States at this time. None of the other resolutions about invasive species have dealt with the fact that we want to encourage industry to develop sterile varieties that will not become invasive. We have the technology, it's just a matter of encouraging businessmen to develop them, patent them, and get them into the sale, which will keep the species on the market, but not make them so that they are invasive.

I'd like to thank all the support. I've been very fortunate to have a seat both on the Scientific Advisory Committee and the Land and Water Committee, and we are very much in support of this. We like the way the legislation is right now and look forward to working on it in the future. Thank you.

P.O. LINDSAY:
Thank you, Mr. Scheer. Jennifer Hartnagel.

MS. HARTNAGEL:
Hi. Jennifer Hartnagel on behalf of Group for the East End. We are here to support this resolution. The proposed changes outlined in the bill significantly improve the existing legislation, and they are supported by diverse interests that have worked very hard to collaborate and find acceptable
compromises on all fronts. And the fact that improvements are being proposed and a number of diverse interests continue to collaborate is a measure of this legislation's success and there is no reason not to support this measure.

I personally lead numerous hikes out on the East End on behalf of my organization, and sadly it's sometimes easier to point out invasive species than it is to identify the native species. This is a really, really, widespread, big issue and this legislation helps to improve this problem. So please support this. Thank you for letting me speak.

P.O. LINDSAY:
Thank you very much. Kathy Schwager.

MS. SCHWAGER:
Hi. My name is Kathy Schwager and I am here in support of IR 1508. I'm an ecologist with the Nature Conservancy and I'm also the Chair of the Long Island Invasive Species Management area as well as a member of the Scientific Review Committee for the Long Island Invasive Species Management Area. I've been working on invasive species issues in the County on county, Federal and town lands and waters for over nine years and I have been surveying and mapping invasive species in Suffolk County parks for the last six years. During this time I have witnessed the spread of invasives into Suffolk County's parks and waterways, many of which have high value, both ecologically and for recreation. They are spreading into parks and preserves from the roads. They hitchhike on people and wildlife, and have actually in the past been planted around County buildings.

I must admit that I feel particularly deeply about this issue because I was originally contacted by then Legislator Peter O'Leary's office in December of 2005 and asked to talk to concerned constituents about invasive plants that had taken over Yaphank Lake. I got to hear firsthand the frustration and concern the local residents had because these plants had basically cost them the use and enjoyment of their lake. And I also saw my worst nightmare as an ecologist come true this past summer. I was there when hydrilla, arguably the single worst aquatic plant, invasive plant there is, was found in the Sans Souci Lakes in Bayport and later found again in Blydenburgh County Park. This plant grows very quickly in a wide range of conditions and therefore easily out competes native and even other invasive plant species. In the south control costs for hydrilla has numbered in the many millions of dollars and has led to the species being put on the Federal noxious weed list.

Because of these experiences and others like it, I would like express my support for this legislation and for the list itself. The proposed amendments to the Do Not Sell list were reached through a series of meetings of the Suffolk County Water and Land Invasive Species Advisory Board, based on work conducted by the LIISMA Scientific Review Committee, a subcommittee of LIISMA, the Long Island Invasive Species Management Area.

The Nature Conservancy and Brooklyn Botanic Garden developed a ranking protocol for invasive plants designed to be repeatable based on the best available science and clearly explained and fully documented. Plant assessment results are critically reviewed and approved by the LIISMA Scientific Review Committee. Nearly all the plants included in the Suffolk County Legislation have been reviewed at this time.

Members of the LIISMA SRC include botanists, horticultural professionals, ecologists, public land managers, researchers and representatives from Cornell Cooperative Extension, the Long Island Farm Bureau and the Long Island Nursery and Landscape Association.

These suggested amendments have come about as a direct result of the relationship forged between the environmental and horticultural communities, a relationship that is based on science, balancing industry concerns with environmental need. And this is evident in the fact that the phase out periods were approved by horticultural industry representatives and range from one and a half to six-and-a-half years. This gives growers time to sell their existing stock before the regulation takes effect.
Inclusion of language that would exempt cultivars that are effectively 100% male and female sterile will allow nursery industry to continue researching and developing cultivars for commercially valuable species, and together these efforts will mitigate financial impacts to the green industry.

For years I have been watching invasive species spread across Suffolk County and I continue to see the negative impacts they are having. I urge you to pass IR 1508 and slow the spread of invasives on our lands and in our waters. Thank you so much for your time.

P.O. LINDSAY:
Legislator Viloria-Fisher has a question for you.

D.P.O. VILORIA-FISHER:
I just have a quick question. That really awful invasive that you said you saw in Blydenburgh, that's not being sold anywhere, is it?

MS. SCHWAGER:
No, but one of the issues with aquatic species is that they're often mislabeled and sometimes they're sort of pieces of it can be sold with the stuff that you actually want so it's rather difficult to tell. Because it's on the Federal noxious weed list it's not allowed to be sold, but because it also looks very similar to some native species and other invasives it's hard to them apart and, you know, people in a pet store, they are not going to be able to tell the difference, and then that's how it gets sold.

D.P.O. VILORIA-FISHER:
So then how is our law going to be effective if they don't even know what they are selling?

MS. SCHWAGER:
Well, that's a good question. I think part of the issue is going to be proper enforcement, actually getting people into the aquarium -- into the pet stores and everything knowing what to look for.

D.P.O. VILORIA-FISHER:
Because I think that's what I think Pete O'Leary was really concerned about, was those aquatic plants that were being sold, right, in the pet stores.

MS. SCHWAGER:
You're correct. And, you know, some of them are very distinctive, but in the case, especially in the case of hydrilla, it does look very similar to many native species and to some other invasive species that are sold that it's just gets mistaken and it gets sold.

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

MS. SCHWAGER:
Thank you.

P.O. LINDSAY:
Okay. I don't have any other cards on this subject. Anyone else in the audience like to speak on this subject? Seeing none, Legislator Schneiderman, what would you like to do with this?

LEG. SCHNEIDERMAN:
Motion to close.

P.O. LINDSAY:
Motion to close. Do I have a second?
**LEG. LOSQUADRO:**
Second.

**P.O. LINDSAY:**
Legislator Losquadro seconded it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Sixteen.

**P.O. LINDSAY:**
*1545 - A Local Law requiring fairness in cooperative home ownership.* I don't have any cards on this subject. Is there anyone in the audience who would like to address us on this subject? Seeing none, I'll make a motion to close. Do I have a second?

**LEG. LOSQUADRO:**
Second.

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

**MR. LAUBE:**
Sixteen.

**P.O. LINDSAY:**
*1546 - A Local Law establishing the Suffolk County Shellfish Acquaculture Lease Program in Peconic Bay and Gardiners Bay.* I have a number of cards here. First up is Dave Bergen. Dave is our host. Thank you, Dave.

**MR. BERGEN:**
Yes, good afternoon, Ladies and Gentlemen, and welcome back to the Culinary Arts Center at Suffolk Community College. We're proud to have you here and looking forward to having you here in August for a shorter meeting we hope.

I'm here to provide you with a public comment with regards to the proposed Aquaculture Leasing Program. First of all, I'm speaking as a Town Trustee in Southold, not on behalf of the Town Board. As some of you know, the Town Board passed a resolution not to support this program and I did not support that vote of the Town Board.

I have been attending meetings related to this proposed program for several years now. While I have not attended every meeting, I feel I have attended sufficient meetings to possess a general understanding and appreciation for the proposed program. A lot of time and effort has gone into the process to date and the entire ALPAC Committee should be commended for their efforts. While I fully support aquaculture and feel a balance can be maintained between both the recreational boaters in Peconic Bays and those who might participate in this program, I do have a couple of concerns which I want to convey to you today.

Over the past several years I've expressed my concerns in two areas. One was with regards to the boundaries of Southold Town and the potential hazards in navigation which could result from this program. The County has limited the respect for our jurisdictional boundary to 1,000 feet from the shoreline. Southold requested a legal opinion from New York State related to this issue this past winter as a result of a lawsuit followed by a bayman challenging our jurisdiction. The court threw out the suit filed by the bayman stating that the town did have legal and code enforcement powers on the waters within our jurisdiction. As such, the bay constables could enforce the town code plus local and State laws on our bay waters.
An opinion rendered by Mr. Bill Sharp, Principal Attorney for New York Department of State, he stated that the town has jurisdiction for surface waters up to halfway across the bay. He cited in his opinion case law and New York Legislative acts from 1884 and 1906 which delineated these boundaries. To quote from Mr. Sharp's letter, "The 1906 act of the State Legislature authorized Suffolk County to establish town boundaries in Peconic and Gardiners Bays and to divide the lands amongst the Towns of Southold, Riverhead, Southampton, East Hampton and Shelter Island, in the bays for the purpose of local government jurisdiction and real property taxation." Unquote. He concluded by writing within its off shore boundary area in the bays the Town of Southold is authorized to exercise its full regulatory jurisdiction and collect real property value -- property taxes, I'm sorry.

What this means in my opinion is that while the County can certainly put into place this proposed program, the use of any surface buoys or gear up to halfway across the bay is subject to approval by Southold Town. The County has stated that each application will be published, or excuse me, posted for public notice. Individuals or the Town could object, but these objections would only be given consideration, not the absolute right for denial by the Town.

This brings me to my second concern, which is the hazard which surface markers create for recreational boaters. While the County has stated that the leaser has the option of using methods other than surface markers for the program, the program does not forbid the use of surface markers. Now, there are presently some leased areas in Great Peconic Bay to the west side of Robins Island and to the east side of Robins Island. These bids are marked on the corners by floats and pennants and contain many pots inside the marked areas. Recreational boaters have found these areas impossible to navigate. Now, if one looks at the map of the proposed leasing area, paying particular attention in Little Peconic Bay from government marked R18 west {red 9KP}, the program calls for a maximum of 60 lease plots per year over a ten year period. This could result to 600 of these lease pots being used over the next ten years. These could be located in the area mentioned. It would create a huge hazard to navigation. Who is going to be responsible for the recreational boater traveling in the dark, runs into one of these areas, and subjects their boats to damage when they run into surface gear or worse yet, are injured of a result of these collisions.

In addition to these critical navigation issues, this program potentially closes off these grounds for use by our baymen who presently fish these areas unless, of course, they want to apply for one of these leases.

Please understand I am not here today saying scrap this entire program. There are many parts of this program that are great. I feel that the opportunities for harvesting the shellfish of our waters where practices and methods can coexist with recreational boaters as they have done for many years. We do not need to throw out the baby with the bath water. What we need to do is respect the jurisdictional boundaries of our Town and to work with Southold Town to reduce the scope of the areas depicted on the map to a reasonable level which support aquaculture while at the same time will allow recreational boaters to navigate our water safely. I thank you.

P.O. LINDSAY:
Dave, Legislator Kennedy has a question.

MR. BERGEN:
Yes.

LEG. KENNEDY:
Thank you for coming to speak about this. Approximately how many baymen do you have out there in Southold, whether they are full-time or part-time?

MR. BERGEN:
I honestly don't have the answer to that. I think there's some people in the audience that would have a better -- would be better qualified to answer that, but I honestly don't know how many
baymen we have total.

**LEG. KENNEDY:**
Okay. As Town Trustee, though, the Town Trustees, my understanding are your province or jurisdiction is the underwater lands and the governance and the use of them.

**MR. BERGEN:**
Correct.

**LEG. KENNEDY:**
Different from a Town Councilman.

**MR. BERGEN:**
Correct. The underwater lands in the creeks. The underwater lands in the bay are owned by the State, not by the town.

**LEG. KENNEDY:**
But yet didn’t we just talk about this letter that came from the State?

**MR. BERGEN:**
Yes.

**LEG. KENNEDY:**
Whomever was -- Attorney General’s Office or whomever?

**MR. BERGEN:**
Yes, Department of State, Bill Sharp. What he was saying, that the court case in general that was filed by the baymen, our bay constable had issued a violation to a bayman and what he challenged was he was in State waters and the Town had no right to enforce State Law in State waters.

**LEG. KENNEDY:**
Oh, okay.

**MR. BERGEN:**
And the court said no, the bay constable did have that right.

**LEG. KENNEDY:**
Does Southold Town, do the Trustees in Southold Town do any kind of licensing? How can an individual come out to a bay and --

**MR. BERGEN:**
Yes.

**LEG. KENNEDY:**
Let’s say out in Orient Harbor. As a matter of fact, I’ve been out there many times recreationally clamming.

**MR. BERGEN:**
Yes. And we have a permit process where you have to apply, either commercial or residential or nonresidential, have to apply for a permit to clam or to go after scallops.

**LEG. KENNEDY:**
Exclusively done at a town level at this point?

**MR. BERGEN:**
Correct.
LEG. KENNEDY:
Okay. Is residency any of the requirements there? If a commercial bayman wants to come in and be able to go ahead and harvest commercially, does he still have to be a town resident or can he apply?

MR. BERGEN:
No, he can apply only to the extent when you ask if there is a difference, yes, only to the extent of the fee structure. In other words, nonresidents for recreational, yeah, pay a little more than residents do.

LEG. KENNEDY:
Okay. But nevertheless, that's still a function that goes on at this point right now at your town level.

MR. BERGEN:
Correct.

LEG. KENNEDY:
Okay. I would be interested if you had a copy of that letter if you could forward it. I will give you a card I guess.

MR. BERGEN:
I can have it for you within five minutes. It's right upstairs.

LEG. KENNEDY:
That's great. I would be very interested in that. Thanks very much.

MR. BERGEN:
You're referring to the letter from Bill Sharp.

LEG. KENNEDY:
Yes.

MR. BERGEN:
Yup.

MR. KENNEDY:
Thank you.

P.O. LINDSAY:
Wait, Dave. Legislator Romaine has a question.

LEG. ROMAINE:
Hi, Dave. How are you?

MR. BERGEN:
Good, Ed. Thank you.

LEG. ROMAINE:
You make an excellent point that possibly some western Legislators don't understand. In three of our western towns we have Trustees, in Southampton, East Hampton and Southold, as well as Town Board members. And the Trustees are primarily responsible for things involving the waterways, docks, things of that nature, uses of the waterways, dredging, etcetera. Are you saying that the shellfish leasing program that is before us today in this Public Hearing lacks consideration of the town's role, particularly Southold's role, in implementing this program?
MR. BERGEN:
What I had stated was that the program respects our boundary only to 1,000 feet off shore, and the
town is saying, I'm sorry, no, we have jurisdiction out to halfway across the bay for the surface
waters. Again, surface waters only.

LEG. ROMAINE:
Surface waters, which I think that was established when we look at town boundaries, we look at any
map in the Peconic Bay it's halfway across the bay --

MR. BERGEN:
Correct.

LEG. ROMAINE:
-- between let's say Shelter Island and Southold, East Hampton and Southold, depending on where
you are in the bay. So this program doesn't take into account your jurisdiction of surface waters
because it does allow surface markers for many of these people who might be doing leasing. Is that
correct?

MR. BERGEN:
Yes. We're allowed to make comment on any proposed leases, but we don't have the right to say no
in that area specifically we have a reason why we do not want it. As it's presently written.

LEG. ROMAINE:
Do you believe that it creates a legal conflict between the County and the Town?

MR. BERGEN:
I'm not an attorney. I think it could, but I'm not an attorney.

LEG. ROMAINE:
Could you briefly explain -- I know you're not a member of the Town Board --

MR. BERGEN:
Correct.

LEG. ROMAINE:
Could you capsulize why they oppose this program?

MR. BERGEN:
I can't speak for the Town Board.

LEG. ROMAINE:
Right, I know that.

MR. BERGEN:
In the presentation that was made to them they were very concerned about the navigation, the
hazard to navigation if there was a potential build out, again, of the 600 potential areas over ten
years in a limited area within our bays, that that would pose --

LEG. ROMAINE:
Because many of those areas are within the surface waters of Southold.

MR. BERGEN:
Correct, correct. And I have a copy of this if anybody wants to see it. But, again, what they were
saying is they were opposed -- what I understood the Town Board to say, they were opposed to that
part of this so there was a resolution put forward to oppose this. I said no, I do not support that. If
you have a question about particular parts of this you should come to the hearing here on the 23rd today, and instead the Town Board decided to vote to just oppose the legislation. So you’d have to talk to them about their reasons why.

LEG. ROMAINE:
Okay. Thank you very much. I will seek that out. I see my Aide is here. I'm going to ask him to contact by E-mail Supervisor Russell to get the Town Board's reason for their opposition. I appreciate you showing up.

P.O. LINDSAY:
Thank you, Dave. Okay, Alpa’s back on.

D.P.O. VILORIA-FISHER:
She's busy today.

MS. PANDYA:
Hello, and I have another letter for circulation, please. Thank you. Hello again. My name is Alpa Pandya. I'm with the Nature Conservancy and I'm here to speak on behalf of IR 1546, a Local Law establishing the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. The Nature Conservancy on Long Island has been involved in the aquaculture issue in the Peconic Estuary since 2001 when we formed the Peconic Bays Aquaculture Advisory Committee to examine the extent to which the waters and underwater lands of Peconic and Gardiners Bays should be made available for private commercial shellfish culture.

In 2002, the PBAAC released a report entitled Final Report of the Peconic Bays Aquaculture Advisory Committee that offered a structured approach to directing the future of commercial aquaculture in Peconic and Gardiners Bay. The report was included in the appendix of the Suffolk County Aquaculture Committee's report entitled the Policy Guidance for Suffolk County on Shellfish Cultivation in Peconic and Gardiners Bays.

In 2005 the Aquaculture Lease Program Advisory Committee was established by County Executive orders 44 and 45-05. The membership of ALPAC consisted of 17 entities, including the Nature Conservancy. Between June 29, 2005 and April 21, 2009 the Suffolk County Planning Department chaired 20 working meetings of the committee to which the public was invited. The meetings were well attended by baymen, aquaculturists, recreational fisherman, and other interested parties. The result of this comprehensive and transparent effort is a plan for aquaculture in the Peconic and Gardiners Bays that protects the ecological integrity of our East End waters and provides economic opportunities for Suffolk County residents. The Nature Conservancy supports the Suffolk County Shellfish Aquaculture Lease Program. We thank the Suffolk County Legislature for this opportunity and we certainly commend the Suffolk County Planning Department for their hard and thorough work on this issue. Thank you.

P.O. LINDSAY:
Thank you very much. Charles Scheer.

MR. SCHEER:
I had put in a card for Farm Bureau. I'd like to give the microphone to Mark Zaweski, who is our President who is here. His card is further down in the pile.

P.O. LINDSAY:
I'll get to him.

MR. SCHEER:
Okay.

P.O. LINDSAY:
You want to talk?

**MR. SCHEER:**
Just that Farm Bureau supports the leasing.

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

**MR. WEMYSS:**
Hi, my name is Bob Wemyss. I’m Secretary of North Shore Baymens Association. The authorizing statute states that the following land not be included in the shellfish cultivation zone. Underwater lands where there is an indicated presence of shellfish in sufficient quantity and so located as to support significant hand raking and/or tonging harvesting. The problem with this designation and the designation of a cultivation zone is the major public trust cornerstone of this legislation, is that County Planning has wholesale included most of Peconic Bay in the cultivation zone. The State Legislature says you cannot include natural clam beds. It’s not -- an indicated presence. The presence was indicated to them. They have not done one single bottom survey on one part -- on one parcel of land. This is it right here. The shift after the cultivation zone map is adopted is to the public to prove that something that you're leasing is a clam bed, when prior to incorporating anything into the cultivation zone there was a requirement that you make a determination that it's not a clam bed. And I can tell you designating 100,000 acres, this is places where baymen are working. How can someone say it's not a clam bed? How can someone say it's not being commercially harvested? It cannot be included in the cultivation zone.

If you adopt this map, I'm going to go straight to the New York State Attorney General and Department of Conservation because the Department of Conservation has authority over the act and ask them to throw the map out because you clearly don't understand what needs to happen. It's a bottom survey, it is not anecdotal information from anybody. You can take all the anecdotal information you want, maybe it would be a good place to look for lands that are not productive. But the only way you can actually include a piece of land into the cultivation zone is by physically checking that piece of land. You should ask Planning if they physically checked any piece of land and they didn't. That means dropping a meter square grid down on the bottom and finding how many clams are there. They said a meter square to be considered nonproductive would have two clams per meter. That is considered a high density. The standard that I found is low density, .01 to .80 clams per square meter; medium density .9 to 1.4; and high density, 1.5 to 2.1. You can't be giving away high density clam lands. You haven't even checked them.

You also included in the cultivation zone oyster grants without checking the bottom. There aren't clam beds. Major lawsuit with the Department of Conservation proved that the piece that aquaculture technologies had in Gardiners Bay, which shows on this cultivation map as being included, is a natural clam bed. They dredged a million dollars worth of clams off the thing and you included it in the cultivation zone. You're putting the cart way before the horse. You want to lease 60 acres of land in the first year? Why would you designate 100,000 acres in the cultivation zone? It makes no sense at all. You go after the amount you need. The act gives you the right to go back and designate cultivation zone after five years. You need to get to square one. You're giving away the public bottom.

The act doesn't say people have to be actively working there. The act says that there can't be significant clams on the bottom there. You don't lease lands that are productive. These are edges running around Gardiners Bay, around Peconic Bay, that have clams on them where people are working. Even if a person isn't working there, there's old growth clam beds there that are much better left alone than given to aquaculturists. You need to find places that don't have clams on them. You're giving away the store. The baymen's right.

There's three great areas in the State -- of State water, not town controlled water, where baymen can work. That's Raritan Bay up west, that's closed to open shellfish and the clams are mostly
transplanted out here, western Long Island Sound and Gardiners and Peconic Bay. It is not a local resource. This is State baymen that rely on this resource and you don't understand it. You don't understand. You haven't taken the time to understand and the people in planning are trying to give away public property. Cultivation zone map is trash here. It's unbelievable. You included this clam bed off of Gardiners Island. East of Gardiners Island right there? A thick clam bed. Up on the sides of Peconic Bay on the north side and the south side? Thick clam beds. It's criminal.

P.O. LINDSAY:
Thank for you coming.

LEG. ROMAINE:
Question.

P.O. LINDSAY:
Wait, Legislator Romaine has a question.

LEG. ROMAINE:
Thank you for coming today. Let me just understand the basis of your premise. What you're saying is in the leased areas that the County intends to lease out for the Shellfish Aquaculture Program, that these are natural clam beds, that we would be giving away a resource. Is that correct?

MR. WEMYSS:
What I'm saying is the State law gives you the authority to lease unproductive land.

LEG. ROMAINE:
Right.

MR. WEMYSS:
It also directs you prior to any leasing to designate a cultivation zone or cultivation zones that are vetted for being nonproductive, right?

LEG. ROMAINE:
So whether you're saying, let me just understand this, because it is a question and answer period. What you're saying is in establishing those cultivation zones, the Planning Department of Suffolk County did not do the type of survey work that was necessary to determine that natural clam beds weren't there, because if natural clam beds are there, that shouldn't be in the cultivation zone. Is that correct?

MR. WEMYSS:
Absolutely.

LEG. ROMAINE:
All right. So what I'm going to do, because I see our Planning Commissioner or Planning Director sitting in the audience today, Mr. Isles, I am going to ask him to --

P.O. LINDSAY:
Not now. You are going to save that for the debate. This is a public portion, Public Hearing.

LEG. ROMAINE:
Okay. I thank you for bringing this to our attention and I will look into this matter before we cast the vote. Thank you.

MR. WEMYSS:
Just ask if they did an actual survey of the bottom.
P.O. LINDSAY:
Legislator Kennedy has a question.

LEG. KENNEDY:
You've spoken to us before about this issue. You represent the North Shore --

MR. WEMYSS:
North Shore Baymens Association.

LEG. KENNEDY:
Baymens Association. So you are -- you're a clammer.

MR. WEMYSS:
Right now I'm an iron worker. I'm still the secretary of the Baymens Association.

LEG. KENNEDY:
Okay.

MR. WEMYSS:
I'm a licensed clam digger in the State of New York, yes.

LEG. KENNEDY:
Okay. Is there any -- are there baymen that are out there working these areas now out in Peconic?

MR. WEMYSS:
Yes. You had them talk about a lawsuit today with a bayman. He was working in the cultivation zone.

LEG. KENNEDY:
Okay. So all this area that we're looking that's being represented as I guess somehow not being productive or not yielding shellfish in fact actually right now is being worked and being harvested by independent baymen.

MR. WEMYSS:
Well, if you'd look at what the State intended by designating a cultivation zone, and it goes back to the Peconic Aquaculture Committee, was the idea to stop the conflicts that had gone on throughout the State whenever anybody wanted to lease underwater land was to properly vet areas prior to them being offered for lease because there would always be a contention that they were productive. What I'm saying is that the Planning Department did not set up a protocol to physically inspect the lands, to grade the habitat. They did a lot of fancy work, but they didn't go out on a boat and drop a grid and check for clams.

LEG. KENNEDY:
Okay. You also, when you previously spoke to us, talked about Public Trust Doctrine. Does the public -- did the State Department of State square with the Public Trust Doctrine for implementation of this program or does that --

MR. WEMYSS:
Frankly, the Department -- the Department of State in coastal zone management or coastal resources has either dropped the ball or whatever. I mean, you can't -- you designate 100,000 acres without thoroughly inspecting it, you're way off base. That's the only public trust element or one of the only public trust elements in the act. The same thing with the oyster grants originally. If you really -- someone really needs to look at what happened with the original oyster grants to see what's happening here.

LEG. KENNEDY:
Okay. Thank you. Thank you, Mr. Chair.

**P.O. LINDSAY:**
Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**
I'll try to put this into the form of a question. I've been pretty involved with this program, and the 100,000 acres is the -- that's the full system. That's what we're talking -- that's the whole Peconic Bay system. Are you aware that the program is to lease out roughly 60 acres of that system in the first year? Sixty acres in the first year of only unproductive lands. We're not talking about that 100,000 acres, only 60 acres that has been shown to be nonproductive.

**MR. WEMYSS:**
Okay. It would also allow the leasing of grant lands. For what total acreage would that be?

**LEG. SCHNEIDERMAN:**
That's hundreds or be maybe a couple of thousand acres of existing grants that are being folded into this program. But in terms of new lands that would be leased, we're talking about 60 acres in the first year.

**MR. WEMYSS:**
I understand. The way the act is written that to set up a cultivation zone is -- that's the time. It's prior to designating the cultivation zone that those lands are vetted. The Planning had the option to vet a parcel of 60 acres if that's what they needed. And again, could revisit it in five years. I'm not suggesting 50 acres should have been the thing, maybe 10,000 instead of 100,000. And maybe if they could have used their money well, they could have vetted very carefully 1,000 acres and offered that and I wouldn't have any reason to object. But look at the -- look at the way the act is written. It clearly says cultivation zone cannot include these lands. So this is -- this is my bite at the apple. I'm saying you've included this in the cultivation zone and the County Legislature cannot designate this as a cultivation zone because there's a whole shift afterwards where it's going to be at the individual's cost to go after this parcel at a time, and down the road, years down the road, you see how many leased sites that have been placed on this map. What would I do? You would put them up and I would have to shoot them down one at a time? No, the obligation is not to include productive lands in the cultivation zone from the get go.

**LEG. SCHNEIDERMAN:**
I understand your point. The map was done as basically like a grid so it would be easy to designate areas so, you know, like longitude and latitude we could say okay, this is the area, this isn't the area.

**MR. WEMYSS:**
This is the area you've included, 100,000 acres. You can't make it less impressive. It's huge and it hasn't been tested.

**LEG. SCHNEIDERMAN:**
Right. But that is just basically a grid showing the Peconic Bay system, not the area that the County will ultimately lease out, a very, very small portion of that area.

**MR. WEMYSS:**
Right, but the parcels -- the oyster -- including the oyster grants that you knew were clam beds because this Legislative body actually declared a public need for them and tried to take them back. I mean, you can't -- we can go back and look at that, but that's what the body did. And then you included them in the cultivation zone. They're a clam bed. It's a perfect example of how you've included clam beds in the cultivation zone.

**LEG. SCHNEIDERMAN:**
But we're not prohibiting baymen from entering onto those areas for the purpose of harvesting natural clams.

**MR. WEMYSS:**
Well, certainly the grants that would be leased you wouldn't be able to go there and take the natural clams. But the point is cultivation zone can't include a natural clam bed.

**LEG. SCHNEIDERMAN:**
Thank you.
MR. WEMYSS:
There's no exemption in the legislation for oyster grants. They're productivity determination -- there's nothing in the law that even allows you to lease an oyster bed. Nobody could anticipate that's what was meant by the State, some twisted, convoluted way that people with oyster grants can lease them so they can dredge clams? You couldn't figure that out from what the State Legislature passed. No way.

P.O. LINDSAY:
Thank you. Okay. Mark Zaweski.

MR. ZAWESKI:
Good afternoon. I'm Mark Zaweski, President of the Long Island Farm Bureau. I'd like to express the support of the Long Island Farm Bureau for IR number 1546, a Local Law establishing the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. The Long Island Farm Bureau has been working for nine years with the shellfishing farming members to help bring the legal framework for access to underwater land for shellfish farming into the modern era. Excuse me. This program will allow those currently cultivating shellfish on old oyster grants and temporary marine area use assignments to continue their operations with a more solid and unassailable salable form of access. New entrants into the field will be able to obtain a lease that has had extensive review and offers permanence.

The shellfish farming community supports this resolution and leasing program in spite of the lengthy approval process, the oversight, the recordkeeping, and the expense. It is the only opportunity the State has provided for the growth of this industry in 30 years that is not temporary. It also calls for relief to those who concurrently farm shellfish and assures them that their operations can continue. Shellfish farming is sustainable and imparts an environmental benefit and has a small footprint for a unit harvested. On behalf of the Long Island Farm Bureau, I urge you to pass this resolution. Thank you for your consideration.

P.O. LINDSAY:
Thank you. Next is David Relyea.

MR. RELYE:
I'm David Relyea. I'm co-owner of Frank M. Flower and Sons Shellfish Company in Oyster Bay, Nassau County. I -- we are primarily an aquaculture operation that has a hatchery to supply our own lands that we lease from the Town of Oyster Bay. The hatchery supplies the seed to plant those grounds and -- but we also have a side business of selling seed to a lot of the people that grow them in the Peconics. And we've been in business for 100 years. We're the last of the traditional shellfish companies left in New York State, so we're kind of a dinosaur, but we've been able to stay in business by using the modern techniques of aquaculture. We've been very successful with doing that. We would like to continue supplying seed to the East End. It's quality seed, it's not from another state.

As far as the program itself goes, I've attended most of the ALPAC meetings that have gone on for the last two years, and I think they've done a very professional job of setting things up and everybody had an opportunity to comment in detail on all the issues over the last two years. To me, it seems wrong for Baymen's Group to come in at this point and try to scuttle the whole program after very little participation during the two years. So -- and as far as the size of the program goes, sure, it's very impressive to say 100,000 acres are involved, but you're going to hear more about that, and what I'm going to say is that what is proposed here is so -- it's so small as to be practically insignificant. It will have no impact on the environment and it will have no impact on the economy. It is a foot in the door for aquaculturists to get started. And if they don't do a good job, you can shut them down. So, give them a chance. Pass this legislation.

P.O. LINDSAY:
Thank you. Tom Kehoe.
MR. KEHOE:
Good afternoon, members of the Legislature, my Legislator, Mr. Cooper. Good afternoon, Jon. Good afternoon, Wayne. I served with Wayne on the Wastewater Task Force. I'm the President of the East Coast Shellfish Growers Association, which is an association that represents just what we're considering today, small oyster and clam farms from Maine to Florida. We have about 1,000 different aquaculture operations in our membership. So I have a little bit of experience in terms of dealing with these sorts of problems all up and down the east coast. I also own a pretty successful shellfish buying business in Mr. Wemyss' hometown and I'll comment about his comments in a couple of seconds, and I'm also an elected Trustee in the Village of Northport, which is how Jon and I interact. Not always on the same side of the fence, but we interact on a lot of different issues.

Ladies and Gentlemen, you know, aquaculture is one of the few things left in the whole farm and food world that is green and very sustainable. In the whole farm and department of aquaculture, and I think the Farm Bureau people will talk a little bit more about this, it's the largest growing segment in agriculture. Aquaculture is the largest growing segment, and why, because the most progressive state's in the country like New York are -- we're way behind Alabama and Mississippi and Texas. Most of the states that coastlines from Maine to Texas have very aggressive and proactive aquaculture programs that provide income and real, real bona fide jobs to many, many people.

As Dave Relyea stated, who I've known for many years said, this is an infantismal step forward, but it will provide a base platform from which this aquaculture program could grow long after we're all done debating this stuff many years from now. Aquaculture can provide jobs here in Suffolk, and I don't think there's any of you folks that would want to go back to your constituents and say we're voting down job opportunities. We need things that can provide with W2 employment to our people. Aquaculture in many parts of the world feeds people, really is a source of legitimate food, sustainable protein that people eat and depend upon. Not so much here in the United States, but it could, and this is the beginning and we could be sowing some of those seeds.

Aquaculture can coexist with the recreational boating industry and the baymen, and anyone who's been in my end of the business can tell you that unfortunately the Peconics have not produced a lot of clams in the past 10, 15, 20 years. There are some transplanting operations where they take the shellfish from up in Staten Island or Little Neck Bay and bring it out here. But actual Mother Nature clams coming out of the bottom of the bay I think my long time opponent Mr. Wemyss is a little disingenuous when he said that there was no bottom survey. There really isn't need for much of a bottom survey because the Peconics, if you go to the State records, DEC's records, hasn't produced much in the way of raw clam tonnage in the past 15 to 20 years.

Aquaculture and especially oysters, and Wayne and I had into this a little bit, can be a great source of cleaning the water column. You know, 15 or 20 years ago nobody cared. They oyster farms went out of Huntington Bay and nobody really cared. Now they realize that one little oyster will filter 40 gallons of water a day and the receding oysters in the Raritan River over near the Meadowlands, they are reseeding them in places that -- New York City has a whole program. There is someone in the EPA if you go online that works for the City of New York reseeding around Flushing Meadows and places where the water is awful. Not for people to consume or to harvest, but so that they can aid and abet Mother Nature in the filtration and the depletion of the wetlands and maybe possibly restore some of these water columns.

Seafood is one of the last resources that is hunted around the world, and you know, we license baymen to go out and hunt and they don't know what they are going to make in a given day. This is an opportunity for the baymen of New York State on the East End towns to possibly augment or supplement their income and continue to be able to make a way of life that so many of them doggedly cling to and admirably so.

The natural clam beds that Mr. Wemyss talked about in the cultivation zone, and I think my friend
Mr. Schneiderman talked about it eloquently, at the most is going to be 3,000 acres under cultivation under lease. And I think there's a fail safe in it to allow for 5% every year. So it's going to be a very, very minimal increase. When you're talking about 100,000 plus acres in the Peconics, it's nominal. You know, it's up to you folks to decide whether you think this is a viable program, but I think there's great merit to it. And if we're talking about green, and my friend Mr. Cooper is one of the real proponents, sustainable and environmental programs, this is definitely one of them and I urge you to support it. Thank you very much.

P.O. LINDSAY:
Thank you very much, Mr. Kehoe. Bill Pell.

MR. PELL:
Hello. Thank you very much for giving me an opportunity to speak. I grew up in Southold and Greenport and my father made a living from the water, my grandfather did, and so I did. I was one of the few people here who can tell you how many buoys I saw out when I was a kid. When Long Island Oyster Farms had their oyster farms, when Plocks had their oyster farms. I was there. I remember the scallops. I remember going out with my father picking up clams in South Jamesport at John {Trymes's} Clam House, and all the baymen coming down to my father's platform, shipping clams and scallops and oysters to the City. Those days are gone.

Back in the 40's it was roughly about 15,000 people who worked in the oyster and the seafood industry on the south end, with the North Fork and the South Fork. Now it's gone. One day Jay Schneiderman came out oystering with me in the snow. He was happy; he had a good time. He felt what a bayman feels to be out on the water. And this gives opportunity for part-timers or full-time baymen to stay on the water without trying to get a permit, fighting the fluke law, fighting the different type of fishing laws. They can go oystering.

Every time you hear a negative thing about oystering, about this program, there's ten good things you can hear about it. I can go back and debate Wemyss, I can go back and debate the guy from Southold. If you can't drive a boat, I mean, on the east side of Robins Island -- I know the guy. He has a 42 foot boat. Do you think he puts his buoys where he can't maneuver around his buoys? Where I oyster I have 100 buoys in a small creek in Southampton Town. I never had one complaint where people can't maneuver around my buoys. I do it all the time. Ed Romaine came out with me, he saw me that I did it. He took the time. I'll take any of you people out if you want to see it, to be on the water and feel what it's like to be on the water.

You have remember one more thing, too, is when you go into a restaurant and you order a clam on a half shell or an oyster on a half shell and you eat it and you taste it and you like that taste, where did it come from? Peconic Bay, Gardiners Bay, because that taste is only in one species, one area, that's that bay. You can take an oyster from Long Island Sound, Jersey, it tastes totally different. That's why we have a good area, we should keep it clean, and the oystermen will take care of the water, just like the baymen will take care of your water. Oystermen put things back into the water. They don't take. Clammers take the clams, they don't put anything back. Oystermen, they protect their farm because they want to keep on farming. They want the waters to stay clean. And when you take a cage of oysters and put it in the area, okay, that cage goes down clean, there's nothing on it, just oysters and a plastic coated cage. You come back two months later, you lift that up, you got barnacles, you got seaweed, you got eels coming out, you got seahorses on it, you got baby blackfish on it, you have all these other stuff, what is being depleted, having a place to live. Thank you very much.

P.O. LINDSAY:
Wait a minute, Mr. Pell. Legislator Alden has a question.

LEG. ALDEN:
Hi. How do you harvest? Do you use a dredge or --
MR. PELL:
No. Farming is mostly all by cages. You put them in cages. Some of the cages, they are roughly three feet by five feet, two feet high, three feet high. Different oyster growers grow the oysters in different ways. Some have trays, some have racks, some put them on the bottom. You can't really put them on the bottom in the bay because you have too many drills and you'll lose them.

LEG. ALDEN:
This proposed legislation deals with oysters and clams?

MR. PELL:
Mainly oysters, but on the grants we want to be able to grow clams, too. It's not really feasible to grow clams because of the price of clams. When I first started to do oysters, oysters were 15 cents, 20 cents, if you could sell them. Okay. A wholesale farm raised oyster is probably anywhere to the wholesaler from out here is probably anywhere from 45 to 65 cents.

LEG. ALDEN:
So you don't harvest clams.

MR. PELL:
No.

LEG. ALDEN:
Okay. Thank you.

MR. PELL:
Thank you.

P.O. LINDSAY:
Karen Rivara.

MS. RIVARA:
Good afternoon. My name is Karen Rivara and I'm a member of the Noank Aquaculture Cooperative and also I'm a member of the Aquaculture Leasing Program Advisory Committee. I have a copy of my statement here. Thank you. The eight New York members of the Noank Aquaculture Cooperative represent both newcomer and veteran shellfish farmers. We cultivate oysters, hard clams and bay scallops on both underwater grants and temporary marine area use assignments. Some of our members are baymen who want to ensure a sustainable living harvesting shellfish. We are small scale growers who want a stable form of underwater land access on which to manage our farms.

Shellfish farming is sustainable and environmentally beneficial. All forms of shellfish cultivation have been given the opportunity to thrive in our neighboring states because of this fact. New York stands alone with an antiquated and dysfunctional framework on which to grow one of the most vital industries of the future. In giving the County of Suffolk the right to lease underwater land by establishing aquaculture zones, the State Legislators in 2004 made a move to modernize access.

The program developed by the members of the Aquaculture Leasing Program Advisory Committee over the past three years allows for a modest improvement in the process of accessing -- accessing underwater land for farming. I have been the representative for the shellfish farming committee -- community on this committee. It has been a frustrating and onerous process. Some shellfish farmers are concerned about the increased cost and oversight. The committee has spent the past three years addressing all of the stakeholder concerns regarding this program. Concerns about bottom cultivation have limited the program from the proposed 50 acres to ten acres for leases for newcomers and current assignment holders. Grant owners must lease their own property to continue to grow species other than oysters. A cap of 60 acres per year is set on the new acreage. When we finished our work last month all stakeholders who attended our meetings were satisfied.
MS. RIVARA:
It is the only opportunity for stable growth for the industry that has been given to us in 30 years. If no leases are issued by the County by 20 -- by December 31st, 2010 the right to lease underwater land will cede back to the State. The industry will have less opportunity than it currently does as the New York DEC is understaffed and unable to manage its current responsibilities. The only chance for growth and stability lies with you. Please adopt Introductory Resolution 1546, Local Law establishing the Suffolk County Aquaculture Lease Program and Peconic Gardiner's Bay. Also, my contact information is on the bottom of this statement, and I'm happy to give anybody a tour of our farm out in Southold at any time you are out on the east end. We have a fully integrated system so you can a shellfish hatchery. You can also see the nursery system and our harvest boats, and I'm happy to do that.

I'd also like to make a few corrections to statements that have already been made. The first statement is the green zone that you see on the map is not 110 acres. The total estuary is 110,000 acres. The green zone is actually about -- it's under 30,000 acres; it's about 29 and change. So that's acreage that was vetted to the other stakeholder groups and determined not to be used for recreational fishing and commercial harvest of shellfish. Also, the Town Board of Southold felt they were misled when they issued their resolution. They're having a work session next week, next Tuesday, to review the issue and will very likely rescind their resolution. So I just wanted to clarify that as well. I'm a member of the Southold Town Agricultural Advisory Committee as well. Thank you for your consideration and hopefully your support.

P.O. LINDSAY:
Thank you very much. John Aldred? John Aldred?

MR. ALDRED:
My name is John Aldred. I'm Director of the East Hampton Town Shellfish Hatchery, and I'm a member of the Aquaculture Lease Program Advisory Committee. I just wanted to give you a little perspective on the process from East Hampton's point of view.

East Hampton is -- I'm representing East Hampton on the Lease Program Committee along with the Secretary of the East Hampton's Baymen's Association, Arnold Leo, and another member of the association, Stewart Heath. During the vetting process, what we did was met with a committee that's been formed in East Hampton Town, the Commercial Fishing Advisory Committee for which Arnold Leo, one of the members of our pack, is also a consultant. That committee is made up of a variety of commercial and recreational fishing interests, and it was kind of hashed out through that process what underwater lands in the bay in East Hampton Town would and might and might not be appropriate for this program. And out of that process, about 4 or 500 acres in Napeague Bay north of Amagansett were identified as a possibility. Most of Gardiner's Bay, I think, if you looked at your maps, has been eliminated from the potential lease area, and that's because of the commercial fishing in that area. Traditionally, I mean, granted, the grants -- the oyster grants have been a contentious issue between oystermen and commercial fishermen. That's been recognized by this program, and it's been addressed, and it continues to be addressed. That's my main point. Some on the commercial fisherman in East Hampton were concerned, what happens if -- what happens if somebody said sets up in an area that I may be dragging through or I may want to drag through? And there is provision in the program for addressing those issues periodically down the line. And that really set the commercial fishing interest, in East Hampton, anyway, mind at east; that they knew they would be listened to. They had been listened to through this process, and it's been a fairly satisfactory process for -- from East Hampton's standpoint. So I'm here to support the lease program, and as many people have said, it can provide an economic benefit in an environmentally sensitive way, and thank you very much.
P.O. LINDSAY:
Hold on, Mr. Aldred. Legislator Alden has a question.

LEG. ALDEN:
In your area, how many -- and I'm going to call them clam diggers -- I mean, they're baymen, but how many clam diggers do you actually have in your area?

MR. ALDRED:
Well, I'm not sure about clam diggers. I mean, East Hampton is sort of an oceanic fishery --

LEG. ALDEN:
Right.

MR. ALDRED:
so the baymen are kind of eclectic. They do a little bit of everything. There aren't as many baymen as there used to be. There used to be a few hundred. Now, there's -- you know, between part and full time, I'd say somewhere between 50 and 100.

LEG. ALDEN:
And they're using tongs and they're using rakes, right?

MR. ALDRED:
Rakes, tongs, bow rakes; yeah.

LEG. ALDEN:
You wouldn't happen to know how many permits, and does your area issue a specific permit for clams?

MR. ALDRED:
Well, East Hampton Town issues shellfish licenses, commercial or recreational for Town waters, not State waters.

LEG. ALDEN:
But you don't know the numbers?

MR. ALDRED:
I don't.

LEG. ALDEN:
Okay, thanks.

P.O. LINDSAY:
Thank you.

MR. ALDRED:
Thank you.

P.O. LINDSAY:
Last card, Michael Craig.

MR. CRAIG:
Hello. How are you? I am an Oyster Aquaculturist out on the East End of Long Island. I think you have the opportunity here to keep the East End heritage of the baymen. People are getting pushed off the water because they just can't make it, and this presents a good opportunity for people to remain in the business. I was a lobsterman for 22 years, and that died, and I have a temporary
marine assignment; I am that guy on the east side of Robins Island. And this presents an opportunity for people to remain in the fishing business. A guy though we had a very interesting story, came out and shot a documentary. If you would like to see it, eastendoysters.com. It explains the entire thing very well. It's a viable resource. We buy our oyster seed from hatcheries. We raise it in our own environment in trays. We don't, you know, take from the natural environment. I'm not going to go into the environmental benefits; Mr. Keough already mentioned that. But back to, you know, keeping the heritage of the East End. You know, hundreds of years of fishing has gone on here, and it's a way of life. It's a way of life for me, been a way of life for my family. As far as the sites are concerned, I'm very grateful for the State of New York. They have let me remain on the water. Yes, I do have buoys on our gear. The site is clearly marked for Hi Fliers on each corner. You can sit on one corner. You can see the entire area. All the locals know exactly where we are, and they just go around it; it's no big deal. Many times, you will see them out on the gear fishing because now all the gear in the water is structured. Fish like structure, so it's beneficial for them as well. They all know me, at least the guys that come up and talk to me. So it work out very well.

As far as the program, I think the Planning Department did a very good job of keeping it real and practical so that is something that we in the industry can work with, and it presents a good opportunity for the future. So my hat's off to those guys. Like I said, I am an oyster aquaculturist. Go to the website and check out it out if you want see exactly how it's done. I did rip something out of the paper the other day. I'm not a hard clammer, but I did see this. I will just read a couple of the first things: "Long Island is the nation's leading producer of hard clams from the Great South Bay and Peconic Bay to protect North Shore Harbors." Yeah, that's true, we used to be top dog. I think this presents the opportunity to at least get back on the map. Connecticut is now leading producer of clams, but done right and monitored and -- I think you have a great opportunity here, and it would be a shame to waste it. You guys have that power, so please vote in favor of this. I think it's being done very well, and I thank you very much.

P.O. LINDSAY:
Thank you very much, Mr. Craig. I don't have any other cards, but I see Mr. Isles would like to testify.

DIRECTOR ISLES:
Thank you, Mr. Lindsay. And I will keep this very brief because I know it's been a long day for everyone. Just a couple of points to make. I appreciate your time today.

The Planning Department is prepared to make a full presentation to the Environment Committee. In fact, any Legislator that would like further information on this, and in addition, although we have handed out a summary today, we also have copies of the report itself, the management plan. We did this, provide this to the EPA Committee members. I would like to also provide copies at the end of this hearing for any other Legislators or all Legislators who did not get it at that point.

Just briefly, in terms of some of the comments today, I respect very much the comments of the trustee from the Town of Southold. It certainly is important to us. Just for clarification, the State of New York provided this County of Suffolk can with authority starting 1,000 feet offshore. In terms of any other authorities that may exist by any other agencies, DEC, the Army Corps of Engineers and so forth, or the Town of Southold, we are not quarrelling with that. So if the Town of Southold has a requirement for permitting of buoys or something like that, we stand and support that. So this is only for the purpose of the access to the waters as defined by the State law.

The second point, it was said, and I think it was just an honest mistake, is that there would be 600 leased plots; that's incorrect. In terms of the new lease, as we've heard, it's been highly limited to only 60 acres per year of new activity. So at the end -- they're 10-acre leased sites. That's six sites a year, so at the end of 10 years, it would be 60 sites. In terms of the productive waters, we spent three and a half years working on this. We had a consultant doing extensive research. It's been headed up by Dr. DeWitt Davies from the County Planning Department. The issue of
productive waters was a key aspect of this. We have designed into this program, it's 100,000 acres -- actually, more than, that that's potentially available to you from the State of New York. Only 27% is in the shellfish cultivation zone, and only 3% of this overall area -- actually, less than 3% will be made available for this shellfishing activity, and of that, right now in the Peconic Bay, you have grants, temporary assignments that total 2,700 acres. At the end of 10 years, if this is a successful program, we will have less than 3,200 acres. So this is really cleaning up the existing situation, providing better oversight, having a protocol for checking productivity for the new expansion that happening. It's about as conserved as you can possibly get.

The last point I would like to make is that this Legislature, and its certainly many agencies in Suffolk County, have been working on restocking our bays, and we have been paying good money for that to have seed clams put in and so forth. This is an initiative we can team up with a private sector where they will be providing seed material. We think that would also benefit the bay itself. I thank you for your time today. Here again, we are prepared to address any questions that the EPA Committee or individually of any Legislator.

**P.O. LINDSAY:**
Tom, Legislator Viloria-Fisher has a question.

**DIRECTOR ISLES:**
Okay.

**D.P.O. VILORIA-FISHER:**
Hi, Tom. I congratulate you on the ALPAC and everybody invloved with the ALPAC because when I was chair of Environment, you gave the public ample opportunity to come and speak, and everybody was very professional. My question to you was, if you could just forward me the meeting of CEQ where this was discussed so that I could also be privy to their comments, if I could just have that?

**DIRECTOR ISLES:**
Absolutely. CEQ did a full review of this and recommended it.

**LEG. VILORIA-FISHER:**
Right, and I wanted to see what their recommendation was, and I wanted like to get the date on when you met so that I could follow that.

**DIRECTOR ISLES:**
We will absolutely provide that to you.

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

**P.O. LINDSAY:**
Legislator Alden.

**LEG. ALDEN:**
Tom, I'm going to need a presentation from you and specifically, just so you have a head's up, the condition that existed in Islip with the leased bay bottom and dredging as opposed to the baymen and it kind of was a big issue between --

**DIRECTOR ISLES:**
Yes.

**LEG. ALDEN:**
-- two competing entities so that's what I'm going to need.

**DIRECTOR ISLES:**
I would be happy to talk to you further about that.

**P.O. LINDSAY:**
Legislator Romaine.

**LEG. ROMAINE:**
Yes. Mr. Isles. When you did the survey of those 60 acres a year for 10 years, that's where we get the 600 acres that are going to be leased out. So I assume that, number one, that the lease is going to be done on -- how would you advertise the lease? How do you rate people who apply for these leases? Is there a rating system? What is the criteria; have you established one?

**DIRECTOR ISLES:**
There is criteria that's outlined in the report that we provided to you; it's very detailed. What it deals with, you know, is compliance with the State law, as has been said today. The State Legislature said it can't be productive for bay scallops, for clams and so forth. It also has to be within the shellfish cultivation zone. It also has to be subject to any other agencies, Coast Guard.

**LEG. ROMAINE:**
So you do have criteria? Let me ask you that.

**DIRECTOR ISLES:**
Yes, we do. Yes.

**LEG. ROMAINE:**
Do you have -- if you have more people applying than you have leases available, how do you make a decision who gets it and who doesn't?

**DIRECTOR ISLES:**
The method on that was to use a lottery, a double-blind lottery system to randomly then select similar to how DEC does it on some of their applications.

**LEG. ROMAINE:**
Okay, and the last question: the gentleman from the Huntington, the bayman raised about a question about whether you have mapped out carefully and those areas of Peconic in Gardiner's Bay that are currently productive.

**DIRECTOR ISLES:**
What we have done is an extensive method of surveys of collecting information, going to all the stakeholders, regulatory agencies and so forth, mapping resources of (VEO) grass beds and so forth, to clearly identify those areas that we know should not be used. We talk about this 100,000-acre area, we took 70,000 acres and took it off the table.

**LEG. ROMAINE:**
No, I understand all the process. What I'm concerned about, and I will tell you right now, I'm concerned about we're going to lease these waters for agriculture. We're not leasing these waters where there are productive beds already in place, and I need some assurance on that that will occur. And from what I get, I don't believe you've done the extensive survey to identify those beds. Maybe I'm wrong, but that's the impression I'm getting and that you have relied on other anecdotal information instead of a survey by your staff, a grid survey or something of that nature. I see Dr. Davies is there, I don't know if that's correct or not.

**DIRECTOR ISLES:**
Okay.

**LEG. ROMAINE:**
I would like to vote for the this with confidence knowing that we are not leasing out productive lands
for agriculture. We're looking to lease out lands that aren't productive and make them productive.

**DIRECTOR ISLES:**
Exactly.

**LEG. ROMAINE:**
That's the whole purpose of this. I feel that you haven't -- not you, but the County hasn't done the detailed survey that would be required for that, and we're relying on anecdotal information, and I just want some assurance on that.

**DIRECTOR ISLES:**
Okay.

**LEG. ROMAINE:**
You don't have to do that now. I'm sure I'm speaking for Legislator Schneiderman. I mean, we're concerned about this. These are our constituents in waters that we have some oversight over.

**DIRECTOR ISLES:**
I understand your concern completely. Not to belabor this today -- we will address it individually or at committee -- but just two points: one is that we also have to understand that on upon a specific lease application, we'll go through mandatory 60-day public comment period. The Town, the Legislature, the public will be informed. If somebody says, "Hey, I'm fishing on that site," we will then require an actual ground survey at that location testing that location. Secondly, I'm sorry the second point is -- and I lost my train of thought here. I'm sorry.

**LEG. ROMAINE:**
Take your time. As long as you can assure me, if you can get that information -- I don't want to hold up the meeting.

**DIRECTOR ISLES:**
Yes. I appreciate that.

**LEG. ROMAINE:**
What I'm concerned about is you haven't done an actual survey of these things. You've relied on anecdotal secondhand information, and you haven't done the type of survey work that is needed. I would like to to be assured that the 60 acres and every year thereafter that when you lease out 60 acres that -- I mean, it doesn't take a lot of work to do survey work on 60 acres. It really doesn't take a lot of work. So I want some assurance of that, and right now that's a big question mark in my mind.

**DIRECTOR ISLES:**
I will we could provide that, Mr. Romaine, and thank you for the comments.

**P.O. LINDSAY:**
Wait. Legislator Schneiderman has a question.

**LEG. SCHNEIDERMAN:**
No, I think Legislator Romaine asked the question.

**P.O. LINDSAY:**
Wonderful. Wonderful. Thank you very much.

Okay. 1546, do I have a motion on 1546? Motion to close by Legislator Viloria-Fisher, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
*Public hearing on IR 1558-09 - A Charter Law to implement a cost savings measure to help mitigate budgetary shortfall (County Executive).* And I have no cards on this subject. Is there anyone in the audience that would like to comment? No, thank God. I will make a motion to close.

LEG. ALDEN:
Second.

P.O. LINDSAY:
Seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
All right. That completes the public hearings for today. We have to set the date for the following Public Hearings for August 4th, 2009, 6:30 PM, in the Rose Caracappa Auditorium in Hauppauge; 1568, a Local Law to strengthen the County's Land Transfer Program for Affordable Housing; and IR 1589-09, a Local Law to ensure the timely filing of vacancies on the Human Rights Commission (Montano).

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

P.O. LINDSAY:
With that, before we go to the agenda, I've had a couple of urgent messages to -- come on, hold it down. Let's go, we've got a lot of business to do, folks. All right? Come on, let's get back in the ball game. Anybody that wants to have a discussion, please go outside. Please go outside and finish your conversations outside for me.

Thank you very much. I appreciate it.

I've had a number of requests from the Executive Branch about addressing some Home Rule Messages that are before us. But it's my understanding, and maybe Mr. Zwirn will give us an up-to-date, that the situation in Albany has gotten foggier?

(*Laughter From Audience*)

Is that a true statement?

MR. ZWIRN:
Is it possible? I think it's been a -- it's been a very --

LEG. HORSLEY:
Tumultuous, would you say?

MR. ZWIRN:
Tumultuous is a good word. It's been a bad day for New York State, especially up in the New York State Senate today. From what we understand, there has been no work accomplished that, there have been missteps along the way with respect to process, that the bills weren't properly delivered to the Senate in order to be addressed today in a special session.
So despite all that, we are asking the Legislature down here to move forward on two Home Rule Messages that we have. It is also troubling -- I was speaking to Legislator Barraga who has been up in Albany. One of the issues that we will have to address at some point is whether these bills that have now been taken by the Governor as part of his agenda, the bills get renumbered and all the Home Rule Messages that have been adopted by different counties across the State for extensions --

**D.P.O. VILORIA-FISHER:**
Don't match up.

**MR. ZWIRN:**
Don't match the numbers and the question will be whether they have to be redone before they can be addressed on the agenda that the Governor has before the special session of the Senate.

**P.O. LINDSAY:**
Sounds like a Special Meeting.

**MR. ZWIRN:**
Well, this is what we're going to ask, Mr. Presiding Officer. We're hoping that if these Home Rule Messages are passed tonight, we're going to try to bring them up to Albany tonight. We are putting a call in to the Governor's Office to see if some -- if we can deliver them after this meeting or after this issue has been resolved; members of Intergovernmental Relations will drive them up from here and hopefully get on the agenda. If the numbers don't match, then we are going to ask if it's possible that today, before the meeting is adjourned, that perhaps the meeting could be recessed until noon tomorrow so that in the event that we get new numbers, perhaps the County Legislature could come back tomorrow before noon and adopt the Home Rule Messages with the appropriate numbers.

It's not your fault, it's not our fault, it's their fault, but it doesn't really make any difference to the taxpayers of the County, and we won't know if we'll have those numbers even tomorrow morning. And if we don't get the right numbers or whatever happens, I mean, everything is in flux. Otherwise, we would have to call a Special Meeting of the Legislature and we would lose a day, and that day may be the difference between the State Legislature being in session, it leaves the Senate being in session. The Assembly has already left, they left yesterday about 3:30 in the morning, I think Legislator Eddington's wife, Assemblywoman Pat Eddington left about 3:30 to come home after they did all their voting.

So we're in flux. We'd ask you to address these Home Rule Messages we have today. As I said, if they pass we will bring them up tonight to try to get them on the agenda before the end of the week, and then again we may be back tomorrow with the same Home Rule Messages with different numbers on them to be voted on by the County Legislature again. We don't really know what else we can do. There's been a day where after all the work that we did over the weekend and the County Executive and the IR staff was on the phone with the Governor's Office, the State Senate, everything that they worked on over the weekend all changed Monday morning at nine o'clock. So we just -- we're just going along with the process. I'd ask you to address these two bills now and then we can deal with the other --

**P.O. LINDSAY:**
Well, there's some questions about your statement and I'm checking something in the rules. But the last we heard is the Democrats have barricaded themselves in the Senate, the Republicans have them under siege and the Green Party has taken over the State Government; is that true?

*(-Laughter From Audience*)

**MR. ZWIRN:**
But they're still voting. They're still voting.
P.O. LINDSAY:
Okay. Legislator Eddington had a question and then Legislator Montano. I guess more a process, because they don't know what the hell we're doing and we don't know what the hell we're doing, so maybe somebody can clarify. Go ahead, Legislator Eddington.

LEG. EDDINGTON:
Yeah, I just wanted to -- a process question. If the Assembly is home, how can they vote on this Home Rule Message?

MR. ZWIRN:
What we're hoping is that the Assembly will be called back.

LEG. EDDINGTON:
Oh, yeah?

(*Laughter From Audience*)

MR. ZWIRN:
Not necessarily tomorrow, but will be called back to vote on any of the bills that the Senate -- if they've voted on any of the bills, that the Senate has voted on.

LEG. EDDINGTON:
Well, I heard that's a possibility for August, that's what I heard, but --

MR. ZWIRN:
Well, you would probably -- I would say that things are in such turmoil that I don't think anybody would know from moment to moment. With all the information you probably have from Assemblywoman Eddington and what she believes to be the case as of right now, I think it could change at a moment's notice.

LEG. EDDINGTON:
So my home life could get worse, you're saying.

(*Laughter From Audience*)

MR. ZWIRN:
You might wind up moving to Albany.

P.O. LINDSAY:
Okay. Legislator Montano.

LEG. MONTANO:
Thank you. My question actually ask was asked by Legislator Eddington.

LEG. HORSLEY:
Bill?

P.O. LINDSAY:
Okay. Let me just get something straight, Ben. We passed a number of Home Rule Messages over the last few weeks, asking for help -- actually, over the last couple of months -- from our State Government on a whole host of issues. And the Assembly has passed a number of those bills, right, and most of them are pending in the Senate; am I correct on that?

MR. ZWIRN:
Yes.

P.O. LINDSAY:
Okay. And now you guys think that the Governor's going to change the number on those bills and that would necessitate us revoting on them and the Assembly voting on them; am I describing this correctly?

MR. ZWIRN:
If the Governor puts them on a Special Meeting Notice to be addressed, he renumbers -- my understanding is he renumbers the bills.

P.O. LINDSAY:
Does he realize the havoc he's creating for local government?

MR. ZWIRN:
My guess is that the answer is no.

P.O. LINDSAY:
My God.

MR. ZWIRN:
But I think that they just dropped the ball with respect to process because I don't know if this has been done before, but I think they just --

P.O. LINDSAY:
Okay.

MR. ZWIRN:
They're in unchartered territories as far as they're concerned and --

P.O. LINDSAY:
I'm very reluctant to recess this meeting to a specific time tomorrow unless I know that we have business to conduct. What I'm having George look into is that, you know, we recess this meeting at the end of the day to an unspecific time and via phone call I can get everybody back without the 48-hour notice, or whatever, and I don't know that we can do that. I really don't know whether we can do that. But I'm very, very reluctant to have everybody come back tomorrow at noon unless we have some business to conduct.

MR. ZWIRN:
We thought that if you recessed it and then if we didn't have any business to conduct because we didn't have any additional information, then you could notify the Legislature by e-mail or phone call and then just say we didn't have a quorum and then just adjourn the meeting. We don't want to inconvenience the Legislature, this is not something that we have devised, it's just the nature of events.

P.O. LINDSAY:
All right. I have Legislator Horsley who wants to comment on process and then Legislator Barraga and maybe we can figure out what we want to do.

LEG. HORSLEY:
Yeah, thank you, Legislator. I just -- Bill, I think you answered my questions, I'm just waiting for a white horse with Mr. Cuomo on it right now. But I don't -- I think you answered my question; I was wondering about the 911 bills and all those were passed prior to this.

MR. ZWIRN:
Right. And I would just say, if we can -- the faster we can get to this one and address it one way or the other, we'd hope it would be passed. We're actually going to leave here as soon as this is done, with the help of the Clerk, if these two are Home Rule Messages are passed, we will start driving, we'd like to get them up there as fast as possible, just so they can't say that we didn't have them in
a timely manner.

**LEG. HORSLEY:**
And that includes all our -- I mean, just these two, but tomorrow we'll --

**MR. ZWIRN:**
We'll find out about the others tomorrow. The others have already been done, but we'll have to find out if we have to do them over again.

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

**LEG. BARRAGA:**
Based on my experience, if the Senate hasn't conducted any bills, hasn't done any legislation in the last two weeks, and they're about 400 bills behind the Assembly, so the Assembly has gone home, and normally they would not come back. In this particular case, they will probably wait until the Senate finalizes business and only go back to take up those pieces of legislation that had been changed since they left, and that could take some time. I mean, you can run those bills up there tonight, but I'm not so sure what purpose it really would be because the Assembly is gone; they've gone home.

As far as the renumbering of the bills, you're talking literally hundreds of bills. I don't know if they -- once they fix their problem up there, at least on a temporary basis, I'd be surprised if a renumbering took place; they just probably would want to continue to do business and just finish things off as quickly as possible. But right now I just don't see the Assembly going back until the Senate finishes its work and they're way behind. You know, because normally in a given session each House will do eleven or twelve hundred bills, a lot of them are one House bills, but in the last two weeks you easily do three, four, 500 bills in a matter of days. And if they haven't done any in two weeks, I know they're at least four, maybe 500 bills behind the Assembly.

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

**LEG. MONTANO:**
I thought I understood it, but I'm not so sure. The Assembly adjourned and they already passed a -- they haven't passed anything on this Home Rule Message yet; am I correct?

**MR. ZWIRN:**
Correct.

**LEG. MONTANO:**
So you want us to pass this, send it to the Assembly --

**MR. ZWIRN:**
It's in the -- the bill is in -- there's a same-as bill in both the Senate and the Assembly.

**LEG. MONTANO:**
Was there -- there was a bill in the Assembly?

**MR. ZWIRN:**
Yes.

**LEG. MONTANO:**
And it passed.
Hasn't passed yet.

**LEG. MONTANO:**
So how is it going to pass if they already went home?

**MR. ZWIRN:**
Well, we're hopeful that they'll come back.

(*Laughter From Audience*)

**LEG. MONTANO:**
Why? Why would they want to come back to Albany?

**MR. ZWIRN:**
Why --

**LEG. MONTANO:**
All right, I get it. I have to say, though, you know, having worked for a member and knowing the procedure, I don't think it really -- I mean, I understand your point about we should do our part in the event that, you know, all the stars line up and etcetera, etcetera, but I really don't see that -- if they call a special session in the Assembly, then we may have to come back for a Special Meeting if that happens; I don't even think that's likely, though.

**MR. ZWIRN:**
We agree.

**LEG. MONTANO:**
Okay.

**MR. ZWIRN:**
What we're trying to do is just we don't want to be --

**LEG. MONTANO:**
We're trying to cover our backs.

**MR. ZWIRN:**
Exactly. We don't want to be the reason -- because it's happened. Last year we got a call, we were out here in Riverhead, we ran a Home Rule Message up, Tom Vaughn from our office went from here to Albany and we had a call from Assemblywoman on the floor who said, "Where's the Home Rule Message? We can't move forward"; the Home Rule Message was being transported on the floor. Tom had gotten up there and had delivered it to the floor of the Legislature and she said, "We can't vote on this because we don't have the Home Rule Message," and we had it, we ran it up. I mean, so it wasn't --

**LEG. MONTANO:**
So but if we pass this -- and I haven't looked at the substance of it. If we pass it and send it up to the Senate, you know, whenever they get their act together, and I think Newsday just -- they're behind 50 minutes in terms of what's going on, you know, on the reporting here. We don't really have to adjourn, we just have to wait for the Senate to be called back into session and then we can come back, and if it doesn't happen this summer we can stay out until August 4th.

**LEG. ALDEN:**
Read the substance.

**LEG. MONTANO:**
Well, I haven't gotten to the substance yet. I think I know what it's about, but before we even get
there, the procedural aspect I think is, you know, what I'm addressing.

I don't think, Ben, we have to adjourn. Counsel? Or take a recess. I think we can -- if we're going to pass it, we pass it and send it to them and whatever happens up there happens.

**P.O. LINDSAY:**
No, but what -- Legislator Montano --

**LEG. MONTANO:**
I'm missing something.

**P.O. LINDSAY:**
What you're missing is there's a couple of subjects. These two bills that are before us haven't passed anything.

**LEG. MONTANO:**
Right.

**P.O. LINDSAY:**
If we should agree with these, they're going to run them up for the Senate's consideration. If the Senate passes them, admittedly then there has to be an Assembly bill, which I guess you have Assembly numbers on here.

**MR. ZWIRN:**
Yes.

**P.O. LINDSAY:**
All right? So then it would be up to them. But the other issue that they're talking about is the Home Rules that we've already done, the Governor's talking about changing the number which would --

**LEG. MONTANO:**
That's a separate issue, though; am I correct?

**P.O. LINDSAY:**
Yeah, which would necessitate us coming back into special session to pass the same Home Rules again with different numbers.

**LEG. MONTANO:**
Right, if he does that, then we may have no option but to come back.

**P.O. LINDSAY:**
And they're anticipating that that's going to be done over night --

**MR. ZWIRN:**
It could be.

**P.O. LINDSAY:**
-- and the Senate's going to get together and play nice tomorrow and they'll need those numbers tomorrow; you know, that's all the assumptions, right?

**LEG. BARRAGA:**
There's 62 counties, not just us.

**LEG. MONTANO:**
Right.

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

**LEG. MONTANO:**
It doesn’t --

**P.O. LINDSAY:**
What Legislator Barraga pointed out, it isn’t just Suffolk County, it’s 62 counties around the State would have to go through the same process because somebody wants to change the numbers.

**LEG. MONTANO:**
Why -- all right, I’m not going to get into that.

**P.O. LINDSAY:**
It's surreal.

**LEG. MONTANO:**
It is surreal.

**LEG. ALDEN:**
Let’s just stay here.

**P.O. LINDSAY:**
Legislator Viloria-Fisher.

**D.P.O. VILORIA-FISHER:**
Ben, I have a question on the substance and it's -- I just want to be sure that I understand the bill correctly, because the language confused me a little bit. Are we talking about the separation monies that is owed to employees --

**MR. ZWIRN:**
Right.

**D.P.O. VILORIA-FISHER:**
Are we amortizing -- when you refer to amortizing it, would that mean that we would just be bonding it or would be amortizing it in terms of giving to the employee over a period of 10 years?

**MR. ZWIRN:**
No, we would be bonding it.

**D.P.O. VILORIA-FISHER:**
So we give them their lump some upon separation --

**MR. ZWIRN:**
Right.

**D.P.O. VILORIA-FISHER:**
-- but we’re bonding it.

**MR. ZWIRN:**
Right. This is -- on the Governor's agenda --

**P.O. LINDSAY:**
Okay, we’re into the specific --
D.P.O. VILORIA-FISHER: 
We're into the substance.

P.O. LINDSAY: 
Yeah, I thought we were still dealing with process, but --

LEG. MONTANO: 
Let's go to substance.

D.P.O. VILORIA-FISHER: 
Well, since he wants us to vote on it quickly --

P.O. LINDSAY: 
Do you want to talk anything on process or do you want to talk about the substance?

LEG. ROMAINE: 
The substance.

P.O. LINDSAY: 
Okay. Let's --

D.P.O. VILORIA-FISHER: 
Okay. So basically we're asking to be able to --

P.O. LINDSAY: 
All right, let's get into the substance of the two bills before us, and I'm confused right away.

D.P.O. VILORIA-FISHER: 
Okay, then I'm going to repeat my question because it might help.

P.O. LINDSAY: 
But could -- but before that, I don't know which one to give a motion to. You have two bills marked revised --

MR. Zwirn: 
One of the bills --

P.O. LINDSAY: 
-- but they look different.

LEG. ROMAINE: 
They are.

MR. Zwirn: 
They are different. Home Rule No. 17 is retroactive to 2008.

D.P.O. VILORIA-FISHER: 
2008.

MR. Zwirn: 
And Home Rule Message 18 is going forward.

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

MR. Zwirn: 

One is retroactive to last year when we had the separation, the Early Retirement Incentive, we paid out that money, we paid the bill; it would give us the option of going back and bonding that. It's not saying that we would, it's just in these tough economic times, the County Exec feels we should have as many options at our disposal as possible to help with the cash flow situation. Nassau County has a bill similar to Home Rule --

**MR. KOVESDY:**
I think it's Rockland.

**MR. ZWIRN:**
Rockland and Nassau; it's in Rockland and Nassau.

**MR. KOVESDY:**
Right.

**MR. ZWIRN:**
Rockland and Nassau has similar to bill Home Rule 18 which is going forward, it's part of County Executive Suozzi's early --

**D.P.O. VILORIA-FISHER:**
Okay, but then we go back to my question, Ben. For those who might have missed it, I was asking Ben about the substance, that when we're paying separation monies that we'll be bonding that. But my question, if we're going back to 2008, we've already paid that money.

**MR. ZWIRN:**
We have.

**D.P.O. VILORIA-FISHER:**
So what are we bonding, Ben? I'm confused. If we've already paid the people who retired in 2008 the money, then it's gone.

**MR. ZWIRN:**
Well, it would give us the option to go back and borrow that amount of money and free up that $8 million or so, whatever it was --

**D.P.O. VILORIA-FISHER:**
So that money is already gone.

**MR. ZWIRN:**
Yes.

**D.P.O. VILORIA-FISHER:**
How do you put that in -- how do you put that borrowing process into our budget?

**MR. ZWIRN:**
It would -- well, we would do it --

**D.P.O. VILORIA-FISHER:**
How is that reflected budgetarily? Because we've already expended that money. That was in the money from 2008, that was budgeted and it's gone.

**MR. ZWIRN:**
It would be money that would be -- going forward you would have debt service paying on that going forward in next year's budget. But you would have --

**D.P.O. VILORIA-FISHER:**
I know, but it just seems like phony numbers.
MR. ZWIRN:
It would free up cash, primarily, and have less impact on the cash flow of the County.

D.P.O. VILORIA-FISHER:
Okay. I just want to --

MR. ZWIRN:
But I understand what you're saying and --

D.P.O. VILORIA-FISHER:
Maybe Budget Review can -- because it just sounds so bogus. We've paid out the money. You know, it's like I go buy a table, I pay for that table cash when I'm at the store and then I say to Mastercard, "Can I put this table on Mastercard", but I've already paid for it. So how do I -- how is that not bogus?

LEG. ROMAINE:
It is bogus.

MS. VIZZINI:
I think you have the concept.

(*Laughter From Audience*)

Basically there are two Home Rule Messages, the one you're talking about is for retroactivity.

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

MS. VIZZINI:
It would allow us to basically do a never-mind. Mechanically, it would be -- the eight million that we have already expended would ultimately fall to fund balance and address the shortfall. So it -- we would do a do-over, that the eight million we spent we didn't really spend; instead we will bond what we are accustomed to having as an operating cost.

D.P.O. VILORIA-FISHER:
Okay. Gail that's so way beyond fundable. Okay, what we're doing is pretending that we had a fund balance of $8 million, which we don't, so we're going to borrow $8 million and put it in as if it were fund balance.

MS. VIZZINI:
At the cost of about $1.6 million in additional interest.

LEG. HORSLER:
Ouch.

P.O. LINDSAY:
Are you done?

D.P.O. VILORIA-FISHER:
Oh, yeah, I'm done. Thank you.

P.O. LINDSAY:
Okay. It's been pointed out by Legislator Alden, and I really jumped the gun here because of urgent memos and everything else before me, that I didn't make a motion to take this out of order. So I'm
going to make that motion now and --

D.P.O. VILORIA-FISHER:
I'll second it.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

LEG. ALDEN:
To take just 17?

P.O. LINDSAY:
To take 17 and 18 out of order.

LEG. ALDEN:
Okay.

P.O. LINDSAY:
Okay, so now they're officially before us and I thank you for, you know, that lack of procedure that I just sunk into.

LEG. ALDEN:
I didn't mean to --

P.O. LINDSAY:
No, no, no. Legislator Romaine.

LEG. ROMAINE:
Yes, on the substance of these two bills. Home Rule No. 17, last year the County did an Early Retirement Program. It was not a State-sanctioned early retirement program, it was a program where we said if you were eligible for retirement, we'll give you a thousand dollars for every year, up to a certain amount, if you were to leave County government so we can get rid of some people working for County government that are on the expensive end. We paid for that.

Now, as someone asked Gail, you know, it's not a do-over, it's a whatever, whatever. Because now what we want to do is go back and say, "Okay, we paid for it but we really didn't want to pay for it. We want to bond it out and" -- you know. If we paid for it and we were able to accomplish it, why would we want to go back and bond it out?

LEG. HORSLEY:
Whatever.

LEG. ROMAINE:
Also, Legis -- 18, and this may be a question for Ben because I do have a question now for Ben. No motion, no, no, no.

MR. ZWIRN:
Thank goodness.

LEG. ROMAINE:
The question is 18, on the other hand, is not part of an early retirement incentive, State or local, it's just help us pay our bills by bonding out our expenditures and putting them off to a future date; correct me if I'm wrong.
MR. ZWIRN:
It would give us the option to do that, but it would still have to come back before the Legislature for a vote.

LEG. ROMAINE:
Right. Well, I --

MR. ZWIRN:
It would just give us the option to do that if the economic crisis became worse.

LEG. ROMAINE:
Right. You would do it in any event, and I guarantee you that the bill for this is going to come due in 2015, at the of the current Executive's intended rule of the County as County Executive. You know, I sit here -- I won't be there, but I feel bad for the person that's going to succeed him because the bottom is going to fall out of the County at that point. Everything is going to come due, we've bonded everything, we've put off all of our expenses.

You know, if there was an early retirement connected with this I'd be more inclined to favor this, but there is no early retirement in favor of this. This is, "Let's put off our debts to future days." I understand we have financial problems, but I don't know anyone, and I've dealt with constituents who need debt counseling and everything else like this, but I don't know of anyone who resolves their problems by putting off their debts. You usually try to tell people, pay as much of your debt as you possibly can, don't go deeper into debt; we're going deeper into debt. It's the wrong approach. And there's nothing connected to it. If you told me, you know, "Legislator Romaine, we're going to have an early retirement as part of 18 -- this is for 18 now -- and there's going to be a benefit because we'll be able to reduce our payroll, our expenses. And yeah, we don't have the money for an early retirement, but if we bond we will and in the short term there will be a savings. And yes, down the road we'll have to pay, but there's a benefit to it in the short-term." There's no benefit to this I can't support 18. And 17, that's ridiculous. We have already paid for it, now we want to go back and bond it out. Okay. Thank you.

P.O. LINDSAY:
I'm going to -- again, Legislator Alden has reminded me of process. There's been no motions on either one of these bills.

LEG. ALDEN:
I'm going to offer a motion on Home Rule Message No. 17 and that's to table.

P.O. LINDSAY:
Okay, we have a motion to table --

LEG. ROMAINE:
Second.

LEG. ALDEN:
Now we can debate it.

P.O. LINDSAY:
-- on 17 and a second. All right, we have discussion. Legislator Kennedy?

LEG. KENNEDY:
Yes, Mr. Chair?

LEG. BARRAGA:
It's your turn.

**D.P.O. VILORIA-FISHER:**
It's your turn. You asked to speak.

(*Laughter From Panel*)

**LEG. KENNEDY:**
Oh. No, as a matter of fact, on this one I didn't.

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

**LEG. KENNEDY:**
But never let me pass an opportunity not to speak, Mr. Chair.

**P.O. LINDSAY:**
I had your name down here; if you don't want to speak, that's okay.

**LEG. KENNEDY:**
Seventeen, as a matter of fact, I agree with Legislator Viloria-Fisher and everybody else; bogus doesn't say enough.

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

**LEG. KENNEDY:**
No, I'm not in favor of it.

**P.O. LINDSAY:**
Legislator Beedenbender.

**LEG. BEEDENBENDER:**
Thank you, Mr. Chairman. Gail, would this be the first time that Suffolk County has bonded an operating expense?

**MS. VIZZINI:**
In the past, if we have -- we've had retirement incentives where the State has given us authority to --

**LEG. BEEDENBENDER:**
To bond that.

**MS. VIZZINI:**
-- bond that. There was also some discussion in the NYSAC newsletters that the 2011 retirement payment is anticipated to increase by at least 11% and municipalities may be authorized to bond the incremental cost over five years.

**LEG. BEEDENBENDER:**
Right, but that would be -- they would authorize us to bond a specific cost that is known and it would make that decision. Seventeen is bonding a specific cost that we paid; 18 is bonding something that we don't know what it would be, it's just authorization to bond whatever this bill is going to be.

**MS. VIZZINI:**
Well, 18 would be separation pay or, you know, it does several things.
LEG. BEEDENBENDER:
Something -- we cannot know the fixed total of that because we don't know who's leasing.

MS. VIZZINI:
No, although I can give you the last couple of years that number has ranged between 14 and a half to $20 million in terms of terminal pay, vacation, sick pay, etcetera, etcetera.

LEG. BEEDENBENDER:
Okay. Well, then, you know, we're talking on the bill, it would be my recommendation -- listen, I understand we're in difficult fiscal times and I understand that this Legislature has taken a lot of votes and done some things maybe we didn't want to do, but this --

LEG. ROMAINE:
It's ridiculous.

LEG. BEEDENBENDER:
This is just something totally different.

And Ben, you know, first let me just say, I think as somebody that used to do what you were just describing, you know, you guys have had to do a lot of work to try to deal with -- a month ago I described it as poor representation; I don't even think I could use the word that describes the representation we have in the State Senate right now. They're doing nothing. We have done everything, they have done nothing. They have done nothing to help us, they don't appear to want to do anything to help us, and it appears like we're on our own. But this, this is a bad idea. And just --

LEG. ROMAINE:
(Inaudible).

LEG. BEEDENBENDER:
No, Ed. And to be very clear, this is not something that -- this is not good fiscal policy. And, you know, when you said that Nassau did this? We always say around this horseshoe, "We don't do what Nassau does because that's what gets us in trouble." They had a finance authority because they bond everything and they do every disastrous thing, they borrow from this fund to pay for that fund. They took their sewer stabilization money; we don't do that.

D.P.O. VILORIA-FISHER:
Don't kill the messenger.

LEG. BEEDENBENDER:
This is a bad idea.

P.O. LINDSAY:
Okay. So you don't --

MR. ZWIRN:
Will you tell me how you really feel?

(*Laughter From Audience*)

LEG. BEEDENBENDER:
No. But seriously, Ben, don't you think this is a bad idea?

(*Laughter From Audience*)
P.O. LINDSAY:  
Ben can't vote on this.

LEG. GREGORY:  
He didn't get elected yet, he still wants to keep his job.

MR. ZWIRN:  
It is a --

LEG. BEEDENBENDER:  
Ben. Let me change it. Ben, is -- you know what?

MR. ZWIRN:  
It is seen as a tool that in the event that we have a cash flow crisis, that we would be able to rely on this to be table to free up some cash to pay bills. It's not something that we would anticipate doing or encouraged to do, it's a -- if Armageddon comes, this would just be one step to help us deal with it. It would be the last -- it would be a last step decision, but it would be something that at least we would have at our disposal to use in the event that we had to go to {Defcom 5}.

LEG. BEEDENBENDER:  
No, I understand that, Ben. I think the point that I was trying to make, albeit being a bit dramatic, is that, you know, everything we have done has been a last ditch. You know, voting for the bill for layoffs was a last ditch effort, if we had to get to the end, and we discussed that earlier today. But this is -- I just think this is a dramatic departure from what we've done and it would be a poor idea for the fiscal future of the County.

P.O. LINDSAY:  
Okay. Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:  
Thank you, Mr. Chair. Could I ask Mr. Tortora to come up for a question? You're a pretty smart guy regarding bonding. When we have a fake or a look-back expenditure, how do we justify bonding that? I'm just curious from the fiscal management point of view.

MR. TORTORA:  
Sure. And the answer is the only way you get the legal authority to do that is the method that's being discussed now through Home Rule. So it's not in the Local Finance Law, it's not a purpose for which you can issue debt. So to get the authority to issue that debt, you have to go through the process that you're discussing now.

As one of the other Legislators said, Nassau County is going through the process, as is Rockland County, one of our clients. A different situation in Rockland in that they haven't paid for it yet; with Mr. Romaine's point, the County has paid for it already. So this is beyond the norm.

D.P.O. VILORIA-FISHER:  
Which I think makes it worse; we've already paid for it.

MR. TORTORA:  
It makes it differently, certainly. I mean, we're not actively involved in this discussion, but I suspect that it's -- it just provides you with additional flexibility at a time when you just don't know what the future holds in terms of revenue streams, it just gives you the opportunity to perhaps have an extra $8 million if indeed you need it.

D.P.O. VILORIA-FISHER:  
But you know what? We have something called a rainy day fund, Tax Stabilization Reserve Fund, and that is money that we have put away for a rainy day, not a fake fund balance that we're
borrowing against. So if we were to be up against a wall, then that would seem to me a legitimate place to go for the money, because that's a real fund, that's real money.

So there's no justification, as far as I can see, for this. And I'm wondering, when you start playing this kind of fiscal, I don't know, what do you call that card game?

**MR. TORTORA:**
Three Card Monty.

**D.P.O. VILORIA-FISHER:**
Shell game. What happens to your -- what do the rating agencies -- I mean, we're always hearing about the rating agencies looking at us.

**MR. TORTORA:**
Sure, and that's a very legitimate question. I think the rating agencies would look at this action in the context in which it was taken. It's not certainly something that would be deemed a credit positive.

(*Laughter From Panel*)

In light of the circumstances, at best it might be a credit neutral. They just realize that, you know, it's another resource that you're bringing to the table in the event that you need it. But again, it's not a credit positive.

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

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

**P.O. LINDSAY:**
Legislator Alden.

**LEG. ALDEN:**
This is actually a technique that we've used and it's a variation oft this, when we piled up enough debt that we actually had to sell off some of our revenue. And now we're a little thin on the revenue, so I'm not so sure that in the future, to recover from a mistake like this, that we have a lot left in the revenue department to sell off.

Ben, now, you mentioned that this was only like a last ditch effort that we would even use this. So this would come after maybe a little adjustment in the Quarter Cent Program?

(*Laughter From Audience*)

**MR. ZWIRN:**
Well, that would be up to the Legislature.

**LEG. ALDEN:**
Okay, that's good. That's kind of the statement that I want to make. This is the exact way that if you ran your household like this, you're going to be in bankruptcy and you won't have a house to live in, you'd be out on the street in one of our homeless shelters.

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

**LEG. MONTANO:**
Well, just very quickly, Ben. This to me, if I can maybe simplify this, like a senior citizen who had
paid off their mortgage, gets laid off and then goes out and refinances their home.

**LEG. ALDEN:**
Exactly.

**LEG. MONTANO:**
They're going to wind up losing it. And the problem I have is, you know, this works well for a term-limited Legislator or County Exec who's got six years left, but, you know, I've got to look at my daughter just bought a house, she's now got a mortgage. And, you know, we're going to be talking about bonding not only this but another malpractice settlement, etcetera, etcetera, and I really don't think that we should be looking at it, you know, in this light, in this economy at this time.

I think we're going to -- you know, my feeling is that this is a bad, bad, you know, move on our part and it's going to come back bite us, maybe not within the short-term, but it's not good for, you know, our kids and our generation and what's going on here in Suffolk County. I really have some concerns about it, and I'll leave it at that, Ben.

**MR. ZWIRN:**
Yeah, I understand. Just remember, this is not taking effect. If we pass it today, it just gives us something, if the State gives us permission like they're giving Nassau County permission, it's something that we have in our arsenal to deal with, you know, cash flow problems, problems down the road.

**LEG. MONTANO:**
Right. But this is like the apple in the garden -- you know, I don't think we went this temptation down the road. I think we should just pass on it and deal with what comes up at the time that it comes up. This is not the contingency plan that I would want us to even consider at this point. Down the road, we have real issues, I mean real, real, real, because we have real issues now, but I just don't see it, Ben.

**P.O. LINDSAY:**
Legislator Kennedy.

**LEG. KENNEDY:**
Thank you, Mr. Chair. I was just going to ask Mr. Tortora, but Ben, I guess I could ask you, too.

**MR. ZWIRN:**
Oh, okay.

**LEG. KENNEDY:**
Why, when we have other tools available to us, in the event that we hit in our revenue shortfalls and short-term tools that we use even on a regular basis, we use BANS, we use TANS, we use RANS, we use all other kinds of bridges for our revenue peaks and valleys which we don't have to seek special legislation from the State Legislature to do, it's completely within our authority. Why wouldn't we go to one of those tools if we hit this next dip; what's the advantage? Nothing about this thing passes the sniff test here at all; it stinks from one end to the other.

**MR. ZWIRN:**
The State's giving an opportunity to do it, where otherwise you may never have this chance again.

**MR. TORTORA:**
I think the answer is flexibility. I mean, we don't know how bad things might get. We know that this law is presently working its way through the Senate and the Assembly. If we don't do it now and secure the right to do this at some time in the future, if indeed you need it, it might never -- the opportunity to have this flexibility might not come up again.
LEG. KENNEDY:
Okay. But we just heard the vigor on this is about 20%. When you go to BANS and the TANS, you have shorter durations and shorter interest. I mean, give me something that would be a reason to do this.

MR. TORTORA:
Well, to answer -- and again, I haven't been party to a lot of the discussions here. If indeed you did this, I suspect, in addition to issuing bonds to fund this, you could indeed issue notes, and the note market right now is such that -- you issued notes in the last couple -- in the last month at the lowest -- one of the lowest interest rates we've ever seen. We've issued notes for other clients in the last two weeks as low as point three six percent, and there's no reason to think that the County couldn't borrow at that low cost.

LEG. KENNEDY:
Okay.

MR. TORTORA:
Again, if you needed to.

LEG. KENNEDY:
Okay. Thank you.

MR. TORTORA:
You're welcome.

P.O. LINDSAY:
Legislator Barraga.

LEG. BARRAGA:
I think when I look at both bills, I have to look at it, you know, objectively in terms of why would this legislation be put in? I could see somebody sitting around and saying, "You know, Nassau is doing this, or they're trying to do it," but Nassau's plight, in my judgment, is a lot worse than Suffolk County. I don't think they have a reserve fund or a rainy day fund. You would never know it from reading the newspapers in terms of some of the articles being written in Nassau County, but I think from an economic fiscal perspective, they're far worse off than Suffolk County.

LEG. BARRAGA:
Now, I certainly could understand somebody saying, "You know, if they're going to do it, let's try to do it and free up some cash even though we're going to do bonding," but it's inappropriate.

In the State Legislature, these two bills would come through at three o'clock in the morning on the last day of the Legislature when nobody is really paying attention. The problem here is it's six o'clock in the afternoon and we're all still awake.

(*Laughter From Audience*)

LEG. D'AMARO:
Barely.

LEG. BARRAGA:
So, you know, I'm going to certainly support the tabling of this in the hopes that, you know, we just -- you know, it's been tried, and I understand where they're coming from, but just let it go. It's totally inappropriate and it's not needed, there are many other resources and avenues we can go if
we need the money, including the rainy day fund. Thank you.

P.O. LINDSAY:
Okay. Can we move on? We have --

LEG. GREGORY:
Bill?

P.O. LINDSAY:
We have a motion. Did you -- Legislator Gregory.

LEG. GREGORY:
Ben, I don't know, I feel like I'm missing something. I think you haven't clarified possibly, or at least on Home Rule No. 18, what expenses you're looking at possibly bonding, or do you have any idea or do you have a dollar amount?

MR. ZWIRN:
I don't have a dollar amount. This would be going forward, when you have separation from the County, people have SCAT pay, they have all this different -- we pay a lot of money when people leave the County; they get their vacation time, whatever they're entitled to. And this would just give us the option at that time, if it's a large amount of money we're paying up front, it would give us the option, if we don't have the cash to do it, it would give us one more tool in the tool box to be able to deal with it. You can do budget notes, you can do a lot of things to try to cover that cost, but this would give you a 10-year -- and option to do it over 10 years to reduce the cost on an annual basis, even though it would cost you more with the interest.

It's just something that if the situation presents itself, we would have this flexibility to do it. It's not something that we recommend, it's not something that we would look to do, it's just that we would only look to do it if we had the ability to do it as a last step measure to try to avoid not having -- having a cash flow problem that could effect payroll or any other operating expense.

LEG. GREGORY:
Okay. All right, thank you.

P.O. LINDSAY:
Ms. Vizzini wants to add something and then I'm going to vote on this.

MS. VIZZINI:
Just in response to Legislator Gregory's question. In 2007, the dollar amount is roughly $19 million, it's $9 million plus in the General Fund and nine in the Police District in terms of separation pay, when people leave. And to bond that over 10 years would be in the $4 million area, that would be the interest. I don't know what it would be for the short-term, one-year bonds, taxable bonds.

P.O. LINDSAY:
Thank you.

LEG. GREGORY:
Thank you.

P.O. LINDSAY:
All right. We have a motion to table on Home Rule Message No. 17 and a second. We don't have any other motions; am I correct?

D.P.O. VILORIA-FISHER:
Correct.
P.O. LINDSAY: Okay. All in favor? Opposed? Abstentions in terms of tabling?

MS. ORTIZ: Seventeen (Not Present: Legislator Stern).


LEG. ROMAINE: Motion to table.

LEG. LOSQUADRO: Motion to table by Legislator Romaine.

LEG. LOSQUADRO: Second the motion.

LEG. KENNEDY: Second.

LEG. LOSQUADRO: How about same motion, same second?

P.O. LINDSAY: Same motion, same second, same vote.

MR. LAUBE: Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY: Anybody object to that?

MR. ZWIRN: Thank you.

P.O. LINDSAY: Now, Ben, I appreciate the effort in trying to solve our fiscal problem.

D.P.O. VILORIA-FISHER: And we saved you a trip.

P.O. LINDSAY: I don't mean to be flip, but we saved some money on the tolls.

(*Laughter From Audience*)

D.P.O. VILORIA-FISHER: And gas.

P.O. LINDSAY: Okay, I'm going make a motion to take 1552 out of order which is on page 12. Ms. Penny LaValle has been sitting patiently all day in the audience, and I apologize. The agenda got a little out of hand today. I make a motion to take 1552 out of order.
D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
It's seconded by Legislator Viloria-Fisher. It's page 12 in the written agenda.

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
All in favor? Opposed? Abstentions to taking it out of order?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
That was wonderful. You announced the vote before I took it.

MR. LAUBE:
I know, I'm trying to help you out here.

P.O. LINDSAY:
Okay, thank you.

[DAGHTER]

D.P.O. VILORIA-FISHER:
He's fast.

P.O. LINDSAY:
1552 is before us, Amending the 2009 Capital Budget and Program and appropriating funds in connection with the Integrated Land Information System (CP 1758) (County Executive). And I will make a motion to approve.

LEG. LOSQUADRO:
Second, Mr. Chairman.

P.O. LINDSAY:
Second by Legislator Losquadro. Ms. LaValle, being that you are here, would you like to get up and comment on this?

MS. WELLS-LAVALLE:
(Shook head no.)

P.O. LINDSAY:
Does anybody have any comments on this bill? Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MS. WELLS-LAVALLE:
Thank you.

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

LEG. ALDEN:
Good job.
P.O. LINDSAY:
And then we have the accompanying Bond Resolution, 1552A; same motion, same second. Roll call.

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

P.O. LINDSAY:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not present).

LEG. GREGORY:
Yes.

LEG. HORSLY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
Have a nice night, Ms. LaValle.

MR. STRAUSS:
She's already gone.

(*Penny Wells-LaValle reentered the Meeting Room*)

MS. WELLS-LAVALLE:
Thank you.

P.O. LINDSAY:
*Budget & Finance:*


LEG. ROMAINE:
Is this a result of court suit that we lost, or is this a result of a settlement we're making?

P.O. LINDSAY:
I believe it's a settlement, but the County Attorney is going to comment.

MS. BIZZARRO:
Yes, I will. Thank you very much, Presiding Officer. This was a trial on liability that we lost. We were found 100% responsible.

LEG. ROMAINE:
So we lost the case.

MS. BIZZARRO:
Correct. We've appealed it and lost. The total amount we're seeking is 1.3 million.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

LEG. ROMAINE:
Opposed.

MR. LAUBE:

P.O. LINDSAY:
Okay. The accompanying bond resolution, 1514A, Bond Resolution of the County of Suffolk,
New York, authorizing the issuance of $1,300,000 bonds to finance the cost of the payment of a judgment in a general liability case. Same motion, same second; roll call.

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

P.O. LINDSAY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present).

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:
No.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

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

MR. LAUBE:
Sixteen (Opposed: Legislator Montano - Not Present: Legislator Stern).

P.O. LINDSAY:

LEG. ROMAINE:
I had a question. This as a Charter Law in which case would amend the Charter. Does this, in fact, amend the Charter, or does it amend the Administrative Code? And if it amends the Administrative Code, why is it listed as a Charter Law?

MR. NOLAN:
It should not be listed as a Charter Law. That is incorrect. I think it's a typo error in the title. It is a Local Law, and it amends the Administrative Code, so it really is not a Charter Law.

LEG. ROMAINE:
So, for the record, this is a scrivener's error because it should be a Local Law and not a Charter Law?

MR. NOLAN:
You are correct.

P.O. LINDSAY:
Would that be considered a scrivener's error, or do we have to table this?

LEG. ROMAINE:
That's a good question. Can it be considered -- that's a good question, Presiding Officer, because I believe throughout an entire Resolution, it refers to it as a Charter Law as opposed to a Local Law which if we adopt --

P.O. LINDSAY:
Could I just make a suggestion? If it's all right with the sponsor why don't we just table it now, correct it and bring it back? It isn't time sensitive. Is that all right with the sponsor?

LEG. HORSLEY:
It is all right with the sponsor.

P.O. LINDSAY:
We'll table that, okay? Tabling motion by Legislator Horsley and seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
1202-09 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property – Town of Riverhead) (Romaine).

LEG. ROMAINE:
Motion to approve.

**LEG. LOSQUADRO:**
Second.

**P.O. LINDSAY:**
Motion to approve, second by Legislator Losquadro. On the motion, I was going to -- and then I'm going to recognize -- this is that great big piece of property that's --

**LEG. ROMAINE:**
This potentially is a 311 acres, yes.

**P.O. LINDSAY:**
With minority ownership and majority ownership and some difficulty there; am I correct?

**LEG. ROMAINE:**
There are majority and minority owners. There's been several lawsuits. All of them have been resolved, and the last one, while it's being repealed, the County Attorney's Office has rendered an opinion that would not effect our planning steps' resolution because a decision is expected shortly. My understanding of it is that that when we do a planning steps' resolution, we do an appraisal and then we deal with who the purported owners are. If there's still a legal pursuit, we won't be dealing with anyone until that dispute is resolved. That's my understanding.

**P.O. LINDSAY:**
To be consistent, I'm going to vote against it. Legislator Alden.

**LEG. ALDEN:**
When we heard testimony this morning -- and correct me I'm wrong, Legislator Romaine, I will defer to you -- it sounded like this property, when it was originally purchased by minority and majority ownership, it was to preserve the property in pristine condition, then I'm a little bit perplexed why we would want to spend money to preserve the property?

**LEG. ROMAINE:**
Because once the lawsuit is resolved, if it's resolved in the favor of the majority owners, those owners would look to seek to develop this property or to sell it to someone that would develop it. The Parks Commissioner has come in front of EPA Committee to talk about its potential and a number of other people have discussed its potential as County-wide park.

**LEG. ALDEN:**
How high does this rank, and is it on our original -- we had an original list, and we had a revised list that we wanted to purchase. Does it actually exist on those lists?

**LEG. ROMAINE:**
Yes, it does, part of it was on the master list. I assume the Executive is supporting it because the minute the Committee acted on this and passed this, the Executive immediately sent out a press release even though it was a planning steps' resolution listing all the benefits of why we should be acquiring this, which kind of surprised me because I didn't think we did press on planning steps, but every day is a new day.

**LEG. ALDEN:**
Do you know what it ranked?

**LEG. ROMAINE:**
I don't have the ranking sheet in front of me.

**LEG. ALDEN:**
One other question, Ed.

LEG. ROMAINE:
Jay is looking. He's chairman of that committee.

LEG. ALDEN:
The Town of Riverhead, are they considering rezoning this? The towns could either help us or hurt us, and if they consider rezoning prior to buying this.

LEG. ROMAINE:
It received a rating of 36, although The Nature Conservancy thinks there are several other attributes of the property that weren't considered that would make it rank higher.

LEG. ALDEN:
Thirty-six is fairly low.

LEG. ROMAINE:
No, 36 is a rather high score.

LEG. SCHNEIDERMAN:
Thirty-six is pretty good.

LEG. ALDEN:
Thirty-six out of what?

LEG. ROMAINE:
Out of a hundred, but usually what the cutoff is for acquisitions is somewhere in the low 20's, and anything after that is considered rather good. I'm not a member of the committee.

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

LEG. ALDEN:
I'm done. Thank you.

P.O. LINDSAY:
All right. Anybody else want to comment on this? Okay, we have a motion and a second on the planning steps. All in favor? Opposed? I'm opposed.

(*Opposed Said In Unison*)

MR. LAUBE:
Fourteen (Opposed: Legislators Lindsay, Montano, Alden & Barraga).

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

P.O. LINDSAY:
Okay, 1315-09 - Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Shaw property, Forge River watershed – Town Brookhaven) (Romaine/Browning).

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Browning.

D.P.O. VILORIA-FISHER:
(Inaudible).

P.O. LINDSAY:
Do you want to question that? Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
This received a pretty low rating, according to the notes I have.

LEG. ROMAINE:
Yes, it did, but let me just explain. None of the other properties in the Forge River Watershed was ever rated. They were rated as a whole as part of watershed. For some unknown reason, this property, which is one of the larger properties in the watershed, was left off that watershed rating.

We heard testimony from Kevin McAllister, the Bay Keeper, as to the importance of preserving this property and the relation of this property to the health of the Forge River and the Forge River Watershed, and based on that testimony the committee passed this out. I believe it was -- was it unanimous, Jay?

LEG. SCHNEIDERMAN:
I think so.

LEG. ROMAINE:
I believe it was unanimous that the committee adopted after hearing testimony from several people.

LEG. D'AMARO:
No, I voted against it.

LEG. ROMAINE:
Oh, you voted -- okay. Okay, Lou voted against it. Thank you.
So it was a 4-1 on the committee. So I think it's beneficial, I think we've been buying up very small parcels along the Forge River Watershed, some of them less than, you know, a quarter of an acre. This is 32 acres, this has been approved for a subdivision, they will develop this. But the owner would prefer to see it preserved and that's why he is willing to deal with the County, obviously, if the price is right, but we can't even get there until we pass a planning steps resolution. This is smack in the middle of the Forge River Watershed.

P.O. LINDSAY:
Legislator Alden.

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

LEG. ALDEN:
It just makes me wonder, you know, what we're doing with our comprehensive plan, or whether it is comprehensive or not, when we end up not working with the towns and buying things that have been actually given and granted zoning that would require us to pay a lot more money. Is Tom Isles still here?
MR. LAUBE:
No, he left.

LEG. ALDEN:
Through the Chair, the question that really should be answered is do we have a comprehensive plan or is this just helter skelter, we find a piece of property and we buy it with no plan how we're going to manage the property afterwards, how it fits in with the properties that we already own. I just -- I don't think we're going about this in a correct manner and I would feel a lot better if we actually updated the master list, which we didn't update the master list, we just approved borrowing 300 or $400 million and buying every piece of property that becomes available in Suffolk County. So I think we're doing the taxpayers a disservice by just going out and buying helter skelter without a plan.

P.O. LINDSAY:
Legislator Browning.

LEG. BROWNING:
Yeah. You know, I just want to say, this is a planning steps resolution, we're not even there yet as far as who's going to maintain it and what's going to be done with it. And again, it is the Forge River Watershed. The Forge River is probably the most polluted river, it is the most polluted river in the country and this -- this is something that -- it's so important for preserving the Forge River. We don't need cesspools that are going to run into the Forge River, and that's what's so important.

And again, it's a planning steps resolution, it's not yet an acquisition, and we would like to look into it. And obviously, when it comes time to doing the appraisals and doing the acquisition, those are questions that can be asked.

P.O. LINDSAY:
I know you want to talk, but Legislator Viloria-Fisher has a question for Legislator Browning.

D.P.O. VILORIA-FISHER:
Through the Chair, if I may. Legislator Browning, we've looked at a lot of acquisitions in the Forge River Watershed and all the sensitivity and they are on the master list because of the sensitivity of the Forge River. But I'm seeing here in notes that Planning said that it's on the other side of the river and that -- on the east side of the river, I believe, and that that wouldn't -- that doesn't have the impact that the parcels that we've been looking at in the watershed have. Do you know where this parcel is? Actually, it's not in your district, right, it's in -- okay. The reason I was asking Legislator Browning is because we serve on ETRB and so we look at a lot of these things together, but I'll ask you the question because I did see that --

LEG. ROMAINE:
It's smack in the middle of the Forge River Watershed, as defined. About one-third of that watershed is on the east -- or in the 1st Legislative District and about two-thirds of it are in Legislator Browning's district. Literally, Legislator Browning's district is directly across the street from this parcel. She has worked very hard to preserve all those parcels that come up available to help protect that watershed. Why Planning did not include this, I don't know. But we heard testimony from the Bay Keeper how critical this parcel was to maintain to the health because it's right adjacent to the head waters of the Forge River and it obviously is going to put an impact on the Forge River if it is developed. I don't know if we can save it. This is a planning steps resolution.

The owner has said he would prefer to see it preserved as opposed to developed. But again, we can't even have that discussion with him, that's for Real Estate once they do the appraisals.

D.P.O. VILORIA-FISHER:
Ed, I see that it's farmland and they're not --
LEG. ROMAINE:
It's a nursery.

D.P.O. VILORIA-FISHER:
Okay, it's a nursery.

LEG. ROMAINE:
It's fallow now, he isn't using it.

D.P.O. VILORIA-FISHER:
Okay. Because I was going to ask about environmental impacts that the nursery might have had.

LEG. ROMAINE:
Yeah, it's fallow now. He's in his 70's, I don't know his exact age, but he doesn't want to farm it, he doesn't want to -- as a nursery, he doesn't want to sell the development rights, he just wants -- his family doesn't want to participate in that nursery, he just wants to get -- Mr. Shaw just wants to get it sold and that's why he approached me. I saw that it was in the Forge River Watershed, I checked with several environmentalists, they all told me that this was a worthy acquisition. I spoke with Kevin McAllister, he came to the committee and he presented testimony to that effect, that this should be preserved.

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

P.O. LINDSAY:
Legislator Alden.

LEG. ALDEN:
And Ed, I don't mean to put you on the spot, but how could anybody in their right mind consider zoning for this that would contribute to the pollution of the river. So there's a question. Maybe you know the process -- and it's a Town of Brookhaven again, but our Health Department also would have to approve all those permits to have this developed. And why wouldn't the town consider the impact on Suffolk County? If this is part of a piece of property that should be preserved, why wouldn't they consider that?

And then the final question is where are all these environmentalists when the Town of Brookhaven is considering a rezoning; where are they? Nowhere. They don't go to the town, they don't tell the town "Don't rezone it because we'd like to preserve it and get into a comprehensive plan", they just let us pay tons of money more than what we would pay if it was just a vacant piece of property. It's nuts.

LEG. ROMAINE:
Cameron, I know that you're a very competent and capable attorney, so let me start off by saying there was no rezoning on this property. This is as-of-right, this is one-acre zoning. What they're intending to do is put 28 homes on these 32 acres, this is as-of-right. All that was needed was an approval of a subdivision plan that came before the Planning Board. I objected, as did the local Councilman who I happen to know, objected to the subdivision plan. Because what the subdivision plan allowed, although it's one-acre zoning, they are clustering on half-acres which we objected to because that's only going to concentrate the effluent. They will get approval from the Health Department because it does meet -- it's one house per acre or less, so they're going to get approval from the Health Department. As far as what's the Town of Brookhaven, the Town Planning Board, as you know, if this is as-of-right, their only function is to adopt a site plan. So for them not to would be a denial of property rights, and I don't think anyone in their right mind would advocate the loss of property rights for people in Suffolk County.

LEG. ALDEN:
No. No, but actually there is no as-of-right if it's going to pollute an already polluted body of water or if it's going to contribute to the pollution of a body of water. They can require some kind of sewage treatment plant or some kind of sewage plan before they grant that --

**LEG. ROMAINE:**
Sewage treatment is not within the purview, as you well know, of any township or village. Sewage treatment and the treatment of effluent, of waste water is totally within the domain of the Suffolk County Health Department and our Board of Health.

**LEG. ALDEN:**
Actually, Town Board or the Planning Board could require a sewage plan when they submitted an application for subdivision.

**LEG. ROMAINE:**
They would be promptly sued because, as you know, you know, that -- no, because it's one-acre zoning.

**LEG. LOSQUADRO:**
They want to increase that.

**LEG. ROMAINE:**
If they went for increased -- no one is going for increased density. No one is going for rezonings. This is as-of-right, and all the -- the Planning Board, not the Town Board, the Planning Board did, approved a subdivision plan which pended in front of them for several months and was pretty straight forward.

**LEG. ALDEN:**
(Inaudible).

**LEG. ROMAINE:**
We have no sewer plants anywhere near this area, nowhere.

**LEG. ALDEN:**
(Inaudible).

**P.O. LINDSAY:**
Okay, let's just get back. We have a -- Mr. Clerk, we have a motion and a second on this?

**MR. LAUBE:**
Yes, you do.

**P.O. LINDSAY:**

**LEG. ALDEN:**
Opposed.

**LEG. BARRAGA:**
Opposed.

**MR. LAUBE:**
Eleven (Opposed: Legislators Lindsay, Alden, Barraga, Gregory, D'Amaro & Montano - Not Present: Legislator Stern).

**P.O. LINDSAY:**
I'm going apologize in advance on this, but I'm going to ask for the forbearance of the Body to jump around again. In your Certificate of Necessity is Introductory Resolution 1558 about mitigating the budget shortfall. This is the selling or refinancing of the Cohalan Court Complex, and the reason why I want to take it out of order is Mr. Tortora and company are here to give us comments on this bill, and my understanding is they're on the clock.

LEG. ALDEN:
Second.

P.O. LINDSAY:
So we would like to dispose of this so we can move, move on it.

LEG. ALDEN:
I'll second the motion.

LEG. HORSLEY:
Move fast, move, move, move.

P.O. LINDSAY:
Okay, we have a motion and a second to take it out of order 1558; am I correct?

MR. LAUBE:
You are correct.

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

MR. LAUBE:
Seventeen (Not Present: Legislator Stern).

P.O. LINDSAY:
1558 is before us, Adopting Local Law No. -2009, A Charter Law to implement a cost saving measure to help mitigate budgetary shortfall (County Executive). And it's not that I'm opposed to this bill per se, but I think we have some procedural issues with it, and I'm going to make a motion to table.

MR. NOLAN:
You can approve it.

P.O. LINDSAY:
I can approve it?

MR. NOLAN:
You can approve this one; this one we can do.

P.O. LINDSAY:
How can we approve it?

MR. NOLAN:
(Inaudible).

P.O. LINDSAY:
Well, I have to get it before us, so whether it's a tabling motion or an approval motion, I have to get it before us.

LEG. ALDEN:
P.O. LINDSAY: 
Motion by Legislator Alden to approve. Do I have a second on either the approval or the table?

LEG. KENNEDY: 
Second to table.

P.O. LINDSAY: 
Second on the approval by Legislator Barraga. I'm going ask George to take over, but this bill -- we just passed a bill to modify our procedures in that are connected with this bill and it hasn't been -- went through due process yet, so it isn't in effect; am I right, Counsel?

(*The following was taken by Lucia Braaten & Transcribed by Alison Mahoney - Court Stenographers*)

MR. NOLAN: 
Yes, we've actually been discussing this the last couple of minutes. This particular bill I believe we can act on tonight, we've had the public hearing. And all this bill does is right now, when we increase the Capital Budget during the year, the law is there has to be a corresponding reduction. What this Charter Law does says for the sale or the purchase of the Cohalan Court Complex, the interest in that, we can float bonds for that, we can increase the Capital Budget and Program and it does not need to be a corresponding offset. So that bill will give us the authority to do that.

But the issue I raised with the Presiding Officer is there is a later CN that actually does increase the Capital Budget and Program by at least $66 million. There's no offset in that bill. As of tonight, we are still required to have an offset; that is still the law until such time as we pass this, the County Executive has a Public Hearing and he signs it and it's filed with the Secretary of State, the law is we still need a corresponding reduction to increase the Capital Budget and Program.

So we can change -- we can adopt this law, but this is not going to go into effect for 30 or 40 days, so we can't do the later CN which actually increases the Capital Budget and Program by $66 million until this law goes into effect.

P.O. LINDSAY: 
Isn't one connected to the other?

MR. NOLAN: 
They are connected. This one has to be in effect, though, before we can act on the later one. That's the -- and I'll just get the number of that resolution.

P.O. LINDSAY: 
I'm going to recognize Legislator Romaine, but the question is why the rush to approve this if we can't approve the companion bill until a later date?

MR. NOWICK: 
Well, actually --

LEG. ROMAINE: 
That would be my first question, Mr. Presiding Officer, and I certainly have other questions about this. Anyone who has read who's gone on the web page and looked under on-line documents and gone to the veto messages and watched how our County Executive has failed for us adding to the Capital Budget. You can't say any other -- you can't say yes to everything, you have to say no, and on and on goes the rhetoric, and we've been familiar with this. Now we're being asked to add $66 million because there's supposedly a savings. And I'm willing to listen and I want to have an open mind on this.
But I just point out the dichotomy. You have to be careful of the words you use with this Legislature, because when you use words that criticize and excoriate every member of this Legislature as if we're prolific spenders and then you come in and say, "Well, I have a savings plan but first we have to increase our debt."

I have a couple of questions. The first is when we take on this debt, this is to pay off the debt that we currently have in the Cohalan Court Complex; is that correct?

**P.O. LINDSAY:**
You're asking me?

**LEG. ROMAINE:**
I'm asking someone. I'll ask that rhetorically. You know what? I believe that's the purpose of this, so let me go on for that. No, that isn't?

**MR. NOLAN:**
No.

**LEG. ROMAINE:**
Okay. What is the purpose, Counsel?

**MR. NOLAN:**
I think this is to raise the money to buy the JFA's interest in the Cohalan Court Complex.

**LEG. ROMAINE:**
Okay, then I'll go right to that. We're going to raise $66 million to buy the JFA's interest in the Cohalan Court Complex, because we think by doing that we can save money; is that correct, Counselor?

**MR. NOLAN:**
That I believe is the idea, yeah.

**LEG. ROMAINE:**
Okay.

**MS. BIZZARRO:**
If I could?

**P.O. LINDSAY:**
Could I just suggest something? That we have a whole host of people here that --

**LEG. ROMAINE:**
I know. I've got one question and I'll throw it out and stop. Just one; one question.

**P.O. LINDSAY:**
Let them answer it, okay?

**LEG. ROMAINE:**
Right.

**P.O. LINDSAY:**
Because this came from the Executive Branch, it didn't come from the Legislative Branch, so let them answer the question.
LEG. ROMAINE:
I have one question, though. If we're buying this, if we're buying this Judicial Facilities Agency, is it -- Judicial Facilities Agency?
Are they capable of selling this at a value that is less than the worth of the Cohalan Court Complex and thereby giving a gift to Suffolk County, and is this in violation of Municipal Law.

P.O. LINDSAY:
Mr. Tortora or Counsel, can somebody answer that question?

MS. BIZZARRO:
We'll try to go in order, yeah.

P.O. LINDSAY:
All right.

MS. COPABIANCO:
If I may just begin. My name is Christina Capobianco, I'm here on behalf of Comptroller Sawicki to discuss the purchase of the JFA's interest in the Cohalan Court Complex. Now, the Comptroller was -- he made a presentation last week to Budget and Finance Committee in favor of this proposal, along with Marty Cantor, the Chairman of the JFA, and the County's Financial Advisor, Richard Tortora of Capital Markets Advisors. Richard and Bob are here tonight to answer any of your questions and discuss the proposal in more detail.

But basically, the County has the potential to save approximately $8 million by issuing General Obligation Bonds to buy out the JFA's interest in the Cohalan Court Complex, and $5.3 million of this savings would be realized in 2009. The bonds would be issued for the remaining term of the existing JFA bonds which is seven years and would be totally repaid in 2016. I'm going to ask Richard to talk in detail about the specifics of how this bonding would work.

MR. TORTORA:
Thank you. Richard Tortora with Capital Markets Advisors. As Christina said, the opportunity that's present to us right now is a result of the fact that currently the JFA has bonds that were issued in 1999 that purchased a portion of the Cohalan Court Complex. At the same time those bonds were issued, the County issued its bonds such that presently, approximately 86% of the Cohalan Court Complex is owned by the JFA and the balance is owned by Suffolk County.

Right now, those bonds that were issued in 1999 are revenue bonds. Those bonds will be callable on October 15th of this year, which means any time within 90 days of October 15th, the JFA could issue debt and refinance those existing bonds at significantly lower interest rates. So if indeed the JFA went out on its own, issued refunding revenue bonds, we approximate that the JFA could save the County approximately two-and-a-half million dollars based on market conditions. Now, that savings is actually passed through to the County because, of course, the lease payments that County pays on the JFA facility are primarily payments made to pay debt service on the outstanding 1999 bonds.

As an alternative to that transaction, working with the Comptroller's Office, we developed a strategy a month or two ago that would have, instead of the JFA issuing its own refunding bonds, the County would issue General Obligation Bonds. They would go into the market, sell these General Obligation Bonds, the same way we sell any general obligation debt of the County, and then take the proceeds of those bonds and use them to buy out the JFA's interest in the Cohalan Court Complex.

The reason why we're recommending that the County issue its own General Obligation Bonds are primarily three-fold. General obligation debt that's backed by the full faith and credit by the County will sell at much more attractive interest rates, lower interest rates than revenue bonds of the JFA. Just by virtue of the fact that it has the word "revenue" in its title, investors will be a little sus -- not suspect, but they won't be as aggressively interested in buying those bonds.
Secondly, we know that the County right now enjoys the highest credit ratings it's ever had; it's AA with each of the three credit rating agencies. We're not confident that the JFA on its own will have such high credit ratings. Since the nature of the payment stream to pay the JFA debt is this lease obligation, typically the rating agencies would rate JFA bonds one notch below the County bonds. So rather than being in the AA credit category as the County is, we suspect that the JFA would be in the single A category.

In the current market, the difference between being a single A issuer of revenue bonds and being a double A issuer of General Obligation Bonds is very significant. We suspect that if the JFA went out on its own, they would almost certainly need to go out and secure a policy of municipal bond insurance. We've estimated that the cost in securing that policy would be approximately $660,000.

So, again, the benefits in going through the County. The County. Because it would be General Obligation Debt, would certainly sell at lower interest rates. The County would not need to go out and buy Municipal Bond Insurance, and we make that assessment based on the fact that the last couple of go-rounds with the County, it did not need to purchase bond insurance. The last thing is when you issue revenue bonds in New York State, or elsewhere in the country, you're required to fund with the bond proceeds, a portion of the bond proceeds, a debt service reserve fund. And typically what that is is it's a fund that's funded with bond proceeds at the closing of an issue, typically equal to the maximum annual debt service that occurs in any year. So the plain English on that is if you were issuing a $75 million JFA deal, you might have to, when you issue your 75 million, set aside in a reserve fund maybe ten or $12 million as a security method or as a credit facility. Such that if the JFA revenues were insufficient in any one year, to pay principal and interest, investors could -- well, you would tap into the reserve fund to make sure that the payments would go on in a fluid manner during the life of the borrowing. If, indeed, we did a General Obligation issue, we would not have to fund a reserve fund. That would free up $11 million plus that currently exists in the JFA's debt service reserve fund.

So, again, the other benefit is rather than doing a JFA issue at approximately $77 million in par amount, we could do a County General Obligation issue of about 65 million. Since this issue would be out for the same term as the JFA deal, which is seven years, we would save on the financing costs, including the interest, on 11 or $12 million for the next seven years. So that, again, is another benefit of issuing General Obligation Bonds rather than revenue bonds through the JFA.

With regard to timing. The intention here is ideally if the resolutions are adopted and we're in a position where we can go forward with the General Obligation financing, we'd like to sell those bonds this summer and close before September or early September such that we can trigger the call. The Trustee has to get notice 45 days before the call date of our intention to call the JFA bonds and then he has to actually publish the call 30 days before. So if the existing JFA bonds are first callable October 15th, we have to publish our call notice no later than the 15th of September, we have to give them notice no later than the 1st of September of our intention to do that; hence, the need to move this along.

The savings. We will undoubtedly save, by virtue of doing the GO, the General Obligation refunding, the $5.3 million debt service payment that's scheduled to be made on the JFA bonds this October 15th; we would save that, we would finance that. Then we would see savings during the life of the issue that we project based on current market conditions to be somewhere between seven and $8 million, probably in the seven and a half million dollar range based on current market conditions. The level of the savings, of course, always changed based on where interest rates are.

So that was a great deal of information. I'm happy to answer any questions you have.

LEG. ROMAINE:
Since I still --

P.O. LINDSAY:
Go ahead, Legislator Romaine.

**LEG. ROMAINE:**
You know, I have a couple of concerns. Number one, again, we're stretching out the debt, but we would do -- if the County didn't do it, the --

**MR. TORTORA:**
No, we would not be stretching out the debt. The debt service on the General Obligation bonds would be timed so that it would be the same as the revenue bonds.

**LEG. ROMAINE:**
It would be, okay.

**MR. TORTORA:**
Certainly.

**LEG. ROMAINE:**
That's first off. The second thing; can the JFA sell to the County -- since part of this resolution authorizes appraisals, if I'm not mistaken.

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

**LEG. ROMAINE:**
When we get appraisals, can the JFA sell to the County their interest in the Cohalan Court Complex for less than the value of that interest? I brought this question to Ben Zwirn last week, so this is not a new question. I went right over -- he was sitting with Rick Brand and I said, "This is a question, because isn't this a municipal gift. Can the JFA gift to the County that portion that the appraisals show that the building is worth that we're not paying for because we're only buying or we're taking over their bonds?"

**MS. BIZZARRO:**
If I may? I can answer that question. And under the Public Authorities Law, yes, we can do that. It can be a negotiated sum, absolutely.

**LEG. ROMAINE:**
It can be a negotiated sum?

**MS. BIZZARRO:**
Correct.

**LEG. ROMAINE:**
For less than the value?

**MS. BIZZARRO:**
Less than the value.

**LEG. ROMAINE:**
It will not be considered a gift under Municipal Law.

**MS. BIZZARRO:**
Absolutely not.

**LEG. ROMAINE:**
Okay. I just wanted to get that on the record. I raised that question last week because it was a concern that I had and I just wanted that on the record.
Let me ask you this. We're now -- right now there's a set of books called JFA, they have debt. We're going to, however we do it, take over their debt, we're going to have $66 million more of debt that we don't have on our books now. Is that going to affect our financial statement? Because I -- again, I've read all these veto messages from the County Executive and how terrible the Legislature is for going into debt and this and that, and this is a proposal now to take on $66 million. Now, I understand the purpose of it, because we're going to save money. But nevertheless, we're adding something to our debt column that is not there, it's in someone else's debt column, okay? So that's a question I want to ask about how this impacts our financial standings.

MR. TORTORA:
Sure, and it's a very legitimate question. And the answer to that is while the JFA debt is not Suffolk County General Obligation Debt, by virtue of the lease arrangement with the Cohalan Court Complex, we disclose in your official statement that liability and we show investors in the official statement the table of the lease payments that are made from the County to the JFA. That -- once these bonds, the General Obligation Bonds are sold and the County purchases from the JFA its interest, and the JFA will use those bond proceeds and its debt service reserve fund monies to pay off its bonds. So while the County will indeed now have $66 million in bonds --

LEG. ROMAINE:
Of additional debt.

MR. TORTORA:
That's correct. But what it will not have is the legal liability to pay debt service on the current JFA bonds which are about $75 million.

LEG. ROMAINE:
That's if JFA defaulted.

MR. TORTORA:
No, because the County has a legal obligation to make lease payments on those --

LEG. ROMAINE:
I see.

MR. TORTORA:
-- sufficient to pay debt service on the JFA bonds.

MR. ZWIRN:
(Inaudible).

MR. TORTORA:
And as Mr. Zwirn appropriately points out, and of course the County will now have the asset of the facility.

LEG. ROMAINE:
Well, which we will add to our books, so. Yes, while we will take on a liability, we will take on an asset because we only own 14% of that assist; I understand that. I wanted to ask those questions and get all of that on the record. Thank you.

MR. TORTORA:
You're welcome.

P.O. LINDSAY:
I know Legislator Beedenbender wants to speak on this, but just -- I mean, the JFA is something of our own creation. It's really a tool of the County. We still pay the debts on it, they don't have any
source of independent income.

MR. TORTORA:
That's correct.

P.O. LINDSAY:
So, I mean, we're really just refinancing debt here.

MR. TORTORA:
Indirectly. I mean, your issue -- you're buying an asset and then you're paying debt service on the bonds to buy that assist.

P.O. LINDSAY:
I know. I know.

MR. TORTORA:
And as a result of that, the existing lease payments to the JFA that are tied to their debt service, that will go away.

P.O. LINDSAY:
It's like making a deal with your wife.

MR. TORTORA:
Perhaps?

P.O. LINDSAY:
Legislator Beedenbender.

LEG. BEEDENBENDER:
I have no idea what you're talking about. But Rich, what I wanted to ask you about, our Counsel has brought up the timing issue. And I know at committee you had talked about the importance of us being able to trigger all these dates, and I think you just said we have to give them notice September 1st and we have to publish it September 15th in order to meet the call date, all the guidelines we have to meet; is that correct?

MR. TORTORA:
That's correct.

LEG. BEEDENBENDER:
All right. When -- what is the time period before that? Because, you know, if our Counsel is correct, and I think that he probably is -- well, I think that he is, not probably -- the County Executive has to hold a hearing on this before he can sign it and then it has to go to the Secretary of State, and that process is probably going to take anywhere between 30 and 45 days which puts us into maybe August 9th. Between August 9th and September 1st, would that give you the sufficient amount of time to do all the processes that are required in order to put that notice out on September 1st?

MR. TORTORA:
I believe it would, yes.

LEG. BEEDENBENDER:
All right. And August 4th is our next meeting, so if the County Executive -- I guess this would be my question to Counsel. If the law would not be -- if -- let's say the County Executive had signed the bill and the Secretary of State had not received it; would it be your opinion that we still couldn't act on these bills at the meeting on the 4th?

MR. NOLAN:
The law doesn't go into effect until it's filed with the Secretary of State.

**LEG. BEEDENBENDER:**
Okay.

**MR. NOLAN:**
So the County Executive's people have to make a point of --

**LEG. BEEDENBENDER:**
Right.

**MR. NOLAN:**
Of pushing this.

**LEG. BEEDENBENDER:**
Well, just by virtue of the fact -- unless it was pre-advertised, then it's going to -- the earliest the hearing could be is two weeks from today, so that's 14 days that we've lost. And then the Secretary of State procedure, I don't know if there's any way to expedite that, I don't know if there is.

So I guess worse comes to worse, if we did this on August 4th, Rich, if all this works out and we can pass all these bills by CN or other means on August 4th, besides this one which we should pass today, would that be enough time, between the 4th and the 1st, for you to get everything done?

**MR. TORTORA:**
It would concern me because it's -- the o'clock would be ticking. And when you adopt a bond resolution, you'll recall there's a 20 day estoppel period, so you publish 20 day estoppel period. So the process won't be complete and run through the estoppel period until the last week of August.

**LEG. BEEDENBENDER:**
The 24th, yeah.

**MR. TORTORA:**
And that would -- I mean, you certainly couldn't do a financing like this in a week.

**LEG. BEEDENBENDER:**
Right. So --

**MR. TORTORA:**
Oh, and if I could add one more thing.

**LEG. BEEDENBENDER:**
Yeah.

**MR. TORTORA:**
As we said, a transaction like this, interest rates play a big part in the level of savings. So of course ideally, the sooner you get the authority, then you look at the market and see if you can enter at an optimum time. So being given the authority sooner rather than later might allow us to enter the market at a time when there are more savings.

**LEG. BEEDENBENDER:**
Right. I agree with you, Rich. But what I'm trying to figure out is I think our Counsel is right and we can't approve something until we have the authority to do it, and I'm trying to figure out how we could still do this deal. Because I'm convinced, from the presentation you gave at Budget & Finance, that we could save that seven and a half million dollars, so I'm just trying to figure out how we, as a government, can do that. And Lynne, perhaps --
MS. BIZZARRO:
If I could just join in.

MR. TORTORA:
Sure.

MS. BIZZARRO:
I believe the Public Hearing that the County Executive is going to be holding will be done relatively expeditiously, so this -- getting it up to the Office of Secretary of State could happen a lot quicker than 30 to 45 days.

In terms of voting on the appropriation and the Bond Resolutions, it's my position that you can make those bills contingent or conditional on the filing of the Charter Law with the Office of the Secretary of State. So that as soon as that bill is filed, then those laws, those other resolutions would go into effect; that's my position on this.

LEG. BEEDENBENDER:
Is that language in the other bills that are before us tonight?

MS. BIZZARRO:
It is not now, but if this body were to be inclined to vote on them, we can put that in there, yes. And we'll just put the effective dates for -- you know, and we would tether it to when the Charter Law goes into effect and then you have no issue.

LEG. BEEDENBENDER:
Well, I guess -- thank you, Lynne. I would say to counsel, could you opine?

MR. NOLAN:
Well, in terms of the resolution, which I believe it's 1609 which amends our Capital Budget and Program and increases it by $66 million, that one, no, we cannot act on that until the Charter amendment is in effect. The Bond Resolution which accompanies that, you know, I'll leave that to Bond Counsel to opine whether or not we can vote on a bonding resolution without doing the underlying appropriating resolution.

There's an additional resolution in the packet which talked -- you know, where the Legislature states an intent to move ahead with this particular project; we probably could move on that one tonight. But in terms of amending our Capital Budget and Program tonight, it's $66 million without an offset? No.

(*The following was taken by Lucia Braaten & Transcribed by Kim Castiglione*)

LEG. BEEDENBENDER:
Okay. I think we can still figure out a way to move forward with this. My concern would be, though, and I agree with you, Lynne, it probably could happen more than 30 or 45 days. The reason I was given that number is, you know, unless the hearing was pre-advertised it is going to be two weeks before the County Executive can hold it because he has to put it in the paper. Then the Secretary of State process was fungible when I dealt with it. It could happen 15 days, it could happen 45 days. If we have a way to control it, that's fantastic.

MS. BIZZARRO:
We could get that filed overnight. That's very simple. That's not a problem.

LEG. BEEDENBENDER:
All right. So -- but, Rich, you still think that if we -- what do you need? Is it the approval of the
bonding, you need that done, or if we approve this Charter Law, we pass the other bill that says our intent to go forward to start the title process and all that, if we did that tonight and on August fourth we approved the $66 million in bonds, is there enough of a commitment from those two resolutions we can do tonight to allow you to initiate this process and meet all the deadlines that you need to meet.

**MR. TORTORA:**
We can defer to bond counsel. If the bond resolution is adopted this evening that will be enough for us to go forward. The big issue here is obviously we don't want to miss that opportunity. The JFA can always do this transaction, but they're subject to -- you know, they have that same call date that we have. But, again, I believe that if the bond resolution is adopted that would be enough for us to move forward and try to get this done.

**LEG. BEEDENBENDER:**
The Charter Law and -- Mr. Presiding Officer, I apologize for taking this time.

**P.O. LINDSAY:**
No. But I just wanted -- what was just said I would like bond counsel to put that on the record that we can go forward with that bond.

**LEG. BEEDENBENDER:**
Well, I think he was -- Mr. Presiding Officer, I think Rich was saying that -- I asked him what he would need in order to be able to do what he has to do. He said he needs that. I don't think he said -- I don't think he was making a legal opinion.

**P.O. LINDSAY:**
I want the bond counsel to say that on the record.

**MR. SMITH:**
Bob Smith, Hawkins Delafield and Wood, bond counsel to the County. The bond resolution could be adopted this evening or at any other point with language saying that it shall become effective only upon the -- only at the point when the Local Law effective after filing with the Secretary of State. There would not be any authority for the County to borrow any money until the authority to expend the money had occurred, and that's when the Local Law becomes effective. So there's nothing legally wrong with adopting the bond resolution, but there will be no authority to borrow under it until the Local Law become effective.

**LEG. BEEDENBENDER:**
But you would need to amend that, right Bob, because right now the bond resolution and the bill doesn't say that.

**MR. SMITH:**
Right. The bond resolution the way it is right now it just says it will become effective immediately, and that would have to be amended to say that it shall become effective upon filing -- at the time when the law becomes effective.

**LEG. BEEDENBENDER:**
But just to go back, and I apologize, I'm just trying to figure out how we do this, to go back one step. If we did not do the bond tonight, you now, as our Counsel has expressed some reservation, which I understand, Mr. Smith, that you have expressed a different opinion. If we did not do the bond resolution and the authorizing resolution tonight and we passed the Charter Law as well as this additional bill back here that exhibits our intent to moved forward with this process, does that allow the entire process of notice and all the other things that have to happen to do this deal to start, or is the kick-off the bond resolution? Is my question clear?
MR. SMITH:
Things could progress at this point. One of the things Richard mentioned, though, is once we adopt the bond resolution we're going to go through a 20 day estoppel period, so we are sort of gaining that 20 days. If we don't have the bond resolution in effect it doesn't mean we can't proceed with certain steps to get the financing going.

LEG. BEEDENBENDER:
Okay. Well, I guess, you know, Rich, you had said those 20 days would put us at August 24th, we're just guessing at that point, and now we have seven days to get it done. Can -- if we start all that process now and then we'll give you the bond resolution on the fourth if we can get filed with the Secretary of State and we're ready to go -- this process can happen, we can save seven and a half million dollars and everybody can be happy.

MR. TORTORA:
If indeed it waited until the fourth we could still get it done I suspect. We'd like to have the flexibility to price it earlier if we could. But if indeed we have to wait until the fourth and then through the estoppel period, because we'll be moving forward assuming that it's good to go, and then we'd probably sell it immediately. The day it expired we would sell the bond and then close. When we sell the bonds we can then tell the trustee, give them their 45 day notice, it would be before the 15th, and then we would probably close after the first of September. But as long as they have the -- they won't trigger the call until they have proceeds.

LEG. BEEDENBENDER:
But we passed the bond resolution and they would know the proceeds, they could put the notice on the first and then make the call on the 15th, or opposite, whatever it is.

MR. TORTORA:
No, you're right. Exactly that way.

LEG. BEEDENBENDER:
Okay. All right. Thank you, Mr. Chairman. I hope that helped.

P.O. LINDSAY:
I know Legislator Kennedy wants to weigh in, but, you know, in all due respect, this is like, you know, I don't know whether it's every time we have a meeting out here at the end of June, but it's like chaos. I mean, you guys come forward with the -- it's not that it's a bad idea, but it's so complex, it's done by CN and the last minute and we're always up against deadlines and why does it always have to be this way? I mean, it's just crazy, guys. I'm just complaining, you know, but it's crazy. You know, it's such a complex deal. I'm not looking for anybody to answer this for me, but Jesus, why can't this be done more in an orderly manner with more time to look at the whole thing. Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Richard, I don't know if this is so much a question for you. I would like to ask the bond counsel, Mr. Smith, to step back to the podium because I tried very hard to follow some of the conversation with Legislator Beedenbender and the dates and all the timing, the sequence and things like that are very important. But I'm going to disagree with the opinion that you just gave and I'm going to yield to our Legislative Counsel. From your perspective as bond counsel, there may be an ability for us to do something referencing a condition that may occur in the future, but I know for a fact as a Legislator I can't vote on something that may or may not occur and give you some particular authority. Absolutely we can't do that. There is -- the resolution has got to be specific as to the action that it is that we're --

D.P.O. VILORIA-FISHER:
We're approving.
LEG. KENNEDY:
Providing to -- we are empowering. It's a condition subsequent which may or may not occur. So I'm going to respectfully disagree with you, Counsel, that we can do that.

MR. SMITH:
I think you could adopt the resolution, though, the effective date is the only thing we're talking about obviously. It's a matter of saying this resolution shall never become effective if that subsequent condition does not happen.

MS. BIZZARRO:
In fact, if I could just interrupt, the intention bill that you have before you as well is conditioned on a price, and if that price doesn't come to be, then you wouldn't purchase the facility. So that's also conditional. You can always put a conditional date in a resolution.

LEG. KENNEDY:
Well, again, maybe you can have a floor as far as a dollar and cent amount, but that's much different than whether or not there is a companion resolution that actually does get put in on a particular date. I'm going to disagree that we have that ability.

MR. SMITH:
One example, though, in practice there are provisions in law that allow us to adopt a bond resolution subject to approval of the voters. For example, school districts do it, fire districts do it. You adopt a resolution and it is subject to whether or not the voters approve it and this is I think similar.

LEG. KENNEDY:
Well, in the world of municipal finance, absolutely, positively. Public referendum is always the case. Where I'm disagreeing with you is where my role as a Legislator, by and through what my Legislative Counsel advises I can or can't do. It might fit the form for bond purposes, but it doesn't fit this form here on this side of the table.

MR. SMITH:
Okay.

MS. BIZZARRO:
Can I just correct the record, and George, you can let me know if I'm incorrect. I don't think Mr. Nolan indicated that he didn't think that we could do this on the bond resolution. I think he just directed that comment toward the appropriating resolution. But he can correct me if I'm incorrect. I think he wanted to defer to bond counsel on that issue.

MR. NOLAN:
Well, definitely when it comes to bond resolution matters I look at bond counsel's opinion on it, but it does seem to me that all the parties here have said that if on August fourth we do the appropriating resolution and we do the bond resolution at that time, it will work. I would feel more comfortable if we did both of those resolutions at the same time on August fourth, but as to the legality of doing the bonding resolution tonight, you know, I'll look to Bob Smith on that.

P.O. LINDSAY:
All right. Let me sort this out and get back so we can get something done here. 1558 we're all in agreement we can act on tonight.

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

P.O. LINDSAY:
Am I correct? And Mr. Clerk, we have a motion and a second on 1558?

**MR. LAUBE:**
Yes, you do.

**P.O. LINDSAY:**
Okay. Everybody done speaking on it?

**LEG. ROMAINE:**
Roll call.

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

**MR. LAUBE:**
Thirteen.

**P.O. LINDSAY:**
Okay. I need -- if there's any Legislators in the back you need to come back to the horseshoe. We have a big agenda. I need you all now. All right, I'm not done with this issue yet. I'm not going to take anything else out of order. I'm going to finish this and we're going to know what we're going to do with it so we can get rid of these guys. 1609 is the other portion of this. Now, am I correct, this has to be changed in order for us to look at it at all. Am I correct on that?

**MR. NOLAN:**
1609.

**P.O. LINDSAY:**
Yeah.

**MR. NOLAN:**
Needs to be tabled tonight.

**MS. BIZZARRO:**
Is 1609 the appropriating resolution? I'm sorry.

**MR. NOLAN:**
That amends the Capital Budget and Program to add $66 million for the Cohalan Court Complex acquisition.

**P.O. LINDSAY:**
This is the one we had the disagreement on that bond counsel said we could go forward with if it's modified.

**MR. NOLAN:**
No.

**MS. BIZZARRO:**
No.

**P.O. LINDSAY:**
No?

**MS. BIZZARRO:**
Bond counsel said that on the bond resolution. I'm not sure what number the bond resolution is. There's another one.

D.P.O. VILORIA-FISHER:
1610.

MS. BIZZARRO:
1610 probably, right.

P.O. LINDSAY:
Okay. 1609 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the acquisition of the partial interest in the John P. Cohalan Court Complex, constituting the portion of facility not currently owned by the County, from the Suffolk County Judicial Facilities Agency (CP 1137). I'm going to make a motion to table to simplify this.

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

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. We're all in agreement with that. We can table this and act on it, am I right, later on, August 4th?

MS. BIZZARRO:
That being the appropriating resolution; correct.

P.O. LINDSAY:
Okay. I have a motion to table. Do I have a second?

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1610 is the last one to do with this complicated -- two more?

MS. BIZZARRO:
Two more.

P.O. LINDSAY:
All right, 1610 - Bond Resolution of the County of Suffolk, New York, No. 2009, Authorizing the issuance of $66,000,000 bonds to finance a part of the cost of the acquisition of a partial interest in the John P. Cohalan Court Complex constituting the portion of the building not currently owned by the County (CP 1137). Now this one has to be changed, is that correct? Are you going to change this tonight or are we going to address this on the fourth again?

MS. BIZZARRO:
Yes, we can change it tonight. We'll do everything we can to do that.

**LEG. BEEDENBENDER:**
How can we bond --

**MS. BIZZARRO:**
And do it as a CN.

**LEG. BEEDENBENDER:**
Wait. How could we -- if we just tabled 1609, the appropriating bill, how can we bond what we didn't appropriate?

**MS. BIZZARRO:**
We'll allow bond counsel to address that.

**LEG. BEEDENBENDER:**
Okay.

**P.O. LINDSAY:**
That's tricky.

**MR. SMITH:**
We could not bond. We could authorize the issuance of bonds, which happens all the time. The bonds get authorized for issuance and it never happens because other facts don't fall in place. In this case one of those factors would be the adoption of an appropriating resolution which we cannot yet adopt.

**P.O. LINDSAY:**
I've only been here eight years, but I can't never remember bonding something that we didn't appropriate.

**MR. SMITH:**
It's not the usual practice.

**P.O. LINDSAY:**
I'll say. I mean, I'm open to any kind of motion on this.

**LEG. KENNEDY:**
Motion to table.

**P.O. LINDSAY:**
Motion to table.

**LEG. BEEDENBENDER:**
Second.

**P.O. LINDSAY:**
Can I have a second to the tabling?

**LEG. BEEDENBENDER:**
Second.

**P.O. LINDSAY:**
Second. All in favor? Opposed? Abstentions?
MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. What's the last piece of this, 1611?

LEG. BEEDENBENDER:
Yes.

P.O. LINDSAY:
And what does 16 -- does somebody else want to jump in and tell me what 1611 does?

LEG. BEEDENBENDER:
To purchase the asset.

MS. BIZZARRO:
Yes, that's the intention bill to indicate that you want to move forward with the purchase of the JFA's portion of its ownership interest in the Cohalan Court Complex for a cost not to exceed $66 million.

P.O. LINDSAY:
Okay, and that's before we did the appraisal.

MS. BIZZARRO:
Yes.

P.O. LINDSAY:
And if the appraisals in above that you guys are going to have to do a lot of talking to the people in the JFA to convince them that they're not going to go to jail over this crazy deal.

MS. BIZZARRO:
We've been speaking and we're all on the same page and we're looking to get this accomplished.

P.O. LINDSAY:
Okay. **1611 - Establishing intention of the Legislature to move forward with the purchase of the John P. Cohalan Court Complex.** I'll make a motion to approve 1611.

LEG. BEEDENBENDER:
Second.

P.O. LINDSAY:
Seconded -- when who seconded it? Legislator Beedenbender. All in favor? Opposed? Abstentions?

LEG. KENNEDY:
I'm opposed to this one.

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
Okay. Does that include our business with the -- okay. I guess you guys can all go home unless you're here for something else.

LEG. EDDINGTON:
Mr. Presiding Officer.
P.O. LINDSAY:
Go ahead. Legislator Eddington has a request and then I have another request from Legislator Schneiderman, and then I know the college people are here about the overrides, so I'll try and accommodate as many people as I can.

D.P.O. VILORIA-FISHER:
Let's go fast.

P.O. LINDSAY:
Let me guess. You want to take 1559 out of order.

LEG. EDDINGTON:
Correct.

P.O. LINDSAY:
Legislator Eddington has expressed a wish to take 1559 out of order. It's page 12, the last resolution. The reason for this is the Brookhaven Town Board, who went into session at seven o'clock tonight, is waiting for us to pass this so they can pass town resolution, am I correct?

LEG. EDDINGTON:
That is absolutely correct.

P.O. LINDSAY:
All right. Would you make a motion to take this out of order?

LEG. EDDINGTON:
I make a motion to take it out of order.

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

LEG. BEEDENBENDER:
I'm here, Tim.

LEG. MONTANO:
I'm here, too.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
All right. The resolution is before us. **1559 - Authorizing the County Executive to enter into a Memorandum of Understanding with the Town of Brookhaven to commence eminent domain proceedings for the Old Plaza Theater and land in East Patchogue.** Make a motion?

LEG. EDDINGTON:
I make a motion to approve.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. ALDEN:
On the motion.

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

**LEG. ALDEN:**
To Budget Review. What's our potential cost liability? Just to go back to the committee, there was a question whether we were just going to absorb some of the cost of the eminent domain proceedings or whether we absorb some of the cost of the actual acquisition.

**MS. VIZZINI:**
There is a Fiscal Impact Statement. Our liability is a little bit open-ended. It depends on what's in the agreement between the two parties. I just need to find the fiscal impact for you.

**LEG. EDDINGTON:**
Did you want me to elaborate on that?

**LEG. ALDEN:**
Anybody that can answer.

**LEG. EDDINGTON:**
This is -- we've been working on this since actually July of '06. The County Executive agreed, which was new because usually for economic development counties don't get involved, towns or villages do. Brookhaven Town has let this property lay there for 20 years. It's a blight in the middle of a reconstruction. And so we've been working on it. It came to our attention, and I must say that this project has gone through three Deputy County Executives. Chris Kent has jumped in and hit the ground running and the County Executive -- the County Attorney's staff has been working on this diligently.

What's happened is we found out that we're ready to go, we've done blight studies and everything, and we found out that a roadblock will be in the courts, that they'll say -- and the seller is an unwilling seller. We have found out that the roadblock that's going to come down is that towns -- counties don't do it, towns or villages do it. So I went to the Town of Brookhaven, Councilman Mazzei, and I told him. He sat with me, we talked to the owner of the property, who kind of blew us off, and they agreed that they would take the ball and run, but we had to guarantee that we were going to put up the money to purchase it, because as Steve Levy had said, we're going to turn it over and develop it, and have a developer develop it. And I think the County Attorney's -- the County Attorney is here and can clarify --

**LEG. ALDEN:**
And just to point out something, in Eminent Domain Procedure Law once you go and file and you get going on this, you have to make an offer to the owner. That owner can actually accept that money up front and then challenge the evaluation. So if we value it at a million, two million, five million, they can take that and demand the money from the County right now and then it could take another ten years, but it will go through the courts, and they'll actually -- the court will decide how much the value of the property is. It's usually against the municipality that's taking it. So if the owner of this property comes up with a huge number, usually the court finds for the person that owns the property against the municipality. So this could be quite costly if that's the -- if that's our liability, the purchase of the property, this could be a huge number.

**LEG. EDDINGTON:**
Maybe the County Attorney could come in.

**MS. BIZZARRO:**
Yes. I just recently got involved in this matter, although, yes, I think there's a lot of history to it. But any of the monies that would be put up from the County on this would be coming from two sources of Federal funds, from two pots. So, you know, it's not going to be money coming out of the General Fund.
**LEG. ALDEN:**
Then, through the Chair, the Federal funds that we're going to use for this are?

**MS. BIZZARRO:**
I don't know the exact sources, and I don't think this is the forum to discuss this in great detail, because the anticipation here is this is going to be a fairly highly contested condemnation proceeding and we don't want to use any numbers or basically let the claimant know, you know, exactly how we're going to be proceeding on this, so.

**LEG. ALDEN:**
You know, and I disagree with you because the claimant is just going to hire a lawyer, they are going to go in there and they are going to put an assessed valuation on this property that is like through the roof, especially if this is an adversarial type of --

**MS. BIZZARRO:**
That's what I'm saying, right. It's adversarial.

**LEG. ALDEN:**
But there's restrictions on most of the money we get. Even CDBG money you can't just use it for condemnation.

**MS. BIZZARRO:**
Correct, right. We would make sure that any of the money that would be used would be properly used, absolutely.

**LEG. ALDEN:**
But please identify where we think we're going to get the money from the Feds.

**MS. BIZZARRO:**
I don't know the exact pots, but I do know that it's money that could be used for this project.

**LEG. ALDEN:**
If you told me there's some urban renewal money and we already have the grant I would feel a little better about that, but that's the only place that I know of for Federal funds that you can use for this.

**MS. BIZZARRO:**
We do have the grant money, yes, and it is there. And like I said, I just -- I've only gotten involved in the last several days, although I've been in contact with the Town Attorney from the Town of Brookhaven and, you know, they are ready and moving forward and just looking for this IMA to be negotiated, you know, final negotiations and to move forward.

**P.O. LINDSAY:**
Think Legislator Eddington has --

**LEG. EDDINGTON:**
And another piece of that is that this was Federal money that was earmarked to take the utilities and put them under the ground, which County Executive refused to. And so like I went to Congressman Bishop and he reallocated it for this eminent domain, so I have the Federal, State, Town and now I'm looking for -- and the County has supported this all along. And now is the time where we need to move forward, and I think like the Attorney said, we've been vague on purpose. So -- and the Town is waiting to know this is approved so that they can start the courtroom -- the public hearings and the court.

**P.O. LINDSAY:**
Legislator Romaine.
LEG. ROMAINE:
Yes. I'm familiar with the Plaza Theatre. I understand what you're attempting to do. We just raised two issues. One, I hope the two Federal pots of money are enough of the pots, because if there's not enough money in those pots, what we're doing here tonight is committing County money for this project, so we should all be aware of that.

The second thing is there was a case in Hartford, I think it was in Hartford, Connecticut, where the city government condemned a piece of property only to sell that property to another developer. From your description it would seem like we're going to condemn property, the property owner doesn't want it condemned, and we're going to take his property for whatever value the court sets on it to turn it over to another developer to allow him to develop the property. Is that essentially correct?

LEG. EDDINGTON:
That's correct.

LEG. ROMAINE:
It raises a lot of constitutional issues with me, because, you know, I don't know how far government should go in the exercise of eminent domain. I have no problem with government exercising eminent domain to build a road, to take land for a building or college or something like that, but now we're take -- buying land at an unknown price, hopefully with enough pots of Federal money, if not, we're going to have to kick in County money, and at the end of the day then we're going to sell this land to another developer to develop. It's like we don't like you Mr. Developer or Mr. Owner, so we're going to buy the land and then sell it to another owner who we like.

LEG. EDDINGTON:
Let me just respond to that.

LEG. ROMAINE:
I'm just raising this as --

LEG. EDDINGTON:
First of all, the owner has -- it's been sitting dormant for over 20 years now, so he has no intention of developing it. He has met with willing buyers over the last six or seven years that he has owned it and taken them to the eleventh hour and then dropped them, even when they had met his amount. And the other part is that when I sat with the County Executive, I allowed some money that had been in that pot, County money, to be reallocated to other projects in the County at that time with the understanding that Suffolk County would foot the bill for this condemnation. The Congressman has come along and helped us out, but there was an agreement made with me when I first got elected by the County Executive that he would put County funds into this with the intention of flipping it and doing part of the downtown revitalization in Patchogue. So there is a strong commitment by the County Executive to do this.

LEG. ROMAINE:
I'm sure there is. I'm going to check my E-mail and see if the press release is out yet. But, nevertheless, here's the problem. Jack, if you told me we're buying this for revitalization and Suffolk County is going to use this land and we're going to do something with it, then I would have no problem with eminent domain. But essentially we're exercising eminent domain because we don't like the way the owner is running his property and we're going to take his property at unknown amount, which may involve County funds, and at the end of the day we are going to sell it to another private owner.

LEG. EDDINGTON:
But you're talking about a blighted building. Listen, I don't like the philosophy of eminent domain. When I was a social studies teacher I talked against it. However, I look at everything as it comes
up. This is a building that is dangerous. There are people in and out. It needs to come down. It should have been done by the Town 20 years ago. But we, the County, has agreed. We've passed two resolutions in support of this. One, September 22nd, resolution 1059, and then another one in April, a resolution. So we've been involved. You know, you may be jumping in now, but we've been involved here.

LEG. ROMAINE:
I followed you.

LEG. EDDINGTON:
Okay. So then this is ready to go and the County has committed a long time to this. And I expect it to go.

P.O. LINDSAY:
Okay. Before I recognize Legislator Alden, just to put it in perspective. We've already passed the eminent domain resolution about this building. This resolution that's before us now is to enter into an agreement with the Town of Brookhaven to share this process. Legislator Alden.

LEG. ALDEN:
Actually, just to pick up on what you're saying. I don't think it does that. I think it actually allows Brookhaven to exercise their powers of eminent domain and we're going to basically indemnify them.

And then my question to the County Attorney is if they're found to have exercised that right of eminent domain unconstitutionally, as was happened -- it has happened in a number of cases, recent cases, are we liable or could we be liable for damages?

MS. BIZZARRO:
The Town of Brookhaven has agreed to fully indemnify the County in the event that could happen, so you don't have any worry there.

LEG. ALDEN:
So this authorizes only the expenditure of money if we buy the property. So it's an open-ended commitment for purchase price.

MS. BIZZARRO:
It's not an open-ended commitment. You'll --

LEG. ALDEN:
How much is the limit on it?

MS. BIZZARRO:
That is what I do not think this is the forum to discuss that because I don't want to give away all of our or the town's cards with respect to the eminent domain proceeding.

LEG. ALDEN:
It doesn't matter. They're going to ask for like three times whatever we have available anyway. So, all right, whatever.

MS. BIZZARRO:
Not really the forum you want to do it. However, I will state that the IMA will clearly limit our responsibility financially.

LEG. ALDEN:
Are we exercising the right of eminent domain?
**MS. BIZZARRO:**
No, the Town of Brookhaven will.

**LEG. ALDEN:**
Okay. Thank you.

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

**LEG. ALDEN:**
Opposed.

**MR. LAUBE:**
Sixteen.

**P.O. LINDSAY:**
No, no, it couldn't. Legislator Alden voted against it. Legislator Kennedy isn't in the room, and Legislator Stern --

**MR. LAUBE:**
Yeah, so it's 15.

**P.O. LINDSAY:**
Somebody ask Legislator Kennedy to please come back in the room. We have so much business to conduct. You can't be going outside and taking a phone call.

I think Legislator Schneiderman, you wanted to take a motion -- a resolution out of order because of a gentleman that's been waiting for us?

**LEG. SCHNEIDERMAN:**
I'm almost there, but resolution 1515. This is the -- no, that's not the right one. I'm sorry. 1512.

**P.O. LINDSAY:**
Page seven.

**LEG. SCHNEIDERMAN:**
The YMCA resolution. The two gentlemen have been here all day.

**P.O. LINDSAY:**
Legislator Schneiderman has made a motion to take 1512 out of order. **1512 - Authorizing substitution of YMCA of Long Island, Inc., in place of Town of Riverhead for improvement and maintenance of property acquired under Greenways Program in connection with active parkland in the Town of Riverhead (SCTM No. 0600-125.00-01.00-005.003).** Do I have a second to taking it out of order?

**LEG. ROMAINE:**
Second.

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

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
1512 is before us. Do I have a motion?
LEG. ROMAINE:
Motion.

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

LEG. ALDEN:
Just a brief explanation.

P.O. LINDSAY:
Yeah, Legislator Alden is requesting an explanation.

LEG. ROMAINE:
Several years ago the County of Suffolk bought an approximately seven and a half acre parcel of property adjacent to Stowsky Park, which is the major recreational complex for downtown Riverhead on Pulaski, and they entered because it was a Greenways acquisition into an agreement with the Town of Riverhead to begin a program. The Town of Riverhead did not undertake that program or developed it. Originally it was thought to be soccer fields. In the meantime, the YMCA has come along and they are looking for a location in downtown Riverhead. What this resolution would do is substitute the Town of Riverhead for the YMCA as the sponsor for the green fields to develop this as recreation -- YMCA for the Town of Riverhead.

LEG. ALDEN:
And just through the Chair. George, there was no restriction on whether it would just be open space or --

LEG. ROMAINE:
No, this is a Greenways.

LEG. ALDEN:
No, but building a building is different than soccer fields. That's all I'm asking.

LEG. ROMAINE:
Right.

LEG. SCHNEIDERMAN:
Can I just add that this is --

P.O. LINDSAY:
Wait a minute. Legislator Alden has asked Counsel a question. Let Counsel answer and then I'll recognize you, Legislator Schneiderman.

MR. NOLAN:
Actually, I don't know what the original agreement was, what was going to be built there. I think it was sports fields was the original idea.

LEG. ALDEN:
Is there a restriction? Is there a restriction if --

MR. NOLAN:
What we're doing is we're substituting a new party.

P.O. LINDSAY:
Gail, do you have an answer to that question?
MS. LOLIS:
The construction of the facility would fall under the active recreational facility under the Greenways Program.

P.O. LINDSAY:
Okay. Thank you, Gail. Legislator Schneiderman.

LEG. SCHNEIDERMAN:
I just wanted to add that this recreational facility will include an indoor swimming pool. It's fully funded. YMCA is putting up three million dollars. There is another four million in private funds that they are raising.

LEG. ALDEN:
Trying to change my mind.

LEG. SCHNEIDERMAN:
No, no. You don't have to pay a penny. It's seven million dollars being invested.

LEG. ROMAINE:
Right. And it is perfectly located because it's right next to the Town recreational complex and it will serve the greater East End.

P.O. LINDSAY:
Okay. Any other questions? No? We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
All right. Unless somebody else has some -- I'm going to do the vetoes, all right? Instead of looking at the big packet, the synopsis of the vetoes are on this page, and I think it boils down to two resolutions. Am I correct, Counsel?

MR. NOLAN:
Correct. We passed two resolutions, 453 and 454.

P.O. LINDSAY:
I'm going to try and shorten this. I'm going to make a motion to override the vetoes on resolution 453.

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

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Viloria-Fisher. Does anybody want to comment on this? If I'm not mistaken, 453 is what the Omnibus Committee put together and I'm going to get on my high horse a little bit. I don't normally -- a lot of times I don't agree with Legislator Romaine, but he is absolutely correct. You know, after some of the financial gimmickry that we went through today for the County Executive to blast us for adding really a modest amount of money back to the Capital Budget -- Ms. Vizzini, is this year's Capital Budget less than last years?
MS. VIZZINI:
That's correct, Mr. Presiding Officer.

P.O. LINDSAY:
How much less?

MS. VIZZINI:
We're getting that.

P.O. LINDSAY:
I thought about $17 million. Do you recall, Legislator Beedenbender? You Chaired the committee.

LEG. BEEDENBENDER:
I think it should be about six less. The County Executive's was I think in the neighborhood of 18 and we added some add backs, so it should be about six million dollars less or somewhere in that neighborhood.

P.O. LINDSAY:
There was two numbers. There was a net number because of stimulus money, and then there was a gross number.

LEG. BEEDENBENDER:
Right, but --

MR. REINHEIMER:
Yeah. If I recall correctly the Adopted 2009 Capital Program was about in the neighborhood of $95 million and the Legislature 2010 budget is about 86 million.

LEG. BEEDENBENDER:
So it's about 9 million, then.

MR. REINHEIMER:
That's correct.

P.O. LINDSAY:
Okay. My point is I think the Working Group, which I didn't participate in, did a wonderful job in these very difficult times of adding back some essential programs that we've been committed to. And any time that you put together a Capital Budget year after year less than the year before I think you're really doing a good job. So my motion stands to override. I have a second. Roll call.

(Roll called by Mr. Laube - Clerk)

P.O. LINDSAY:
Yes.

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

LEG. COOPER:
Yep.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)
LEG. GREGORY: Yes.

LEG. HORSLEY: Yes.

LEG. NOWICK: Yes.

LEG. KENNEDY: Yes to override.

LEG. BARRAGA: Yes.

LEG. ALDEN: Yes.

LEG. MONTANO: Yes.

LEG. EDDINGTON: Yes.

LEG. LOSQUADRO: Yes to override.

LEG. BEEDENBENDER: Yes.

LEG. BROWNING: Yes.

LEG. SCHNEIDERMAN: Yes.

LEG. ROMAINE: Yes.

MR. LAUBE: Eighteen -- seventeen.

P.O. LINDSAY: Okay. And the other one is on the last page of that, it's resolution 454. It's a stand alone resolution to add -- to advance the planning money at 1.6 million dollars from subsequent years to 2010 for the Learning Resource Center on the Grant Campus. Do I have a motion on this?

LEG. KENNEDY: I'll make a motion to override.

P.O. LINDSAY: To override.

D.P.O. VILORIA-FISHER: Second.
P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher. Do we have any discussion on this? Okay, roll call.

(Roll called by Mr. Laube - Clerk)

LEG. KENNEDY:
Yes.

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

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

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.

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

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
Okay. Now you folks can go home. No, there's another one. Oh, the Operating Budget. All right, I'll get to it. Okay. 14 -- do you want to -- where is the budget?

**MR. NOLAN:**
In the folder.

**P.O. LINDSAY:**
All right, let's see if we can do that. Okay. Suffolk Community Budget -- College Budget Resolution No. 1. It's not on the agenda, it's in a separate bill. Am I right? Yeah. Did everybody find it? It's in the packet. *Adopting 2009 2010 Operating Budget total for Suffolk County Community College.* Everybody have it before you? Okay, do I have a motion.

**LEG. ALDEN:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Alden, second by Legislator Horsley. Any discussion?

**LEG. MONTANO:**
Yeah, a quick question.

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

**LEG. MONTANO:**
Gail, this resolution, bear with me, it's $180,000, the total Operating Budget; 38,000 is the County share. What percentage is that? I don't have my calculator.

**MS. VIZZINI:**
You mean what portion of the revenue?

**LEG. MONTANO:**
Yeah.

**MS. VIZZINI:**
It's around 27 percent.

**LEG. MONTANO:**
So that stayed more or less --

**MS. VIZZINI:**
Actually it's less than that. I can tell you that there's no increase in the County contribution, it's flat. It's the same County --

**LEG. MONTANO:**
It says no dollar increase.
MS. VIZZINI:  
There's no percentage increase either from last year. The college neither requested nor were they given an increase in the County contribution.

LEG. MONTANO:  
Is there a decrease?

MS. VIZZINI:  
No -- well, that would not be prudent.

LEG. MONTANO:  
You can't. I'm just trying to get an idea of what the percentage is.

MS. VIZZINI:  
The percentage? You mean the --

LEG. MONTANO:  
Remember the debate when I first came on about one-third and one-third and one-third? What I'm asking is that where are we with respect to that issue, one-third and one-third and one-third, and we're about 27 percent and we've been around 27 percent for the last couple of years, am I correct in that? Someone's shaking their head.

MS. VIZZINI:  
Let me just check our report.

D.P.O. VILORIA-FISHER:  
It's less than 25 percent.

LEG. MONTANO:  
It's less than 25. So where is the -- so it's coming up, the increase, our share is going down but the tuition component has gone up, is that the deal? And I'm just asking generally.

MS. VIZZINI:  
There was a $200 annual increase in tuition to provide the necessary revenue.

LEG. MONTANO:  
That's the dollar amount.

MS. VIZZINI:  
Full time, yeah.

LEG. MONTANO:  
And then in terms of the percentage do you know more or less? I mean, if you don't know we'll move on.

MR. LIPP:  
The total County share is 22.1 percent of the 180.

LEG. MONTANO:  
22.1?

MR. LIPP:  
Yes.

LEG. MONTANO:  
And then the State's share, do you know what that is? And I'm just curious about the numbers,
that's all. It's not going to affect my vote. We want this to pass.

**MR. LIPP:**
The State is 27 percent, 27.2; student tuition, 40.2; and then there's another category, which is a sort of a catchall category, other, of a little over 9 percent.

**LEG. MONTANO:**
Okay. Thank you very much.

**P.O. LINDSAY:**
Could I just point out, too, the two factors that raised the student is increased enrollment, which has been dramatic, as well as the tuition increase.

**LEG. MONTANO:**
Thank you.

**P.O. LINDSAY:**
Okay. We have a motion and a second, am I right there, Mr. Clerk?

**MR. LAUBE:**
That is correct.

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

**MR. LAUBE:**
Sixteen.

**P.O. LINDSAY:**
Now can you go home? Back to the regular agenda Page 7, again I apologize for jumping around. **IR 1432 - Authorizing the inclusion of new parcels into existing agricultural districts in County of Suffolk.**

**LEG. ROMAINE:**
Motion.

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

**P.O. LINDSAY:**
Motion by Legislator Romaine, seconded by Legislator Viloria-Fisher. Any questions on the motion? All in favor? Opposed? Abstentions?

**LEG. ALDEN:**
Cosponsor.

**LEG. BARRAGA:**
Opposed.

**MR. LAUBE:**
Sixteen.

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

**P.O. LINDSAY:**
You called the vote, right?

**MR. LAUBE:**
Legislator Barraga is opposed.

**P.O. LINDSAY:**
Did you call the vote?

**MR. LAUBE:**
Sixteen, no 15, check that. Legislator Beedenbender was out of the room.

**LEG. BROWNING:**
Tim, cosponsor.

**LEG. LOSQUADRO:**
Tim. He wanted to cosponsor.

**P.O. LINDSAY:**
Okay. I'm going to try and continue but I really need people here. *1473 - To evaluate County properties for community garden purposes.*

**LEG. ROMAINE:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Romaine.

**LEG. SCHNEIDERMAN:**
Second.

**LEG. GREGORY:**
Second.

**P.O. LINDSAY:**
Second by Legislator Schneiderman. Maybe just for my edification, what -- how is this different than the Victory Garden and the Recession Garden.

**LEG. ROMAINE:**
It's all -- each of these resolutions are separate and distinct. This resolution asks the Department of Real Estate to evaluate vacant County properties for the possibilities of establishing community gardens in which the County would enter into agreements with not-for-profits, clubs like Rotary, Kiwanis, Lions, churches, where that land could be farmed for personal use or for food pantries.

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

**MR. LAUBE:**
Sixteen.

**LEG. EDDINGTON:**
Put me down as a cosponsor for that.

**D.P.O. VILORIA-FISHER:**
Am I already a cosponsor on that?

**MR. LAUBE:**
I don't have it in front of me.

**P.O. LINDSAY:**

**LEG. EDDINGTON:**
Second.

**LEG. LOSQUADRO:**
Second.

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

**MR. LAUBE:**
Sixteen.

**P.O. LINDSAY:**
We did 1512. 1515 - Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - for the DeFosse, F. Cuomo, V. Cuomo, Howitt, Casey, J. Cuomo, and L. Cuomo property - Cuomo Family Farm - Town of Brookhaven (SCTM No. 0200-916.00-02.00-004.000 p/o).

**LEG. ROMAINE:**
Motion.

**LEG. LOSQUADRO:**
Second.

**P.O. LINDSAY:**
Motion by Legislator Romaine, second by Legislator Losquadro. Anything on the question? All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**
Opposed.

**LEG. GREGORY:**
Opposed.

**MR. LAUBE:**
Fourteen.

**LEG. ROMAINE:**
Could the Clerk please list me as a cosponsor.

**MR. LAUBE:**
Fifteen.

**LEG. SCHNEIDERMAN:**
Me too, Tim.

**P.O. LINDSAY:**
IR 1534 - Appoint member to the Equestrian Task Force (Rocky DiVello). Legislator Eddington, you want to make that motion?
LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Eddington, who else? I’ll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1536 --

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1536, 1536A - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection for Land Acquisitions.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine.

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

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

LEG. ALDEN:
On the motion.

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

P.O. LINDSAY:
On the motion, Legislator Alden and then Kennedy.

LEG. ALDEN:
Budget Review, could you just tell us where we are as far as the approved acquisition program? In other words, how much money did we expend, how much money did we borrow so far?

MR. LIPP:
Last year we approved $57 million and we spent that money, serial bonds, and this year what we're doing right now is to authorize an additional $55 million.

LEG. ALDEN:
Two questions, and you're probably not going to know the answer to this, but are we buying off some kind of list? Is there some kind of plan that we’re going to buy these properties first because they protect drinking water and then we are going to go to like secondary type properties, or is this just we buy what properties we can.

And then the other part of that question is are we complying with our own laws that as we buy these
properties we are protecting them, because a number of properties that I looked at very recently that the County has purchased have been dumped on. I'm talking about debris that could be contaminated with asbestos and other types of heavy metals. And the second thing is I'm watching properties get destroyed by off-road vehicles. So I don't know who can answer it.

**MR. LIPP:**
I would defer to Commissioner Gallagher.

**COMMISSIONER GALLAGHER:**
Yes. There are two ways that we go about acquiring property. One is we do have a master list that was put together by the Department of Planning, so there is a comprehensive list. And the second way is through planning steps. There is a list. There's actually right now still 14,000 acres that we have between planning steps and the master list that are outstanding that we have not closed on those parcels, so that is what we are working on.

**LEG. ALDEN:**
Commissioner, how much property was on the master list? Because we went to this, you know, like I think it's the County Last Stand we almost adopted something that really didn't have a delineated list of priorities that we wanted to adopt. It was almost like just every piece of open space is ripe for us to purchase.

**COMMISSIONER GALLAGHER:**
Well, Long Island's Last Stand calls for 35,000 acres across Long Island; about 33,000 of those in Suffolk County. Between the master list and existing planning steps resolution there's 14,000 acres. I want to say somewhere around 10,000 of those acres were from the master list, but I'd have to go back and look between master list one and two to be 100% certain.

**LEG. ALDEN:**
Okay. So you would actually have to update the master list to include all of the properties that we're looking to buy now? You just indicated 10,000 of them came off the master list and there is 14,000 that we're looking to purchase?

**COMMISSIONER GALLAGHER:**
No, there's -- because there are individual planning steps resolutions, which are not part of the master list. The master list was adopted, it was several thousand acres adopted at once as opposed to individual planning steps. Like you just passed today North Fork Preserve was an individual planning steps resolution.

**LEG. ALDEN:**
It's not on the master list.

**COMMISSIONER GALLAGHER:**
Part of it was, half of it was originally.

**LEG. ALDEN:**
Okay. Have you prepared a -- it's almost like a how goes it type of chart? Can you get us something that shows where we are in the total scheme of things, because it's a four year program of acquisition, right, for the quarter center, and we look to expend "X" number of dollars, so I would feel more comfortable if we had "Here's our plan, here's the properties we want to buy, here's what we've accomplished to date, and here's the dollar amount" and then show us what's in the pipeline.

**COMMISSIONER GALLAGHER:**
I could give you today information on what we're proposing to purchase with the $55 million because those are all the parcels that we anticipate closing on that have either already authorizing resolutions, they are in contract, or we have an accepted offer, and therefore we will be closing on these parcels before the spring bonding. That's why we need the money now.
LEG. ALDEN:
That will help, but I'd like to see the overall plan also that, you know, how -- if we went to
completion here's what we are looking to accomplish, these are the parcels we are looking to
purchase, and then I can judge whether we are successful or if we are substituting in things that
might not be as high on the list.

The second thing is who coordinates as far as the stewardship of these properties, because most of
them fall to us and we do have some laws on the books that we're basically not following. Is that
your department or do you coordinate with the Parks Department?

COMMISSIONER GALLAGHER:
Once the land is acquired it's transferred to Parks. So Parks then -- either it's County parkland or
they then coordinate with the individual towns or other management partners on managing those
properties.

LEG. ALDEN:
Who should I ask for an updated plan for the stewardship of those properties? Would that be you or
would that be the Parks Department?

COMMISSIONER GALLAGHER:
I would defer to the Commissioner of Parks on that topic.

LEG. ALDEN:
Okay. Thank you.

P.O. LINDSAY:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Mr. Chair. Commissioner, my question is I just took a look at the list and I see the
McDonald Douglas property is on there, which as you recall is that small home at the end of Charles
Court. My recollection was that when we put that in originally I thought it was old drinking water
money, old quarter cent drinking water money, from Smithtown. So if there's been a shift to
purchase out of this, and we are pretty close to closing on that as you know, then would that free up
those amount of monies for the old drinking water fund for the Town of Smithtown?

COMMISSIONER GALLAGHER:
I believe for Smithtown we ended up using up those funds on a property that was going to close
sooner. So, you know, we tried -- obviously we try to use up the old drinking water funds first
before using new funds, and as we saw property that was getting ready to close sooner rather than
this, we shifted the funds into closing on that.

LEG. KENNEDY:
Okay. Nevertheless, I'm glad to see money there's money here for --

P.O. LINDSAY:
Anybody else?

COMMISSIONER GALLAGHER:
Would you like copies of the list of proposed parcels?

P.O. LINDSAY:
That would be helpful. Barbara, could you get the copies, please? Are you ready to vote on this?
Okay. We have a motion and a second. All in favor? Opposed? Abstentions?
LEG. ALDEN:
Abstain.

MR. LAUBE:
Fifteen.

LEG. COOPER:
Cosponsor.

P.O. LINDSAY:
On the accompanying bond resolution, roll call. Same motion, same second, roll call.

(Roll called by Mr. Laube - Clerk)

LEG. ROMAINE:
Yes.

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

LEG. COOPER:
Yep.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
No.

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. BEEDENBENDER:**
Yes.

**LEG. BROWNING:**
Yes.

**LEG. SCHNEIDERMAN:**
Yes.

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

**MR. LAUBE:**
Fifteen.

**P.O. LINDSAY:**
IR 1544 - Appoint member to the Equestrian Task Force (Sam Uliano).

**P.O. LINDSAY:**
Motion by Legislator Eddington, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
We did 1547. **1555, Appoint member to the Equestrian Task Force (Janet Plympton).**
Motion by Legislator Eddington, I'll second it. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
Health and Human Services. **1471 - Establishing a grow green - save green initiative by promoting "Recession Gardens" in client benefit applications.**

**LEG. HORSLEY:**
Motion to approve.

**P.O. LINDSAY:**
Motion by Legislator Horsley, seconded by Legislator Viloria-Fisher. And I'll ask the question, how does this differ from Legislator Romaine's gardens?

**LEG. HORSLEY:**
Okay, this differs quite a bit. What this does is Social Services when someone comes in for a food stamp application we'll give them -- they'll notify the client that both seeds and plants can be purchased with -- with food stamps.

**P.O. LINDSAY:**
So they come in looking for food and we give them seeds.

**LEG. HORSLEY:**
For every dollar spent you receive $25 back in produce. If you spend $100 that's $2,500, so it's a good deal.
P.O. LINDSAY:
We have a motion and a second. Any other questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1484 - Approving the reappointment of Tracy A. Trypuc as a member of the Suffolk County Board of Health.

LEG. EDDINGTON:
Motion to approve.

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

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
1493, 1493A - Appropriating funds in connection with the purchase of equipment for health centers. Legislator Browning, you want to --

LEG. BROWNING:
I'll make a motion.

P.O. LINDSAY:
Motion. Seconded by Legislator Eddington.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
What health centers are included here? I hope not Bay Shore. What health centers? There's a proposal to close at least two of the health centers, so.

LEG. ROMAINE:
Bay Shore.

LEG. ALDEN:
These all go to Bay Shore? Does anybody know the answer to that?

P.O. LINDSAY:
Yeah, George is getting it.

LEG. ALDEN:
Oh, George, thanks.

MR. NOLAN:
There's an attachment to the resolution which lays out the purchase of equipment for different health centers. It's Brentwood, Coram, East Hampton, Martin Luther King Junior, Patchogue, Riverhead, Southampton, Tri-Community, and Yaphank.
P.O. LINDSAY:
Okay, we have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen.

P.O. LINDSAY:
On the accompanying bond resolution --

MR. LAUBE:
Can I get a check on the motion and second on that, on the last bill, 1493.

P.O. LINDSAY:
The motion was by Legislator Browning and seconded by Legislator Eddington.

LEG. EDDINGTON:
Correct.

MR. LAUBE:
Thank you.

P.O. LINDSAY:
On the accompanying bonding resolution 1493A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.
LEG. ALDEN:
Yes.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. We're in Labor, Workforce and Affordable Housing. IR 1505 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program for Workforce Housing (SCTM No. 0204-013.00-06.00-002.000).

LEG. EDDINGTON:
Motion to approve.

P.O. LINDSAY:
Motion by Legislator Eddington.

LEG. BROWNING:
Second.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. ALDEN:
Brief explanation.

P.O. LINDSAY:
Legislator Alden is looking for an explanation and there's a series of planning steps here. There's three resolutions that have to do with workforce housing. They are a little bit different. I don't think we've ever seen these before.

MR. NOLAN:
These were the presentations that were made this morning when Mayor Pontieri and those other
folks were here talking about the various projects. This particular first resolution authorizes us to move ahead with acquiring one parcel to aid one of the affordable housing projects down in Patchogue, but I’m not --

**LEG. EDDINGTON:**
Village of Patchogue.

**LEG. ALDEN:**
Does this mainly just authorize us to transfer the property that they're going to use?

**MR. NOLAN:**
It's actually just planning steps to do a purchase.

**LEG. ALDEN:**
This would plan so that we would purchase the property and then they'll do the affordable housing.

**MR. NOLAN:**
Right. Somebody else will actually develop the affordable housing there.

**LEG. ALDEN:**
We have a separate fund, and this is directed to Budget Review. How much is left in that fund, because I'm making the assumption that this would tap into that fund?

**MS. VIZZINI:**
There were some previous appropriations in Capital Project 8704, but we can also do workforce housing through multifaceted and there is money in multifaceted.

**LEG. ALDEN:**
Thank you.

**P.O. LINDSAY:**
Is there any other questions on this? We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
Okay. **IR 1506 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (SCTM Nos. 0204-009.00-05.00-025.002 and 025.003, 026.000, 024.000, 017.000, 016.000, 015.000, 014.000, 044.000).** Same motion, same second, okay?

**MR. LAUBE:**
Seventeen.

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

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
And **1507 - Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (SCTM Nos. 0600-128.00-06.00-081.000, 0600-128.00-06.00-082.000 and 0600-128.00-06.00-086.003).**
LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine. Seconded by Legislator Eddington. This was the one in Riverhead.

LEG. ROMAINE:
Summer Winds.

P.O. LINDSAY:
Okay. I'm sorry. Now I get it. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

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

MR. LAUBE:
Yes.

P.O. LINDSAY:
1511 - Authorizing the disbursement of funds from the Suffolk County Living Wage Contingency Fund for Kids Place Early Childhood Day School, the Community Programs Center of Long Island, Inc. - Port Jefferson, the Community Programs Center of Long Island, Inc. - Ronkonkoma, Rainbow Chimes, Inc., Brightwaters Child Care & Development Center Inc. DBA Kiddie Academy of Brightwaters, and Lazy Cow, Inc. DBA Kiddie Care Early Learning Center Day Care Providers under Contract with the Department of Social Services.

LEG. BROWNING:
Motion.

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

P.O. LINDSAY:
Motion by Legislator Browning, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. I'm going to take the liberty of the Chair and Ms. Braddish has been waiting here for us to deal with some land leases. If you go to page 12, I'm going to make a motion to take out of order 1513 - Authorizing the lease terms associated with the Federal Aviation Administration Operations on County land located in the Town of Babylon. I make a motion to take it out of order.

LEG. GREGORY:
Second.
P.O. LINDSAY:
Who made the second, Legislator Horsley?

LEG. HORSLEY:
No.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Okay. 1513 is now before us.

D.P.O. VILORIA-FISHER:
Ways and Means.

P.O. LINDSAY:

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
On the same page, if you go down about six resolutions, 1542 - Authorizing the change of lease terms associated with the operations of the Suffolk County District Attorney’s East End Bureau.

LEG. ROMAINE:
Motion.

LEG. SCHNEIDERMAN:
Second.

P.O. LINDSAY:
This is to take it out of order.

LEG. ROMAINE:
Motion.

P.O. LINDSAY:
Motion by Legislator Romaine to take it out of order. Seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1542 is before us. Same motion, same second, to approve. Is that okay with everybody? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.
P.O. LINDSAY:
And the one right after that is **1543 - Authorizing the extension of the lease of premises utilized by the Suffolk County District Attorney’s Office.**

D.P.O. VILORIA-FISHER:
Motion to take it out of order.

P.O. LINDSAY:
Motion to take it out of order by Legislator Viloria-Fisher, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1543 is now before us. Same motion, same second. Any comments? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
Ms. Braddish, you can go home.

MS. BRADDISH:
Thank you very much.

P.O. LINDSAY:
Pretty soon it's just going to boil down to us.

LEG. ROMAINE:
And Ben.

P.O. LINDSAY:
And Ben. Ben can never go home. Ben is here until the end.

LEG. ROMAINE:
They need him in East Hampton.

P.O. LINDSAY:
**IR 1540 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services [Medical Assistant (Spanish Speaking)].**

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

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

LEG. NOWICK:
Second.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1541 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services (Senior Boat Operator).

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Senior boat operator.

D.P.O. VILORIA-FISHER:
Why do you need a senior boat operator?

P.O. LINDSAY:
Do we have a motion? Let's get it on the floor and then we'll talk about it. Who made the motion?

LEG. NOWICK:
Motion.

P.O. LINDSAY:
Okay, Legislator Nowick made the motion and second by Legislator Browning. It's before us. And the question was, Ben, why do we need a boat operator in Health Services?

MR. ZWIRN:
It was -- the position -- the title was changed as a result of a desk audit by Civil Service. What the boat operator does I don't know, but it was -- it takes water samples, water quality samples.

P.O. LINDSAY:
Okay, that makes sense.

LEG. NOWICK:
In committee they listed more boats that we have than Madoff had.

P.O. LINDSAY:
Really.

D.P.O. VILORIA-FISHER:
It's a fleet.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
IR 1554 - Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Public Works (Highway Funding Program Manager). I'll make a motion.

LEG. BEEDENBENDER:
Second.

**P.O. LINDSAY:**
Second. I assume that this one is a grant writer, am I correct?

**LEG. BEEDENBENDER:**
Yes.

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

**MR. LAUBE:**
Seventeen.

**P.O. LINDSAY:**
Is that why you were hanging around Mr. Anderson?

**COMMISSIONER ANDERSON:**
No.

**P.O. LINDSAY:**
What are you hanging around for?

**COMMISSIONER ANDERSON:**
CN's.

**P.O. LINDSAY:**
Oh, the CN's. I'm reluctant, I'm reluctant. You have to stay with Ben. **1557 - Waiving the employment of Vinessa Manfre from Suffolk County Residency Requirements.**

**LEG. COOPER:**
Motion.

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

**LEG. ROMAINE:**
Second.

**P.O. LINDSAY:**
Second by Legislator Romaine.

**LEG. LOSQUADRO:**
On the motion.

**P.O. LINDSAY:**
On the motion, who?

**LEG. ALDEN:**
I'm asking for an explanation.

**P.O. LINDSAY:**
Okay. Legislator Alden. Legislator Cooper, can you just give us a quick explanation.

**LEG. COOPER:**
Right. This is just a temporary exemption. That the Salary and Reviews Board was supposed to
meet a few months ago. They failed to meet. She applied when she was supposed to, she went through the proper procedure, but again, the Appeals Board didn't meet. They're not meeting again until 2010, so this will allow her to stay in the employ of County until they do meet, and then she'll have to go through the proper procedures.

P.O. LINDSAY:
So she was in the employ of the County and moved out of the County.

LEG. COOPER:
She's still -- yes, she's been an employee for three years. She's going to be getting married and she'll be moving to Nassau County.

P.O. LINDSAY:
Okay.

MR. LOSQUADRO:
Mr. Chairman.

P.O. LINDSAY:
Legislator Alden, let you finish and then I'll recognize you, Legislator Losquadro.

LEG. ALDEN:
What's the criteria, and maybe George would answer it, but -- and why do we have to waive this if there's a procedure already in place?

LEG. COOPER:
Because they were supposed to have met but they didn't meet as scheduled, so now there's this limbo situation where she submitted the request to be considered for the waiver, the Review Board failed to meet when they were supposed to meet. Now they won't be meeting for another six months, eight months, and in the meantime we need to try to get this settled, at least on an interim basis.

LEG. ALDEN:
And, Jon, you seem to be familiar with it. How many have they granted in the past and what's the criteria that you have to meet? Isn't there some kind of a requirement for a -- it's got to be unusual circumstances or --

LEG. COOPER:
George, perhaps you can address it.

MR. NOLAN:
Right. The Administrative Code says that a waiver can be granted by the board upon a showing of a substantial hardship by the personal, economic or financial upon said applicant. So that's the criteria that will be applied by the board. The only avenue she had was to go through this board and they have not met, so in terms of the equities we thought, you know, Legislator Cooper asked us to draft this because she just hasn't had an opportunity to make her case to that board. This resolution is only in effect until the board meets and rules on her application.

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

LEG. ALDEN:
Do you know the history of whether they grant for -- and I am not sure what she is stating as far as a hardship, that she got married. Marriage can be a hardship, I guess. I was married once, it was a hardship. Actually it probably ended up both, but whatever.
LEG. COOPER:
Cameron, it's a valid question but --

LEG. ALDEN:
In other words, I don't want to establish a new precedent that just because you get married and decide to live in a different county we are going to waive a residence requirement.

LEG. COOPER:
No, no, and she does have to make the case. She was prepared to do so, they were supposed to meet, then they canceled the meeting. I think there was an assumption that they would be meeting more routinely, but apparently they meet very infrequently. So the meeting that had been scheduled was cancelled, that she had prepared for. Now they will not be meeting again until some time next year.

LEG. ALDEN:
So this is a little bit of an unprecedented situation because we are waiving something that's going to affect next year also.

LEG. COOPER:
On an interim basis until they meet again. I mean, she followed the proper procedure. She applied for consideration before the board. They were supposed to have met. For whatever reason they decided not to meet, and now she's in this situation.

LEG. ALDEN:
Do you know what's the law? I guess it's a holdover until they meet, but why would we have to take action? I feel a little uncomfortable taking action when there is a whole procedure set up to deal with this.
And maybe George can answer.

MR. NOLAN:
Well, the reason we have to do it is because the law has a residency requirement, so to comply with the law before -- I don't think she has moved out of the County yet, but before she did so I guess she wanted to get some type of blessing from somebody. She went to the board, they are not meeting, so the Legislature is going to grant the waiver temporarily until the board meets.

LEG. ALDEN:
Why don't we replace the board and make them meet. I don't see why they have that prerogative to just, you know, blow things off for a year. That's not right either.

LEG. COOPER:
She's willing to call off the wedding if you insist, Cameron.

(Laughter from panel)

LEG. ALDEN:
You know what, I'm not going to advise, you know, one way or the another on that, but she should consider, because Nassau County, if that's going to be a permanent place of residence, they've got financial difficulties.

LEG. COOPER:
I'll pass that along. Thank you.

P.O. LINDSAY:
Okay. We have a motion and a second -- I'm sorry, Legislator Losquadro. Forgive me, it slipped my mind.
**LEG. LOSQUADRO:**
I know we’re trying to move things along here, but I guess to Counsel, can we do this that it only affects one person? This doesn’t set some sort of precedent that other -- I mean, being that we do have a residency requirement, could other individuals claim that they were not treated in an equal fashion because we take this action? Is this going to set some sort of precedent and could it apply to any position, commissioners, directors, what have you.

**MR. NOLAN:**
I think, in fact, in the past there may have been a resolution to temporarily waive residency requirements for a commissioner. I think that has been done in the past. So, you know, there is a -- you are doing something for an employee, another employee could argue, and if it was similarly situated could, you know, go to their Legislator and ask for a similar resolution. We take it on a case by case basis.

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

**LEG. MONTANO:**
Just at quick question, George. When she goes to this board, if they don't grant her the waiver, do we have the power to override them and grant it? Do we have that discretion?

**MR. NOLAN:**
That's not in the law.

**LEG. MONTANO:**
So it really is up to them.

**MR. NOLAN:**
For the permanent resolution of this yes, it will be up to that board.

**LEG. MONTANO:**
So this bill only covers her until she goes before them.

**MR. NOLAN:**
Correct.

**LEG. MONTANO:**
If she gets it, she's fine. If she doesn't --

**MR. NOLAN:**
Well, then she's got to deal with it.

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

**LEG. COOPER:**
And just for the record. Vinessa had offered to bring homemade brownies to today’s meeting for all of the Legislators and I told her it wasn’t necessary.

**P.O. LINDSAY:**
Why did you do that?

**LEG. COOPER:**
So, please, do not prove me wrong on this.
LEG. MONTANO:
Would you list me as a cosponsor?

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Sixteen -- fifteen. (Abstentions: Legislators Losquadro and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
Parks and Recreation. 1289 - Authorizing use of Smith Point County Beach property by the American Cancer Society, for the Amazedness Kite Fly. Motion to approve by Legislator Eddington, second by Legislator Viloria-Fisher. Is that really, I mean, Legislator Viloria-Fisher, is that a word?

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

P.O. LINDSAY:
It is? I don't think it is. All right. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1483 - Authorizing the County Executive to enter into an Intermunicipal Agreement with the Town of Brookhaven in connection with the installation and removal of buoys at the Smith Point Marina and Channel entering the Great South Bay.

LEG. BROWNING:
Motion.

D.P.O. VILORIA-FISHER:
Motion. I will second.

P.O. LINDSAY:
Motion by Legislator Browning, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1498 - Approving rental charges and license fees recommended by Parks Housing Rental Board.

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

LEG. LOSQUADRO:
On the motion.
P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Who made the second?

LEG. KENNEDY:
I'll second.

LEG. LOSQUADRO:
Bill, I did.

P.O. LINDSAY:
Legislator Losquadro made the second. I can't see in this format. I'm sorry.

LEG. LOSQUADRO:
I know. I'm happy to second this. I think it's a good idea. It will help fill the vacant units and reduce vandalism, reduce operating costs. I just want to point out that this is entirely reversing what we did a few years ago and we lost all the tenants that we had. And there were many people, myself included, who didn't think this was going to have the desired effect and, you know, we hate to be proven right sometimes and I think this is the proper direction for us to move in. I'm hopeful we can get tenants back in these units.

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

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1503, 1503A - Appropriating funds in connection with improvements at County Golf Courses: West Sayville irrigation system (CP 7166).

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

P.O. LINDSAY:
Motion by Legislator Viloria-Fisher. Does Legislator Alden want to second this?

LEG. ALDEN:
Yes.

P.O. LINDSAY:
Legislator Alden seconds it. Any questions? All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen.

LEG. ALDEN:
Cosponsor.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
The vote was 16 on that. (Opposed: Barraga; Not Present: Legislator Stern)

P.O. LINDSAY:
On the accompanying bond resolution, 1503A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

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

LEG. ALDEN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
For Alden, yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

**MR. LAUBE:**
Sixteen. (Opposed: Legislator Barraga; Not present: Legislator Stern.

**P.O. LINDSAY:**
*Public Safety.* 1468 - Approving the appointment of Robert Varese to the Suffolk County Citizens Corp. Council.

**LEG. EDDINGTON:**
Motion to approve.

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

**LEG. LOSQUADRO:**
Second.

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

**MR. LAUBE:**
Seventeen. (Not present: Legislator Stern)

**P.O. LINDSAY:**
1469 - Approving the reappointment of Michele T. Del Monte as a member of the Suffolk County Human Rights Commission.

**D.P.O. VILORIA-FISHER:**
Motion to table.

**P.O. LINDSAY:**
Motion to table by Legislator Viloria-Fisher.

**LEG. MONTANO:**
Second.

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

**D.P.O. VILORIA-FISHER:**
On the motion, Mr. Chair.

**P.O. LINDSAY:**
Was there any other motions before --

**LEG. EDDINGTON:**
Motion to approve.

**LEG. ALDEN:**
Second the motion to approve.

**P.O. LINDSAY:**
Motion to approve by Eddington, seconded by Legislator Alden. On the motion.
D.P.O. VILORIA-FISHER:
Mr. Chair, at our last meeting I recall Legislator Eddington suggesting that the shortest distance between two points is a straight line and direct communication would be advisable. I did speak with the County Executive and he agreed with the tabling motion so that we could see the full slate that he's working on for the Human Rights Commission. So I'm asking my colleagues to support the tabling motion. The County Executive is on board.

P.O. LINDSAY:
Anybody else? Legislator Alden.

LEG. ALDEN:
I'm not in Public Safety but was there something wrong with Michele T. Del Monte and was her service consistent with what our requirements are? Did she show up at meeting? Are there complaints against her?

LEG. LOSQUADRO:
No.

LEG. ALDEN:
I would ask the Chair of Public Safety if any of those were asked.

LEG. EDDINGTON:
No, there was no problems with anybody. I wasn't aware that the County Executive has asked us to basically table it. Is that what I'm hearing?

D.P.O. VILORIA-FISHER:
Well, I didn't say he asked us to table it. I told him that I would like to table it and it was -- I think you were present when I had the conversation with him, Legislator Eddington, and he said it's fine with me if you table them and I'll, you know, vote for all of them at once, because he understood that we wanted to see what the make up of the whole Human Rights Commission was with all of the slate before us, with all different groups represented. He said he understood that and that he was fine with the tabling motion.

P.O. LINDSAY:
I'm getting a signal. It's either time out or it's okay to table it.

LEG. EDDINGTON:
I must be having Alzheimer's. I just didn't remember that, so I will withdraw my motion to --

P.O. LINDSAY:
Okay. Legislator Browning.

LEG. BROWNING:
Yeah, just I know there was one person in question that you spoke about. Is there going to be a resolution to reappoint that person?

D.P.O. VILORIA-FISHER:
He hasn't gotten back to me on this yet.

LEG. BROWNING:
Well, I hope there is.

D.P.O. VILORIA-FISHER:
Me too.

LEG. ALDEN:
What person?

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

**LEG. ALDEN:**
This is some kind of code, I know it now. Right? This is a tricky type of code. All right. I get it.

**P.O. LINDSAY:**
You're just paranoid.

**LEG. BROWNING:**
It's you, Cameron.

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

**LEG. ALDEN:**
Opposed to tabling.

**MR. LAUBE:**
Fifteen. (Opposed: Legislator Alden; Not Present: Legislators Stern and Cooper)

**P.O. LINDSAY:**
1470 - Approving the reappointment of Rajeshwar Prasad as a member of the Suffolk County Human Rights Commission. Same motion, same second, to table. All in favor? Opposed? Abstentions?

**LEG. ALDEN:**
Opposed.

**MR. LAUBE:**
Sixteen. (Opposed: Legislator Alden; Not Present: Legislator Stern)

**P.O. LINDSAY:**
1499 - Approving the reappointment of Augustus G. Mantia, M.D., as a member of the Suffolk County Human Rights Commission. Same motion, same second, same vote.

**LEG. KENNEDY:**
Mr. Chair, can I --

**MR. LAUBE:**
Sixteen. (Opposed: Legislator Alden; Not Present: Legislator Stern)

**LEG. KENNEDY:**
Just on Dr. Mantia.

**P.O. LINDSAY:**
Wait.

**LEG. NOWICK:**
Opposed.

**LEG. KENNEDY:**
Yeah, I don't recall --
MR. LAUBE:
Fifteen.

LEG. KENNEDY:
-- that his name has come forward with some of the other names yet. I'm seeing his name for the first time.

P.O. LINDSAY:
It couldn't be for the first time because it got out of committee.

LEG. MONTANO:
It's a reappointment.

LEG. KENNEDY:
No, no, no. I know he served on the Commission, but in other words --

P.O. LINDSAY:
It got out of committee.

LEG. KENNEDY:
But I'm not a member of Public Safety, Mr. Chair, so I recall us having this dialogue in the last cycle.

P.O. LINDSAY:
We sit here every meeting, and if you are not on a committee, you see names and bills for the first time.

LEG. KENNEDY:
Yes. Well, relative to this discussion though, Mr. Chair, where previously I recall that there was one particular member --

P.O. LINDSAY:
Let's short circuit this because it's getting late.

LEG. KENNEDY:
Okay.

P.O. LINDSAY:
Do you object to same motion, same second, same vote?

LEG. KENNEDY:
Provided that there's some representation that there is going to be this underlying issue resolved shortly I'm not opposed to tabling one cycle.

P.O. LINDSAY:
All right. Thank you. Same motion, same second, same vote.

P.O. LINDSAY:
1500 - Increasing the amount of Imprest Fund, 001-1165-4770, for the Suffolk County District Attorney, Special Services Account.

LEG. LOSQUADRO:
Motion, Mr. Chairman.

P.O. LINDSAY:
Motion by Legislator Losquadro.
LEG. EDDINGTON:
Second.

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

MR. LAUBE:
Seventeen. (Not present: Legislator Stern)

P.O. LINDSAY:
Public Works and Transportation. 1107 - To enhance efficiency in the selection and leasing process for County buildings.

LEG. ROMAINE:
Motion to table.

P.O. LINDSAY:
Motion to table by Legislator Romaine. I'll second that. All in favor? Opposed? Abstentions?

LEG. ROMAINE:
Just a brief explanation, Mr. Chairman.

MR. LAUBE:
Seventeen. (Not present: Legislator Stern)

LEG. ROMAINE:
The County's Real Estate agent or the Real Estate, whatever they are, have asked -- have approached me and asked for me to table this for one cycle so they can meet with the Comptroller to discuss this further and for one cycle I said okay. I am in favor of this, but I do want to extend every courtesy to the administration on this issue.

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

MR. LAUBE:
Seventeen.

P.O. LINDSAY:
1456 - Requiring the Department of Health Services to establish the objective criteria for dredging projects pursuant to Local Law No. 50-2006.

LEG. SCHNEIDERMAN:
Motion.

P.O. LINDSAY:
Motion by Legislator Schneiderman.

LEG. ROMAINE:
Second.

P.O. LINDSAY:
Second by Legislator Browning.

LEG. ALDEN:
Just a brief explanation.
P.O. LINDSAY: Explanation.

LEG. SCHNEIDERMAN: About three years ago we passed a provision where the County could dredge for environmental purposes and the Health Department in conjunction with DPW is supposed to develop the criteria for when something qualified as an environmental dredge project. They never did so this gives them an additional 120 days, which they say they have no problem complying with. So that's what it is, basically to compel them to do what they were supposed to do several years ago.

LEG. ALDEN: We passed a resolution --

LEG. ROMAINE: We passed a resolution that they were supposed to do this, and they let three years go by, never did this --

LEG. SCHNEIDERMAN: The original bill didn't have a timeframe in it. That's what happened. There was no timeframe in the original.

LEG. ALDEN: All right. Thank you.

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

LEG. BROWNING: Cosponsor.

LEG. ROMAINE: Cosponsor, please.

MR. LAUBE: Seventeen. (Not present: Legislator Stern)

P.O. LINDSAY: 1492, 1492A - Amending the 2009 Capital Budget and Program and appropriating funds in connection with building safety improvements (CP 1603). I'll make a motion.

LEG. GREGORY: Second.

P.O. LINDSAY: Second by Legislator Horsley was that?

LEG. HORSLEY: No.

P.O. LINDSAY: Gregory. Forgive me. I can't see down the line. I need the horseshoe. We have a motion and a second. All in favor? Opposed? Abstentions?

LEG. BARRAGA: Opposed.
MR. LAUBE:
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern)

P.O. LINDSAY:
The accompanying bond resolution 1492A, same motion, same second. Roll call.

(Roll called by Mr. Laube, Clerk)

P.O. LINDSAY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

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.

**MR. LAUBE:**
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern.

**P.O. LINDSAY:**
1494, 1494A - Amending the 2009 Capital Budget and Program and appropriating funds in connection with fuel management/preventive maintenance and parts inventory control system (*CP 1616*). Legislator Beedenbender, head of Public Works, you want to make a motion?

**LEG. BEEDENBENDER:**
Motion.

**P.O. LINDSAY:**
Motion.

**LEG. LOSQUADRO:**
Second, Mr. Chairman.

**P.O. LINDSAY:**
Second by Legislator Losquadro.

**LEG. KENNEDY:**
Mr. Chair, on the motion?

**P.O. LINDSAY:**
Yes, Legislator Kennedy.

**LEG. KENNEDY:**
Yeah, just through the Chair, either to the Committee Chair or to Mr. Anderson. Is this maintenance of our pumps? This is like deja vu. Didn't we deal with this last month? I thought we had a resolution that went towards fueling systems, fueling maintenance.

**COMMISSIONER ANDERSON:**
Yes. This is -- this is taking -- this is allowing us to basically procure a contractor to make the repairs that we need to do to keep up with the EPA and DEC guidelines. This is above and beyond that resolution. I don't recall what that original was, but there was something before --

**LEG. BEEDENBENDER:**
The resolution last time, Commissioner, was on the CNG. We did a whole fuel management --

**COMMISSIONER ANDERSON:**
That's right.

**LEG. BEEDENBENDER:**
-- and fuel depot thing for CNG last meeting.

**COMMISSIONER ANDERSON:**
And that's what that was, yes.
LEG. KENNEDY:
So this is compliance and this is going to be so we have safe operations of our fuel pumps and stuff?

COMMISSIONER ANDERSON:
Yes, and it meets all the current regulations.

LEG. KENNEDY:
Okay. Fine. Thank you.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern).

P.O. LINDSAY:
Accompanying resolution 1494A. Same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.
LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Opposed - Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
1495, 1495A - Appropriating funds in connection with installation of Fire, Security, and Emergency Systems at County Facilities (CP 1710).
Legislator Beedenbender?

LEG. BEEDENBENDER:
Motion.

LEG. EDDINGTON:
Second.

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

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern)

P.O. LINDSAY:
Accompanying bond resolution 1495A. Same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yes.
LEG. COOPER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. STERN:  
(Not Present)

LEG. GREGORY:  
Yes.

LEG. HORSLEY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
No.

LEG. ALDEN:  
No.

LEG. MONTANO:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

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

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:  
1496, 1496A - Appropriating funds in connection with renovations/improvements to Cohalan Court Complex (CP 1125).
LEG. BEEDENBENDER:
Motion.

LEG. MONTANO:
Second.

P.O. LINDSAY:
Motion by Legislator Beedenbender, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. ALDEN:
Opposed.

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen. (Opposed: Legislators Alden and Barraga; Not Present: Legislator Stern)

P.O. LINDSAY:
1496A, the accompanying bonding resolution. Same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. MONTANO:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.
LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yep.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
1504, 1504A - Appropriating funds in connection with the purchase of Public Works highway maintenance equipment (CP 5047).

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. KENNEDY:
On the motion.

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

LEG. KENNEDY:
Through the Chair or to the Commissioner, or again, to the Committee Chair. Do we have a street sweeper in this collection of equipment?

D.P.O. VILORIA-FISHER:
Why, you need one?

LEG. KENNEDY:
Well, considering we don't have one in zone two, yeah, I'm hoping for a street sweeper.
COMMISSIONER ANDERSON:
Well, it isn't part of that, but we have a street sweeper that we can -- I'd have to look at the actual
zone, but to the best of my knowledge we have one that we can get there. Is there an issue?

LEG. KENNEDY:
Well, I'll talk to you afterwards.

COMMISSIONER ANDERSON:
Okay.

LEG. KENNEDY:
But when I asked about it I was told there's two wrecks that have been repaired repeatedly and are
both inoperable.

COMMISSIONER ANDERSON:
All right.

LEG. KENNEDY:
I was kind of hoping we'd have one on this. Okay. I'll talk to you.

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

LEG. BARRAGA:
Opposed.

LEG. ALDEN:
Opposed.

MR. LAUBE:
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
1504A, the accompanying bond resolution, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.
LEG. HORSLEY:  
Yes.

LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
No.

LEG. ALDEN:  
No.

LEG. MONTANO:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

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

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:  
1517 - A resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 - Southwest (ultraviolet disinfection) (CP 8132).

LEG. HORSLEY:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Horsley.

LEG. GREGORY:  
Second.

P.O. LINDSAY:  
Second by Legislator Gregory.
LEG. ALDEN:
Explanation, please.

P.O. LINDSAY:
Explanation requested.

COMMISSIONER ANDERSON:
This just makes and resolves findings and determinations that were held and received at a public hearing that was held to discuss the appropriation which would be the subsequent bill on this for ten million dollars towards a disinfection system.

LEG. HORSLEY:
Which is required by DEC, right?

COMMISSIONER ANDERSON:
It is required by DEC.

LEG. ALDEN:
Okay, so what does this bill exactly do and then compare it to the next one.

COMMISSIONER ANDERSON:
This one basically takes the findings, the information that was obtained at the public hearing and, you know, makes it into a statement that allows us then to go to appropriation.

LEG. ALDEN:
Okay. And we have to do ultraviolet infection?

COMMISSIONER ANDERSON:
Yeah. We have to upgrade our system; correct.

LEG. ALDEN:
And how does that make the water that we're going to discharge out of this Southwest Sewer District -- can we, in case of emergency, discharge into the Great South Bay without doing any damage?

COMMISSIONER ANDERSON:
This -- well, you're talking about saltwater compared to freshwater, and that's the big thing. You'd be impacting the salinity of the Great South Bay if we did that.

LEG. ALDEN:
What's the gallonage that we discharge?

COMMISSIONER ANDERSON:
It's under 30 million gallons. What is it, 31 million gallons a year?

LEG. HORSLEY:
A day.

COMMISSIONER ANDERSON:
A day. Thank you.

LEG. ALDEN:
Do we have a study as far as the effect of the salinity?

COMMISSIONER ANDERSON:
Well, it's underway right --

LEG. ALDEN:
Because it would be the shellfish, right, and the fishing that would be affected.

COMMISSIONER ANDERSON:
Yeah, and this is part of -- one of the things we're considering as part of the outfall assessment.

LEG. ALDEN:
We could have an outfall problem any minute.

COMMISSIONER ANDERSON:
We understand that, that's why we're moving in the direction we're doing to study to see what our best option is to move ahead with this thing.

LEG. ALDEN:
Okay. And how does this -- how are we going to pay for this?

COMMISSIONER ANDERSON:
This would be eventually -- when we get that this would be paid through, you know, paid for through the -- and repaid -- okay. It would be borrowed from the Stabilization Relief Fund and then would be repaid by the district.

LEG. ALDEN:
Okay. Thanks.

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

MR. LAUBE:
Seventeen. (Not present: Legislator Stern)

P.O. LINDSAY:
1518 - A resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 - Southwest (infrastructure improvements)(CP 8170). Do I have a motion? Same motion, same second as before.

LEG. NOWICK:
Yep.

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

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1519 - A resolution making certain findings and determinations in relation to the increase and improvement of facilities for Sewer District No. 3 - Southwest (infiltration/inflow study/sewer rehabilitation)(CP 8181). Same motion, same second.

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

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)
P.O. LINDSAY:  
1520, 1520A - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (ultraviolet disinfection)(CP 8132). Same motion, same second.

LEG. ALDEN:  
On the motion.

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

LEG. ALDEN:  
Gil, there's a proportion or a portion of this that would be charged to the scavenger waste? Because this speaks -- this resolution speaks to the impact, right? Or no, this one doesn't, the subsequent or preceding resolutions spoke to the impact on a typical property owner in the Southwest Sewer District?

COMMISSIONER ANDERSON:  
Correct.

LEG. ALDEN:  
So somebody that's actually trucking their waste in, are they going to see a raise in fees?

COMMISSIONER ANDERSON:  
There is currently an increase in fees that is already been put into this, but no, there isn't based just because we're doing this isn't going to impact the sludge management system right now.

LEG. ALDEN:  
But it will impact the property owners in the Southwest?

COMMISSIONER ANDERSON:  
Correct. That we're looking at between the four projects, which result in about $16.2 million, which is going to equate to about $16 per year per, you know, a typical house assessment.

LEG. ALDEN:  
And that includes the outside hook ups, right, so all up and down the 110 corridor, they would be --

COMMISSIONER ANDERSON:  
Yes, everybody who pays the fee --

LEG. ALDEN:  
Why is the scavenger excluded, because they're going to be using all these facilities that we are improving.

COMMISSIONER ANDERSON:  
Well, they're based on -- right now they're based on -- until we get to that point where we've determined what we're going to do with our sludge, we're basically basing that cost on what it costs the district to get rid of the sludge, which is being transferred out of state.

LEG. ALDEN:  
Okay, but correct me if I'm wrong. The trucks come in and they dump their sewage and we have to treat it. So all these improvements are going to be used to treat the stuff that the trucks are dumping there. Why wouldn't we give or assign a value to that that would have to be increased also to reflect these increases.
COMMISSIONER ANDERSON:
I can look into that. I don't really have an answer for you on that.

LEG. ALDEN:
Because it seems like inappropriate, you know, you are actually burdening the taxpayer and you are not proportionately distributing that cost to everybody that uses the facility. That's my point.

COMMISSIONER ANDERSON:
Right. Understood.

LEG. ALDEN:
If you could look into that I would appreciate it.

COMMISSIONER ANDERSON:
Will do.

P.O. LINDSAY:
Okay. We have a motion and a second on 1620. All in favor? Opposed? Oh, 1520. All in favor? Opposed? Abstentions?

MR. LAUBE:
Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Montano and Stern)

P.O. LINDSAY:
On the accompanying bond resolution 1520A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
Yes.

LEG. MONTANO:
(Not Present)

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:
Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Montano and Stern).

P.O. LINDSAY:
1521, 1521A - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (infrastructure improvements)(CP 8170). Do I have a motion?

LEG. HORSLEY:
Motion.

P.O. LINDSAY:
Motion by Legislator Horsley, second by Legislator Gregory. On the motion anybody? All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Fifteen. (Opposed: Legislator Barraga; Not Present: Legislators Montano and Stern.

P.O. LINDSAY:
Same motion, same second, on the accompanying bond resolution 1521A. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. HORSLEY:
Yes.

**LEG. GREGORY:**
Yes.

**LEG. COOPER:**
Yes.

**LEG. D’AMARO:**
Yes.

**LEG. STERN:**
(Not Present)

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
No.

**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:**
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern).
P.O. LINDSAY:
1522, 1522A - Appropriating funds through the issuance of Sewer District Serial Bonds for the improvements to Suffolk County Sewer District No. 3 - Southwest (inflow/infiltration)(CP 8181).

LEG. HORSLEY:
Motion.

LEG. LOSQUADRO:
Same motion.

P.O. LINDSAY:
Same motion, same second. All in favor? Opposed? Abstentions?

LEG. BARRAGA:
Opposed.

MR. LAUBE:
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern).

P.O. LINDSAY:
On the accompanying bond resolution 1522A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

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:
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern)

P.O. LINDSAY:
1523 - Appropriating funds in connection with the purchase of sewer facility maintenance equipment (CP 8164).

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. KENNEDY:
Can we get -- Mr. Chair, can I just get a quick explanation on this one?

P.O. LINDSAY:
Explanation, 1523.

COMMISSIONER ANDERSON:
This would provide funds for equipment for our sanitary maintenance crews. It would include a tractor with a vacuum pump and hydraulic wet package, a 6,000 gallon vacuum tanker, a Lowboy equipment trailer, a backhoe and three emergency response vehicles.

LEG. KENNEDY:
This capital project is basically something that it's a Countywide capital project, though. This is not
something that's charged to individual districts?

**COMMISSIONER ANDERSON:**
Right.

**LEG. KENNEDY:**
In that soft course?

**COMMISSIONER ANDERSON:**
Right.

**LEG. KENNEDY:**
Yet this equipment will serve all the districts?

**COMMISSIONER ANDERSON:**
Correct, as needed.

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

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
Why don't we have a bond on this?

**LEG. NOWICK:**
Interfund transfer.

**P.O. LINDSAY:**
We're paying for something in cash? Wow.

**LEG. ALDEN:**
Because we listened to the precedent. Pay-as-you-go is the way to go.

**P.O. LINDSAY:**
1524 - Transferring Escrow Account Revenues to the Capital Fund, amending the 2009 Capital Budget and Program and appropriating funds for improvements and/or rehabilitation of existing facilities in Suffolk County Sewer District No. 3 - Southwest (CP 8170).

**LEG. BEEDENBENDER:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Beedenbender.

**LEG. HORSLEY:**
Second.

**P.O. LINDSAY:**
Second by Legislator Horsley.
LEG. ALDEN:
Just a quick explanation.

P.O. LINDSAY:
Quick explanation asked for by Legislator Alden.

COMMISSIONER ANDERSON:
This transfers escrow revenues to allow us to do additional repairs at Bergen Point.

LEG. ALDEN:
Where are we getting the escrow?

COMMISSIONER ANDERSON:
It was an older fund that has been there. It’s based on the connection fees. Basically it’s transferring the funds that anybody who connects outside the district to the district puts in, and this is taking those funds and putting them towards --

LEG. ALDEN:
Gil, is that the process right now, that anybody that hooks up outside it goes into an escrow fund? It doesn't go directly to the district?

COMMISSIONER ANDERSON:
Well, it's the district's fund. It's specific to that district.

LEG. ALDEN:
But here we have to transfer it.

COMMISSIONER ANDERSON:
Well, we're transferring it into a capital fund. We're not --

LEG. ALDEN:
All right, I'm not sure. I'll call you.

COMMISSIONER ANDERSON:
Okay.

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

MR. LAUBE:
Sixteen -- seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1525 - Calling for a Public Hearing for the purpose of considering proposed increases and improvements of facilities for Sewer District No. 23 - Coventry Manor (CP 8149). Do I have a motion?

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. ALDEN:
Second.
P.O. LINDSAY:  
Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:  
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:  
1535, 1535A - Appropriating funds in connection with construction and rehabilitation of highway maintenance facilities (CP 5048).

LEG. BEEDENBENDER:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Beedenbender.

LEG. LOSQUADRO:  
Second.

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

LEG. ALDEN:  
Opposed.

LEG. BARRAGA:  
Opposed.

MR. LAUBE:  
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:  
On the accompanying bond resolution 1535A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:  
Yes.

LEG. LOSQUADRO:  
Yes.

LEG. COOPER:  
Yes.

LEG. D'AMARO:  
Yes.

LEG. STERN:  
(Not Present)

LEG. GREGORY:  
Yes.

LEG. HORSLEY:  
Yes.
LEG. NOWICK:  
Yes.

LEG. KENNEDY:  
Yes.

LEG. BARRAGA:  
No.

LEG. ALDEN:  
No.

LEG. MONTANO:  
Yes.

LEG. EDDINGTON:  
Yes.

LEG. BROWNING:  
Yes.

LEG. SCHNEIDERMAN:  
Yes.

LEG. ROMAINE:  
Yes.

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

P.O. LINDSAY:  
Yes.

MR. LAUBE:  
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:  
1549, 1549A - Appropriating funds in connection with traffic calming measures on CR19, Patchogue-Holbrook Road from the LIE to CR 16, Portion Road (CP 3302).

LEG. BEEDENBENDER:  
Motion.

P.O. LINDSAY:  
Motion by Legislator Beedenbender. I'll second it -- or Legislator Eddington seconds it. All in favor? Opposed? Abstentions?

LEG. BARRAGA:  
Opposed.

LEG. ALDEN:  
Opposed.

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

MR. LAUBE:
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern).

P.O. LINDSAY:
On the accompanying bond resolution 1549A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

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

**MR. LAUBE:**
Fifteen. (Opposed: Legislators Barraga and Stern; Not Present: Legislator Stern).

**P.O. LINDSAY:**
*IR 1550 - Transferring Assessment Stabilization Reserve Funds to the Capital Fund, and appropriating funds for the improvements to Suffolk County Sewer District No. 20 - William Floyd (Ridgehaven)(CP 8147).*

**LEG. LOSQUADRO:**
Motion, Mr. Chairman.

**P.O. LINDSAY:**
Motion by Legislator Losquadro, second by Legislator Browning. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
*1551 - Amending Resolution No. 312-2005, as amended, in connection with storm water remediation at various County roads, CR 96, Great East Neck Road, at Evergreen Street (CP 8240).*

**LEG. HORSLEY:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Gregory.

**LEG. HORSLEY:**
No, Horsley.

**P.O. LINDSAY:**
Horsley. I have a second down there in the Town of Babylon. Second by Legislator Gregory.

**LEG. ALDEN:**
On the motion.

**P.O. LINDSAY:**
On the motion, Legislator Alden.

**LEG. ALDEN:**
Okay. Is this for a land acquisition?

**COMMISSIONER ANDERSON:**
Yes, it is.

**LEG. ALDEN:**
What funds is this coming out of?

**COMMISSIONER ANDERSON:**
Out of the 477 Fund.

**LEG. ALDEN:**
Thanks, Gil.

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
1553, 1553A - Amending the 2009 Capital Budget and Program and appropriating funds in connection with alternative fuel infrastructure and compressed natural gas vehicles (CP 5602).

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

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

**LEG. LOSQUADRO:**
Second.

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

**LEG. BARRAGA:**
Opposed.

**MR. LAUBE:**
Sixteen. (Opposed: Legislator Barraga; Not Present: Legislator Stern)

**P.O. LINDSAY:**
On the accompanying bond resolution 1553A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

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

**LEG. LOSQUADRO:**
Yes.

**LEG. COOPER:**
Yes.

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

**LEG. STERN:**

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
No.

LEG. ALDEN:
No.

LEG. MONTANO:
Yes.

LEG. EDDINGTON:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Opposed: Legislators Barraga and Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
Okay. **IR 1556, 1556A - Authorizing the purchase of up to 28 paratransit vans for Suffolk Transit and accepting and appropriating Federal Aid and State Aid and County funds (CP 5658).**

LEG. BEEDENBENDER:
Motion.

P.O. LINDSAY:
Motion by Legislator Beedenbender.

LEG. LOSQUADRO:
I'll second.

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

**LEG. ALDEN:**
Opposed.

**P.O. LINDSAY:**
Sixteen. (Opposed: Legislator Alden; Not Present: Legislator Stern)

On the accompanying bond resolution 1556A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

**LEG. BEEDENBENDER:**
Yes.

**LEG. LOSQUADRO:**
Yes.

**LEG. COOPER:**
Yes.

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

**LEG. STERN:**
(Not Present)

**LEG. GREGORY:**
Yes.

**LEG. HORSLEY:**
Yes.

**LEG. NOWICK:**
Yes.

**LEG. KENNEDY:**
Yes.

**LEG. BARRAGA:**
Yes.

**LEG. ALDEN:**
No.

**LEG. MONTANO:**
Yes.

**LEG. EDDINGTON:**
Yes.

**LEG. BROWNING:**
Yes.
LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen. (Opposed: Legislator Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
Okay. Discharged by Petition. 1509, 1509A - Amending the 2009 Capital Budget and Program and appropriating funds in connection with the traffic signal improvements at the intersection of CR21, Yaphank-Middle Island Road and Rustic Road (CP 5054).

LEG. BROWNING:
Motion.

P.O. LINDSAY:
Motion by Legislator Browning.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Second by Legislator Eddington.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
What's DPW's position on this? And I'm questioning this because there was another traffic signal proposal by Legislator Romaine that involved I believe it was a fire department that DPW was opposed to, and this legislative body actually did not approve that.

LEG. BROWNING:
Bill.

COMMISSIONER ANDERSON:
Actually, that one was approved. It was for -- it's on County Road 111, that one was approved. This one originally we were against. We waited for certain information which was provided recently today, and, you know, we don't object to the legislation.

LEG. NOWICK:
Okay.

LEG. ALDEN:
What information today?

COMMISSIONER ANDERSON:
We received two documents, one from the Longwood School District and one from a Epilepsy Foundation that both have required their drivers to not make left turns across the road, only allow it to, you know, make right turns, and we feel that that's enough that, you know, we're comfortable.

LEG. ALDEN:
What did your traffic study show?

COMMISSIONER ANDERSON:
Basically showed that there were -- the number of accidents and the traffic count in the area did not meet the warrants that are required by New York State.

LEG. ALDEN:
Thanks, Gil.

COMMISSIONER ANDERSON:
Okay.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Fourteen. (Abstention: Legislator Alden; Not Present: Legislators Romaine, Schneiderman and Stern)

P.O. LINDSAY:
The accompanying bond resolution 1509A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. BROWNING:
Yes.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.
LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Abstain.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Sixteen. (Abstention: Legislator Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
Veterans and Seniors.  *IR 1502, 1502A - Appropriating funds in connection with the purchase and replacement of nutrition vehicles for the Office for the Aging (CP 1749).*

LEG. BEEDENBENDER:
Motion.

LEG. EDDINGTON:
Second.

P.O. LINDSAY:
Motion by Legislator Beedenbender, second by Legislator Eddington.

LEG. ALDEN:
On the motion.

P.O. LINDSAY:
On the motion, Legislator Alden.
LEG. ALDEN:
Just an explanation. These are vehicles that deliver what, food -- is this Meals on Wheels?

MR. REINHEIMER:
This provides for three replacement vehicles, two small buses and one van. So generally for transporting people to congregate meals.

LEG. ALDEN:
And what happened to the vehicles that we had that we were using for this?

MR. REINHEIMER:
We are replacing a 1998 15 passenger Ford van, a 1996 Dodge minivan, and a 1998 Ford station wagon.

LEG. ALDEN:
Do they not meet the DOT standards? Did they fail their safety checks?

MR. REINHEIMER:
That I can't answer.

LEG. ALDEN:
What's the criteria, then, for replacing the vehicles?

P.O. LINDSAY:
It's usually when they are more than 100,000 miles.

LEG. ALDEN:
Yeah, but --

MR. REINHEIMER:
Yeah, we don't have the milage.

LEG. ALDEN:
In the school bus business the DOT comes out, you know, every three months they have to sticker them. That would be a reason to replace them, if they don't pass a safety check. Even if they have 100,000 miles on them, this is not hard use, you know, we might want to keep using them past that if they met standards. But if there is a standard where our PM is more expensive than replacement of the vehicle, then, you know, I just would want to know the standard. Gil, is that your department?

P.O. LINDSAY:
The nutrition vehicles.

MR. REINHEIMER:
That's normally the County Executive's Office, the Office of Aging.

COMMISSIONER ANDERSON:
Right, but we're generally responsible for the maintenance of all vehicles. I don't know what the -- I'm sure it's something specific to the specific vehicle, not the standard 110,000 miles that we generally do.

LEG. ALDEN:
Do you know if DOT checks?

COMMISSIONER ANDERSON:
No.
LEG. ALDEN:
Because they are transporting people, right?

COMMISSIONER ANDERSON:
Yeah.

LEG. ALDEN:
Again, I'll call you on that.

COMMISSIONER ANDERSON:
Okay. Yup.

LEG. ALDEN:
Thank you.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Sixteen. (Abstention: Legislator Alden; Not Present: Legislator Stern)

P.O. LINDSAY:
Same motion, same second, on the bond, 1502A. Roll call.

(Roll Called by Mr. Laube - Clerk)

LEG. BEEDENBENDER:
(Not Present)

MR. LAUBE:
He left the room.

LEG. EDDINGTON:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.
LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. ALDEN:
Abstain.

LEG. MONTANO:
Yes.

LEG. LOSQUADRO:
Going to speak very slowly, yes.

LEG. BROWNING:
I'm thinking about it.

MR. LAUBE:
Take your time.

LEG. KENNEDY:
Ever so slowly I turn.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. ROMAINE:
Yes.

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

P.O. LINDSAY:
Yes.

MR. LAUBE:
Fifteen. (Abstention: Legislator Alden: Not Present: Legislator Beedenbender and Stern)

P.O. LINDSAY:
Okay. Ways and Means. 1477 - Sale of County-owned real estate pursuant to Local Law No. 13-1976 Masjid Darul Quran, a non-for-profit organization (SCTM No. 0500-245.00-03.00-036.002).

LEG. D'AMARO:
Motion.

P.O. LINDSAY:
Motion by Legislator D'Amaro, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Sixteen. (Not Present: Legislators Stern and Beedenbender).

**P.O. LINDSAY:**
1491 - Approval of auction rules for the disposition of surplus property acquired under the Suffolk County Tax Act.

**LEG. D'AMARO:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator D'Amaro.

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

**P.O. LINDSAY:**
Second by Legislator Viloria-Fisher.

**LEG. LOSQUADRO:**
Mr. Chairman, just a brief explanation by Counsel.

**P.O. LINDSAY:**
Sure. Legislator Losquadro would like an explanation.

**MR. NOLAN:**
There are only very minor changes, only a couple of changes to the auction rules. The major one being that it incorporates the local law that was sponsored by Legislator D'Amaro early this year in terms of substandard lots and a special auction for those lots. That is the one substantial change. There's also a definition of the term landlocked, what Real Estate's called a better definition of landlocked. But the big change is the Legislator D'Amaro law.

**P.O. LINDSAY:**
Legislator Romaine.

**LEG. ROMAINE:**
Yes, just quick question for Counsel. Does this deal with the sale of brown fields property at all?

**MR. NOLAN:**
I don't know if that's addressed specifically in here. I would defer to Real Estate on that question.

**P.O. LINDSAY:**
Ms. Greene, could you answer?

**MS. GREENE:**
I can. Good evening, everyone. Brown fields is actually a separate auction so there's an entirely separate rules that are submitted for approval.

**LEG. ROMAINE:**
Okay. And I assume there will be a resolution for that at the time?

**MS. GREENE:**
At the time.

**LEG. ROMAINE:**
Because we had a big debate about that prior to your arrival at Real Estate, which I am happy to update again.
LEG. ALDEN:
Not tonight, though.

LEG. ROMAINE:
Not tonight.

LEG. ALDEN:
After January first.

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

MR. LAUBE:
Sixteen. (Not Present: Legislators Beedenbender and Stern)

P.O. LINDSAY:
1528 - Authorizing waiver of interest and penalties for property tax Vernon and Theresa Sexton (SCTM No. 0500-141.00-01.00-038.005).

LEG. MONTANO:
Motion.

P.O. LINDSAY:
Motion by Legislator Montano, seconded by Legislator Viloria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1529 - Authorizing waiver of interest and penalties for property tax for Edward Nedwick and Carmen Betancourt (SCTM No. 0500-077.00-04.00-040.000). Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1530 - Authorizing waiver of interest and penalties for property tax for Ulises and Sulma D. Juarez (SCTM No. 0500-188.00-02.00-028.000). Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1531 - Authorizing waiver of interest and penalties for property tax for Richard and Isabella Parisi (SCTM No. 0500-079.00-03.00-071.000). Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1532, Authorizing waiver of interest and penalties for property tax for James E. Leak (SCTM No. 0500-140.00-04.00-037.000). Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
1533 - Authorizing waiver of interest and penalties for property tax for Livia Romeo (SCTM No. 0500-055.01-01.00-033.000). Same motion, same second, same vote.

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
Before I get off of Ways and Means I should just tell my colleagues that the procurement bill, I'm still working on it and I appreciate your patience. I know a lot of you had different related bills and I asked to you wait until the Comptroller came through with the all encompassing policy. We met with the Comptroller last week, we will meet with the Executive this week, and it will be ready for a vote at the next meeting.

Okay. If we could go to some of the loose things in the packet.

LEG. NOWICK:
What about 1552? You took it out of order and did that?

P.O. LINDSAY:
We did that already. We did 1552, we did 1559.

LEG. NOWICK:
All right.

P.O. LINDSAY:
Okay. Procedural Motion No. 14, Designating the depositories pursuant to Section 212 of the County Law. Is this ready to -- yeah, this is all set to go. I'll make a motion. Do I have a second?

LEG. BEEDENBENDER:
Second.

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

LEG. ALDEN:
Abstain.

MR. LAUBE:
Seventeen. What was the bill number on that that you announced? I'm sorry.

P.O. LINDSAY:
It's Procedural Motion No. 14, it's amending resolution number 370 of 2009.

MR. LAUBE:
Thank you.

P.O. LINDSAY:
Okay. Then we have *Procedural Motion No. 15 of 2009, Procedure process Resolution approving payment of General Code Publishers for reorganization of the County Code*. It’s a bill for $21,875 which we selected the vendor earlier if you recall. I’ll make a motion.

**LEG. ROMAINE:**
Second.

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
*Procedural Motion No. 16 - 2009, Authorizing retention of Counsel in relation to the Suffolk County Vanderbilt Museum.*

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

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

**LEG. COOPER:**
Second.

**P.O. LINDSAY:**
Second by Legislator Cooper.

**LEG. MONTANO:**
On the motion.

**P.O. LINDSAY:**
On the motion, Legislator Montano.

**LEG. MONTANO:**
Was this the bill that was passed where the County Attorney had -- did the County Attorney's Office indicate that they could handle this litigation?

**P.O. LINDSAY:**
Yes, they did.

**LEG. MONTANO:**
Thank you.

**P.O. LINDSAY:**
Okay. We didn't agree with them. We have a motion and a second. All in favor? Opposed? Abstentions?

**LEG. BARRAGA:**
Opposed.

**LEG. KENNEDY:**
Opposed.

**LEG. MONTANO:**
Opposed.

**MR. LAUBE:**
Thirteen. (Opposed: Legislators Montano, Kennedy, and Barraga; Not Present: Legislator Stern)

**P.O. LINDSAY:**
Then we have *Procedural Motion No. 17, which is the CSI Phase 5.*

**LEG. LOSQUADRO:**
Motion.

**P.O. LINDSAY:**
They're all listed there. Motion by Legislator Losquadro, second by Legislator Eddington. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
We did 1509, we did Home Rule Messages, so that's all done. We're up to CN's. We getting there. Hang in. *IR 1571 - Accepting and appropriating 100% reimbursed Community Development Recovery Grant from the US Department of Housing and Urban Development and authorizing the County Executive to execute agreements.*

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

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

**LEG. LOSQUADRO:**
Second.

**P.O. LINDSAY:**
Second by Legislator Losquadro. It's in the amount of almost a million dollars. I have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
Most of that's passed on to the town, don't get excited. *IR 1606, Authorizing the use of Cedar Beach County Park by Event Power for it's Mighty North Fork Youth Aqua Run and Triathlon fundraisers.*

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

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

**LEG. EDDINGTON:**
Second.

**P.O. LINDSAY:**
Second by Legislator Eddington.
**LEG. ALDEN:**
Quick question.

**P.O. LINDSAY:**
Yes. Legislator Alden has a quick question.

**LEG. ALDEN:**
What are they paying?

**D.P.O. VILORIA-FISHER:**
Two-hundred twenty-five dollars.

**LEG. ALDEN:**
Is that -- that's the normal scheduled fee?

**D.P.O. VILORIA-FISHER:**
Well, you know, we haven't had this for very long, but it looked, when I read this quickly, that it was the normal fee for the number of people they expect.

**LEG. ALDEN:**
Okay. Thanks.

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
**IR 1607 - Appropriating funds in connection with the County share for participation in the installation of the closed loop signal system for various County roads.**

**LEG. BEEDENBENDER:**
Motion.

**P.O. LINDSAY:**
Motion by Legislator Beedenbender and I'll second it.

**LEG. LOSQUADRO:**
Mr. Chairman, on the motion.

**P.O. LINDSAY:**
Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**
I hate to do this at this late hour. I'm not sure if procedurally if it's a problem, but no offence to Mr. Chamberlain, but usually these are signed by the Deputy County Executive. In this case I see a couple here of the CN's that are signed by Mr. Brendan Chamberlain, Director of Intergovernmental Relations. Is that allowable to come before us in that fashion? I just haven't seen that before.

**MS. BIZZARRO:**
Thank you. If I could just state this. Yes, there's a designation on file. It was filed I would say a week and a half ago with the Presiding Officer.

**P.O. LINDSAY:**
They are just whispering in my ear that it was filed.

**MS. BIZZARRO:**
Yes, so we have the designation.

**P.O. LINDSAY:**
We have a designation from the County Executive authorizing Brendan Chamberlain to sign for the County Executive.

**LEG. LOSQUADRO:**
Okay. I knew I hadn't seen it before, so thank you for the explanation.

**MS. BIZZARRO:**
Thank you.

**P.O. LINDSAY:**
Just as an aside, Brendan, did you get a raise for this?

**MR. ZWIRN:**
Yeah, right.

*(Laughter from audience)*

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
The accompanying bond resolution 1607A, same motion, same second. Roll call.

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

**LEG. BEEDENBENDER:**
Yes.

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

**LEG. COOPER:**
Yes.

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

**LEG. STERN:**
(Not Present)

**LEG. GREGORY:**
Yes.

**LEG. HORSEY:**
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.

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

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)

**P.O. LINDSAY:**
Okay. *IR 1608 - Amending the 2009 Capital Budget and Program and appropriating funds in connection with reconstruction of County Route 17, Carleton Avenue, Town of Islip, Phase II.*

**LEG. MONTANO:**
Motion.

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

**LEG. ALDEN:**
Second.

**P.O. LINDSAY:**
Second by Legislator Alden. Nice job, it's over four million dollars. Do we get -- 80% Feds, yeah. We have a motion and a second. All in favor? Opposed? Abstentions?

**MR. LAUBE:**
Seventeen. (Not Present: Legislator Stern)
P.O. LINDSAY:
On the accompanying bond resolution 1608A, same motion, same second. Roll call.

(Roll called by Mr. Laube - Clerk)

LEG. MONTANO:
Yes.

LEG. ALDEN:
Yes.

LEG. COOPER:
Yes.

LEG. D'AMARO:
Yes.

LEG. STERN:
(Not Present)

LEG. GREGORY:
Yes.

LEG. HORSLEY:
Yes.

LEG. NOWICK:
Yes.

LEG. KENNEDY:
Yes.

LEG. BARRAGA:
Yes.

LEG. EDDINGTON:
Yes.

LEG. LOSQUADRO:
Yes.

LEG. BEEDENBENDER:
Yes.

LEG. BROWNING:
Yes.

LEG. SCHNEIDERMANN:
Yes.

LEG. ROMAINE:
Yes.

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

MR. LAUBE:
Seventeen. (Not present: Legislator Stern)

P.O. LINDSAY:
IR 1612 - Authorizing the use of Indian Island County Park by the American Diabetes Association for its Tour de Cure fundraiser.

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

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

LEG. LOSQUADRO:
Second.

P.O. LINDSAY:
Second by Legislator Losquadro.

LEG. ALDEN:
On the motion.

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

LEG. ALDEN:
Do we know what the charge is?

D.P.O. VILORIA-FISHER:
You know what, I just put -- George do you have the number?

P.O. LINDSAY:
Two twenty-five.

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: Legislator Stern)

P.O. LINDSAY:
IR 1613 - Authorizing the use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual run, walk and barbecue fundraiser. I'll make the motion.

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

LEG. LOSQUADRO:
Second.
P.O. LINDSAY:
Seconded by Legislator Viloria-Fisher.

D.P.O. VILORIA-FISHER:
Five hundred dollars.

LEG. ALDEN:
Thank you.

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

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
You want to give us an update? What's happening in Albany?

MR. ZWIRN:
It's the Senators five, the State zero.

(Laughter from panel)

They passed a bunch of bills today up in Albany -- no, not so fast, not so fast. There's a question of whether they're actually valid bills. There's a question that has been raised I think in Albany is whether the Governor has to call both houses back for an extraordinary session in order to pass legislation so it's done simultaneously. So it would appear that tomorrow's Senate session will be just dealing with appointments, which the Senate is responsible for in the State, and that they will not be taking up any legislation tomorrow. There's talk that the Governor will have to reconvene next week and bring both houses back to Albany. So there would really -- at this stage there would be no point to recess and then be on call for tomorrow.

P.O. LINDSAY:
That's just wonderful. That's just wonderful, but do we know, is he still going to change the bill numbers?

MR. ZWIRN:
There is a question as to whether that was really ever an issue or whether -- we're not sure if that was an issue or we're going to be on the phone first thing in the morning with both the Governor's Officer and the Senate and we'll keep you posted.

P.O. LINDSAY:
All right. We have late starters. I need a motion to file the following late starters, waive the rules. 1599 to Parks and Recreation; 1600 to Economic Development Education and Energy; 1601 to EPA; 1602 to EPA; 1603 to EPA; 1604 to Consumer Affairs; and set a public hearing for August 4th at 6:30 PM at the Rose Caracappa Auditorium in Hauppauge; 1605 to Labor and Workforce and Affordable Housing. I made the motion. Do I have a second?

LEG. GREGORY:
Second.

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

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)
P.O. LINDSAY:
I accept a motion to adjourn because that concludes our business. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

MR. LAUBE:
Seventeen. (Not Present: Legislator Stern)

P.O. LINDSAY:
Everybody have a nice summer; it could be short.

(THE MEETING WAS ADJOURNED AT 9:04 PM)
A Public Hearing on the Suffolk County Community College Budget was held in the Rose Y. Caracappa legislative auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 19, 2009.

PRESENT:
Legislator Wayne R. Horsley, Chairman of Economic Development, Higher Education & Energy Committee
Legislator William J. Lindsay, Presiding Officer
Terrence G. Pearsall, Chief of Staff
Gail Vizzini, Director of Budget Review Office
Jill Moss, Budget Review Office
Charles Stein, Chief Financial Officer of Suffolk County Community College

MINUTES TAKEN BY:
Diana Kraus, Court Stenographer
Lucia Braaten, Court Stenographer
THE PUBLIC HEARING WAS OPENED AT 11:07 AM

CHAIRMAN HORSLEY:
I'm calling to order the public hearing on the budget for the Suffolk County Community College this 19th day of June 2009 at 11:00 at the Rose Caracappa auditorium in Hauppauge. This is to set the 2009/2010 Suffolk County Community College budget.

I am also setting the date for the following public hearing, June 23rd 2:30 P.M. in the Suffolk County Community College Riverhead Culinary Art Center as well as 2009/2010 Suffolk County Community College budget.

And for the record, I note that there's nobody to speak on the budget. And I make a motion to -- that being the case, I make a motion to close the budget hearing.

P.O. LINDSAY:
Second.

CHAIRMAN HORSLEY:

PUBLIC HEARING CLOSED AT 11:08 AM