

**GOVERNMENT OPERATIONS, PERSONNEL, HOUSING
& CONSUMER PROTECTION COMMITTEE**

OF THE

SUFFOLK COUNTY LEGISLATURE

VERBATIM TRANSCRIPT

A regular meeting of the Government Operations, Personnel, Housing & Consumer Protection Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, April 19, 2012 at 1:00 p.m.

MEMBERS PRESENT:

Legislator Robert Calarco, Chairman
Legislator Spence, Vice Chair
Legislator Kate Browning
Legislator Tom Cilmi
Legislator Ed Romaine

ALSO IN ATTENDANCE:

Legislator John Kennedy, Legislative District No. 12
Legislator Gregory, Legislative District No. 15
George Nolan, Legislative Counsel
Sarah Simpson, Assistant Legislative Counsel
Barbara LoMoriello, Deputy Clerk, Suffolk County Legislature
Samuel Chu, Commissioner, SC Department of Labor
Robert Meguin, Commissioner, SC Department of Consumer Affairs
Joe Muncey, Budget Review Office
Benny Pernice, Budget Review Office
Chris DeLuca, Aide to Legislator Cilmi
Paul Perillie, Aide to Legislator Gregory
Roy Gross, Suffolk County SPCA
William Fairchild, Suffolk County SPCA
Stephen Laton, Suffolk County SPCA
Paul Llobell, Suffolk County SPCA
Elizabeth A. Geary, The Community Programs Center of L.I.
Kevin Beyer, Long Island Gasoline Retailers
All Other Interested Parties

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(*THE MEETING WAS CALLED TO ORDER AT 1:08 P.M. *)

CHAIRMAN CALARCO:

Good afternoon. Thank you for coming to the Government Operations Committee. We're going to get started with the Pledge of Allegiance led by Legislator Romaine.

(*Salutation*)

Good afternoon, everyone. We're going to start with the public portion. I have a number of cards. We will start with Roy Gross from the Suffolk County SPCA.

MR. GROSS:

Good afternoon, Ladies and Gentlemen. I'm here to speak about Resolution 1340. Twenty-eight years dedicated to protecting animals in Suffolk County. I'm sure that you're all aware of what we do. We're only asking for indemnification for our officers who are providing the essential service to Suffolk County residents at no cost to taxpayers. Our dedicated officers receive their Peace Officer training from the Suffolk County Police Department, Sheriff's Department and certified New York State instructors. Background checks are done through the Suffolk County Police Department, including psychological testing, the same checks that are done for their Police Officers. We run annual checks on all of our volunteers with DMV. Random drug testing is conducted by the SPCA for its Peace Officers by an accredited laboratory. Our training goes above and beyond New York State requirements. We are under strict control of the Department of Criminal Justice Services.

Just last week we were activated by Fire, Rescue, Emergency Services for the wide life -- wildfire breakout in Manorville. We responded to the area plus we opened a pet friendly shelter in a Riverhead senior center. We have been there before for our residents for 28 years and hope to continue to provide our vital services for our residents and beloved pets. Like our firefighters and EMS volunteers, SPCA Peace Officers put themselves at risk in order to investigate dog and cockfighting rings, many of which are connected to gang and illegal drugs. But unlike our firefighter and EMS volunteers, our SPCA law enforcement volunteers do not get service pension, do not get property tax reduction, do not get free health checkups, do not get free insurance and do not get college tuition assistance.

In 2009, the Suffolk County Police Department executed a search warrant at a residential location for illegal drugs. During that search they discovered a cockfighting ring. They contacted the Suffolk County SPCA only to remove the birds, which, of course, we did. We were not involved in the arrest. Recently we were notified by the County Attorney's Office that the Suffolk County Police Department is being sued and the SPCA is named in the lawsuit. Initially they contacted me and said that they were defending us. That same day I was notified that they will not defend us because we are not indemnified. Our insurance company said that we are not covered for an alleged illegal search done by another agency, not us. And we should be -- we should seek our own counsel. By the way, our insurance is approximately \$45,000 a year, and each occurrence is a five thousand dollar deductible, each occurrence.

Ladies and Gentlemen, what -- what does that leave us? We're asking for the County to provide us with full indemnification. We were fully indemnified from 2/05 to '07. You know, what has changed? We're asking you to do the right thing, protect our Peace Officers by indemnifying us.

CHAIRMAN CALARCO:

Thank you. Any questions? Legislator Romaine.

LEG. ROMAINE:

Now, if you don't get this indemnification for the -- from Suffolk County, unlike others, and there

was some discussion at that point the SPCA may not be able to provide these services on a volunteer basis to the County, who would enforce the animal cruelty laws?

MR. GROSS:

That's a very good question, and, you know, we have about 60 people in our agency. About 30 of us are sworn Peace Officers. Who would do this? Exactly. And at what cost? We're providing this service at no cost to taxpayers.

LEG. ROMAINE:

Who would be legally obligated to investigate animal cruelty cases?

MR. GROSS:

That would have to be the Police Department.

LEG. ROMAINE:

So, the 14 Police Departments involved in Suffolk County, starting with Suffolk County, the nine villages and the five towns, 15 police departments would be in charge. In Suffolk County, five western towns. What is the pay of the people involved in SPCA?

MR. GROSS:

Again, no cost to taxpayers, they're volunteers.

LEG. ROMAINE:

Do you know the average pay for a Police Officer to enforce this?

MR. GROSS:

Well, the average paid Police Officer I'm sure is well over \$100,000 and then the benefits as well.

LEG. ROMAINE:

That's correct. And then, of course, there's benefits included in that. How many Police Officers are you aware of that are trained in investigating animal cruelty cases?

MR. GROSS:

Well, Steve Laton is going to speak about that. He's one of the instructors that actually conducts these training sessions at the Police Academy, but it's really not in-depth. We have done reptile handling training, you know, for dangerous reptiles, and we paid for it. We actually brought in and paid to have people do this with the dangerous reptiles, again, at no cost to the Police Department, just for their own safety, that if they come across a dangerous reptile at least to know how to identify it and know how to possibly handle it or contain it until we would get there to remove them.

LEG. ROMAINE:

But if you weren't there.

MR. GROSS:

Well, if we weren't there, there would be a problem, won't there be? I mean, you just think -- I would think that over 28 years we've probably saved the County millions of dollars.

LEG. ROMAINE:

That's why I drafted my resolution, to prevent problems from happening to the County and protect us from ourselves in some cases. Thank you very much.

MR. GROSS:

Thank you.

CHAIRMAN CALARCO:

Thank you. The next speaker is William Fairchild.

MR. FAIRCHILD:

Good afternoon. My name is William Fairchild. I'm the training officer for the SPCA, Suffolk County SPCA. I just retired from the Suffolk County Police Department with 33 years. From 1989 to 1998 I was a firearms instructor for the Suffolk County Police Department, and during that time I went through 47 different training schools for physical force, use of force, firearms, baton, OC spray and a few others. During this time in 1992, I started training the SPCA and I'm still training them to this day.

The reason I'm standing here is somebody had said that they don't receive any training. They get the same exact training as the Suffolk County Police Department as it relates to use of force, firearms, baton and OC spray. Thank you.

CHAIRMAN CALARCO:

Thank you, Mr. Fairchild. Does anybody have any questions? Seeing none, thank you very much.

LEG. ROMAINE:

As a former Police Officer -- if I may, Mr. Chairman.

CHAIRMAN CALARCO:

Sure thing, Legislator Romaine.

LEG. ROMAINE:

As a former Police Officer, do you think that the Police Department, considering their decreasing numbers with some retirements, can handle the additional responsibility of investigating -- I believe there were over 3500 animal cruelty cases in this County. Would that be a burden that the Police Department would be capable of taking on?

MR. FAIRCHILD:

If they had the opportunity to go through the training that they receive in regards to animals, because right now as far as I know we get none.

LEG. ROMAINE:

You get no training, and yet if the SPCA decided because they had no insurance coverage to disband, that burden would fall on the Police Department, additional training and additional man-hours would be involved. And, obviously, there's a lot of people in this County, and we saw it from Legislator Cooper's bill, that are concerned about animal welfare when he introduced the puppy mill bill, which unfortunately we could not adopt. But nevertheless, a lot of people came out, a lot of people were concerned about animal cruelty cases in this County. Thank you, Officer.

MR. FAIRCHILD:

Thank you.

CHAIRMAN CALARCO:

Thank you. The next speaker is Steven Laton.

MR. LATON:

Good afternoon, members of the Legislature. Several weeks ago I spoke with you and we talked about pet friendly shelters. One of the things that I neglected to mention is that the Suffolk County SPCA several years ago purchased a 30 foot trailer, which we keep on County property in Yaphank that we've stored all of the equipment for the pet friendly shelters, and the County keeps equipment

in there also that they purchased for us for the pet friendly shelters.

As Chief Gross mentioned, then Legislator Romaine mentioned, we provide familiarization training in animal cruelty for Suffolk County Police recruits. I'm the instructor for the Suffolk County SPCA that provides that familiarization training. It's not an in-depth training like the SPCA Peace Officers go through. It's familiarization and it's to make them aware that the Suffolk County SPCA is out there as a resource for them to call, which we do get called by them, and I believe we discussed that at the last meeting, for them to call and we will provide the assistance that's required for animal cruelty cases.

I'm asking you to please indemnify our volunteers and pass Resolution 1340.

CHAIRMAN CALARCO:

Thank you. Do we have any questions? Legislator Spencer? Mr. Laton, I'm sorry, Legislator Spencer has a question for you.

LEG. SPENCER:

Thank you, gentleman, for coming in. I'm Legislator Spencer from the 18th District, and I know that there's a relationship with the Chief and Jon Cooper, my predecessor. I did want to go on the record and state that I'm a huge fan of what you do. You provide a very important service. You are well trained, you have assisted our County in a lot of different ways for a service that if you weren't there, it would be a major loss. And so in terms of what you do and being recognized and being supported, you deserve every bit of support that you deserve, especially if you talk about some of the other benefits that volunteers receive. I think you should get that same recognition.

I think that one of the -- the issue that comes to mind when we're talking about the issue of indemnification, and the difference between insurance and indemnification, indemnification means to pretty much hold harmless. There's no limit of liability when you talk about indemnification as opposed to insurance where there is a limit of liability. And not that you aren't just as well trained and that the members in your organization as a whole are not professionals and are not experts and deserve every bit of respect and support that we can provide you.

What the question that I need to have answered, and the difference between you and an EMS volunteer, is when we look in terms of our law enforcement professions, the Sheriffs, the Police Officers, that carry a firearm, again, not in dispute that you are totally capable, you are just as well trained, you have -- you have a right to use it, but when we talk about any organization, we talk about individuals and act of omission and acts of commission. One of the differences that this Legislature has oversight authority when it comes to the Police, when it comes to Sheriffs, because there's a Commissioner, there's policy that's formulated and this Legislature has direct oversight. So when we talk about indemnification is that what we're saying is that we're going to take the County of Suffolk, we're going to provide the resources that we have to allow you to go out and discharge your duties that you do faithfully and with dignity and you do it well every day, but what we're saying with indemnification is that -- because this Legislative -- in our current arrangement, although you're there, you're faithful, you're reliable, we have no control. We have no oversight.

So when it comes to someone, me as a representative of the taxpayer to say that if you take an individual for whatever reason, whether or not it be stress or mental illness or whatever that is in a situation with a firearm and that firearm could be discharged, not as a result of -- that they're not well trained, not as a result that there's not policy or whatever, but an individual decision, then me as a public servant to indemnify without any sort of oversight to take that responsibility of an individual's actions that may in a situation where there is -- where they deem it necessary to use that firearm, they're trained to use it, but something goes wrong, as could happen with any situation as we see nationally with different situations. So what my reservation was was not to support you.

I want to look for a way to get this done.

So I thought that well, maybe providing insurance above and beyond, because if you have insurance, then at least that's the oversight, then somehow then we could provide insurance above and beyond that, but I understand that that's cost prohibitive. Then there needs to be some sort of relationship that we have, whether or not it comes under the Police, or whether or not there's a Commissioner, that if there is an action that takes place, and it could be an accident, it could be a justified action, if this Legislature indemnifies you, we have to have some sort of oversight. And that's what distinguishes you from the other volunteers is that you carry a firearm and a firearm can kill. You're well trained, you have my support, but that's what I need help with and that's the issue that we need to clarify.

So if anyone could help me speak to that, and it maybe through the Executive's Office, or whatever, but, you know, we -- where we indemnify public servants with firearms we have oversight authority. We do not have that at this time, and we need to develop some sort of relationship. And I would be the first -- I put legislation to indemnify you. I'm part of that, but that's why I said above and beyond. So that's my concern.

LEG. ROMAINE:

Question.

CHAIRMAN CALARCO:

Legislator Cilmi.

LEG. CILMI:

Yes, thank you, Mr. Chairman. Just very quickly. The -- when you -- when you are designated with Peace Officer status, I would imagine that there's some level of oversight that goes along with that from whoever designates you with Peace Officer status, no?

MR. LATON:

Yes. That oversight comes from the New York State Division of Criminal Justice Services. We have very strict oversight by them on how we appoint Peace Officers, who we appoint Peace Officers. We have to meet their qualifications and guidelines, and the indemnification for our Peace Officers would only be while they're acting pursuant to their special duties, unlike a Police Officer or a Deputy Sheriff in Suffolk County who's indemnified 24/7, our people, when acting pursuant to their special duties, is when the indemnification would hold true for them.

LEG. CILMI:

But I suppose as part of your -- when you become a Peace Officer, do you take some sort of an oath or sign some sort of a pledge or certification or something?

MR. LATON:

That's correct. We're required by New York State to administer an Oath of Office to every Peace Officer and to file it with the Office of the County Clerk.

LEG. CILMI:

So, I mean, in effect, I guess you're really -- you're really under the auspices of New York State Department of Criminal Justice Services then, right?

MR. LATON:

As far as?

LEG. CILMI:

If you were to do something wrong -- I mean, you could do something that would affect your Peace Officer status; correct? I mean, they could revoke your Peace Officer status for something.

MR. LATON:

Yes, they could. Yes, they could.

LEG. CILMI:

Is there a recertification for that status process, or once you become a Peace Officer you're --

MR. LATON:

The recertification is attending the training annually that they set forth for you.

LEG. CILMI:

And what does that training involve?

MR. LATON:

That's what Mr. Fairchild spoke about, use of force, use of deadly physical force, being certified, recertified in firearms, baton and OC spray.

LEG. CILMI:

I wonder -- Counsel, has there ever been a case where a Peace Officer has been involved in a lawsuit and New York State has been named in the lawsuit as being somehow responsible for the actions of a Peace Officer when they were acting as a Peace Officer?

MR. NOLAN:

I don't know -- I doubt it. I doubt it very seriously that would happen.

LEG. CILMI:

Okay. All right. Thank you very much.

CHAIRMAN CALARCO:

Legislator Romaine.

LEG. ROMAINE:

Yes. Now most, some, of your officers carry weapons; is that correct?

MR. LATON:

Most do, yes.

LEG. ROMAINE:

Most do. These weapons, they are allowed to carry it because they obtained, through the State of New York, their Peace Officer status and they have training; is that correct?

MR. LATON:

That's correct. They're required to go through the same minimum training before they can carry that weapon.

LEG. ROMAINE:

Are they required to apply for a pistol permit or anything of that nature?

MR. LATON:

Not as a Peace Officer. We set forth that requirement ourselves.

LEG. ROMAINE:

Under State law.

MR. LATON:

Under State law, correct.

LEG. ROMAINE:

Okay. How long have you been connected with the SPCA?

MR. LATON:

I've been a Peace Officer with the SPCA since 1993.

LEG. ROMAINE:

So for almost 19 years.

MR. LATON:

Just 19 years over.

LEG. ROMAINE:

All right. A little over 19 years. In that time can you think of any case that was brought against the SPCA with a litigant that was suing the SPCA was, in fact, affirmed by the court, got a positive decision against the SPCA?

MR. LATON:

No, there hasn't been any successful lawsuits against us.

LEG. ROMAINE:

Okay. I won't ask Counsel because I know there has been numerous lawsuits against Police Officers who would then -- who would be the next level, if the SPCA was not there, to enforce animal cruelty laws. We haven't raised those questions and I don't want to, but I appreciate you giving me that record for the last 19 years. Thank you very much.

MR. LATON:

Thank you.

CHAIRMAN CALARCO:

I just have one quick follow-up question and then I think we're going to end this. In those lawsuits, who represents the SPCA now? You hire your own outside counsel?

MR. GROSS:

May I answer that?

CHAIRMAN CALARCO:

Sure, whoever is capable of answering the question.

MR. GROSS:

We have two attorneys on the Suffolk SPCA and we have the Sheriffs. So if we are -- have lawsuits, the insurance company, you know, steps in, of course, to defend us, but we do have two attorneys. One is Herbert Kellner, a former Assistant District Attorney, and the other one is Wexler, I guess you probably know who he is as well.

CHAIRMAN CALARCO:

Have you ever settled a case even though it may not have come out that you were found in court to

be in the wrong, have you ever settled out of court?

MR. GROSS:

Never settled, no. Never paid out a dime and we've been doing this since 1984.

CHAIRMAN CALARCO:

Okay. Thank you. Okay. Legislator Spencer has a quick follow-up question for you.

LEG. SPENCER:

Not a question, Sir. Thank you, I appreciate that. I think that, again, I have to -- when I say oversight, I'm not talking about that your training is not overseen and that it is not adequate. I think your training is more than adequate and I think it is admirable. I'm talking about oversight from if we are to indemnify, then this Legislature has to have some sort -- and that's something that can be determined, whether or not it's a contract or whatever. But I'm saying that I answer to the taxpayer, and if I'm providing the indemnification then I think that this Legislature needs to have a mechanism whereby with the Police, if there was an unfortunate situation, that those Police Officers could be called before the Public Safety Committee and the Commissioner would have to address that.

I mean oversight from -- with regards to -- I'm more than happy to indemnify, but it's indemnification that for me to fulfill my responsibility as an elected official to the public to say that there's -- there's an organization well trained, well deserved with firearms, that I need to have some sort of oversight to be able to address if there was an unfortunate situation with firearms, which could potentially harm.

LEG. ROMAINE:

Mr. Chairman, we're debating the bill. If we want to debate the bill, I'll make a motion to take 1340 out of order.

CHAIRMAN CALARCO:

We're going to put off the debate until the bill comes up. Legislator Cilmi, did you have a question for the SPCA or?

LEG. CILMI:

I just have a very brief question for Counsel. Once we issue indemnification, could that be revoked?

MR. NOLAN:

Of course, by another resolution. We could take it back, yeah.

LEG. CILMI:

Okay. Thank you.

CHAIRMAN CALARCO:

So we'll debate this a bit more. I'm sure there's going to be more discussion for the bill. Thank you, Mr. Gross. The next speaker is Elizabeth Geary.

MS. GEARY:

Good afternoon. My name is Elizabeth Geary and I am the Director of the Community Program Center of Long Island. And I want to thank you today for the opportunity to speak to you again. I'm here to voice my concerns about not only the initial legislation to sunset the Living Wage Hardship Assistance, but County Executive Bellone's recent proposal that I read about in Newsday for the immediate suspension of the Living Wage Hardship Assistance.

If this goes forward on an all or nothing basis, it will have a dramatically negative effect on the operations of the Community Program Center of Long Island, an agency that during the course of the past 32 years has grown to serve over 500 children, elders and families each year. We absolutely understand the difficulties of balancing a budget and the challenges of the current economic times. We appreciate the difficulty that the County's deficit creates, but it is our hope that while the County takes steps to ensure its financial health, it does not undermine the financial solvency of agencies receiving the legislatively designed Living Wage Hardship Assistance. It is our hope that we can be part of a solution and that together we can find some middle ground that would help CPC and other agencies gradually move away from our dependence on hardship assistance instead of eliminating it all at once.

When the County first passed the Living Wage Law and the companion legislation to provide hardship assistance to childcare providers that could not otherwise comply, CPC in good faith, wanting to maintain our services to low income families subsidized by the Department of Social Services, and wanting to do the right thing for our childcare staff and families, implemented the living wage. We maintained our contract with DSS and requested hardship assistance to fill a gap that was otherwise insurmountable. Now the complete and immediate elimination of the assistance will place in jeopardy the childcare services we provide and the jobs of nearly 50 employees. Additionally, it may have unintended negative fiscal consequences in relation to our other programs.

CPC has worked on becoming financially independent from the County's hardship assistance. Between 2004 and 2011, we reduced our request for hardship assistance by more than 50%. I just want to emphasize that to completely eliminate hardship assistance immediately will have devastating consequences to our childcare program and a negative ripple effect on all of our programs. Alternatively, CPC has developed a responsible plan to reduce our reliance on hardship assistance gradually with a complete elimination by 2015.

The effects of the economic downturn of the past several years has limited our ability to fill the gap. Today we are optimistic that we are in a different position because of this year's market rate increase in DSS reimbursement, and the fact that now we will be able to increase our child care tuition, something that we held off on precisely because our families simply could not pay more. Through a combination of cost savings and revenue generating activities, we believe we could reduce our reliance on the living wage subsidy to \$64,000 in 2012 and have a reasonable goal of eliminating it altogether by 2015.

We're proud to be one of the largest providers of childcare services to Social Service families, nearly 30% of our enrollment. We are also proud to pay a living wage to our staff, thereby promoting their stability, longevity and improved staff qualifications. This absolutely raises the quality of care, helps our staff and families maintain a better quality of life and allows them to contribute to the local economy.

I'm here today to ask for your support in a gradual phase-out of the living wage hardship assistance so that we may continue to be a vital community resource to children, elders and families in Suffolk County. Thank you.

LEG. ROMAINE:
Question.

CHAIRMAN CALARCO:
Thank you very much for coming. Legislator Browning had a question for you.

LEG. BROWNING:
Yes. Thank you for coming. I can let you know the Living Wage Committee has met and we see

some flaws in the current law as it stands and we are working to resolve that. And I'm glad that you mentioned, because I did say that I would like some of the day-care providers to maybe at some point come in and meet with us and talk about how this is affecting you. You know, you can go to one community where there's a day-care provider who has -- you know, you say you have 30%. There's some that may have more than 30% that -- and then you have the other ones that maybe only have 5 or 10%. And their private pay children are probably helping offset that cost to the employees, where if you have a day-care center that has a much higher number of DSS children, they can't offset that cost.

Now, you mentioned about the market rate increase. So I think what you just said, and I think we were concerned about the market increase having a negative effect on you also. And Commissioner Chu is here. I'm sure maybe at some point we'll have you come up when we actually get to the bill. So you believe that the market rate increase will help you to offset the costs of your DSS kids?

MS. GEARY:

The market rate increase depends on the age grouping of the child and the number of days or hours per week that they're going to serve. Overall, for the population that we're serving, it's going to have a positive impact on our budget. I can't speak for everybody because there were whole categories that were not funded at the same level, but in our situation, my agency, it will be a positive thing, which we did not initially anticipate.

LEG. BROWNING:

Yeah. And I think what's going to happen for the County, the market rate increase, while they're demanding this increase, they haven't given us the funding to pay for the increase. So --

MS. GEARY:

Yep.

LEG. BROWNING:

Here we go again with more mandates.

MS. GEARY:

Yeah, here we go again, right.

LEG. BROWNING:

But like I said, I just wanted you to be aware that we have met, I think our meeting was very productive and there are some significant changes that we're looking to make, which will hopefully also help you.

MS. GEARY:

Legislator Browning, if there's anything that I could do, either just to come and speak to the committee or to be involved in the committee, I would be thrilled to have that opportunity.

LEG. BROWNING:

I'd like you to give Commissioner Chu your information before you leave and we can certainly reach out to you.

MS. GEARY:

Thank you so much.

LEG. BROWNING:

Thank you.

CHAIRMAN CALARCO:

Thank you. Legislator Romaine.

LEG. ROMAINE:

Yes, you may have put forward reasonable proposals, except they're not before us. There's two things before us, one is Legislator Cilmi's resolution, which whether it passes or not it's overshadowed by the Budget Mitigation Plan put forward by County Executive Steve Bellone. That plan, from what I'm given to understand, and my colleagues can correct me, is coming over as a Certificate of Necessity, which means it will come up for a vote without going through committee, at our General meeting on Tuesday.

My understanding is that is coming over as a package. You vote yes or you vote no. And although it has many, many items in it, there has been no effort to break out any of those items. And as a Legislator, when we get these type of decisions, there's always a few things we don't like in it, but then we have to look at the things that need to be done that serve the general good of the County. And based on that, I would say that the Budget Mitigation Plan probably has a decent shot of passing. So unless there's some of these Legislators that would put in, get the County Executive, or table the County Executive's proposal to go to committee and then put in other amendments, essentially this probably will pass next Tuesday. So I just want you to be aware of that. You may not be aware of the mechanisms of how County Government works. Correct me if I'm wrong, gentlemen or Kate.

LEG. BROWNING:

Thank you.

CHAIRMAN CALARCO:

Well, Legislator Romaine, thank you for bringing the cold, hard reality to the surface here.

LEG. ROMAINE:

But it helps to have people understand.

CHAIRMAN CALARCO:

Actually, Legislator, this is one of the reasons why I asked Ms. Geary to come today to present this, because we know that this is going to be coming as a CN. We wanted them to have the opportunity to speak and put this information out there in the public and make the presentation that they recognize that they need to find a way to wean themselves off of the County assistance. They have presented a model that I'm hoping will be brought back to the County Executive, where they can show that they can reduce the amount of reliance by 30% this year, 30 next year. I think that they're trying to say listen, we understand it, we need to help bridge the gap and we'd like to present our way of helping to do that.

LEG. ROMAINE:

Should this pass next Tuesday and the County Executive eventually sign this, the day of his signature is the day the subsidies stop.

CHAIRMAN CALARCO:

We understand that.

LEG. ROMAINE:

Okay.

CHAIRMAN CALARCO:

Are there any other questions? Ms. Geary, thank you very much for coming.

MS. GEARY:

Thank you.

CHAIRMAN CALARCO:

I have forwarded your information on to the County Executive's Office and I hope they take a look at it.

MS. GEARY:

Okay. Thank you again.

CHAIRMAN CALARCO:

Thank you. Our Commissioner, Samuel Chu, I think -- did you want to comment on this issue in particular?

COMMISSIONER CHU:

Sure. I can wait or --

CHAIRMAN CALARCO:

I do have a couple of more speakers, so I guess when we get to the resolution we'll do it then. The next speaker is Kevin Beyer from LIGRA.

MR. BEYER:

Good afternoon. I'm here to speak about -- this is like the third time I'm here, about the meter fees that we keep talking about going back and forth at the gas stations, and the bill that we would like to come out of committee from Legislator Kennedy. We've -- the past Administration, just to give you a little background, we met with. Originally it was going to go to a meter fee. We now pay a licensing fee. It's \$50 a year, it's collected biannual, it was a hundred dollars. It was proposed that there would be a \$20 meter fee, not per pump, but per meter charge, and originally there was a thought process that it wouldn't affect the gas stations too drastically. It was -- which was misinformation because it was extremely hard -- it would be an extreme hardship on the gas stations.

Myself, just my location, they came around this year to do a meter fee, which they truthfully were not allowed to do because my license is in effect until April, 2013. But my meter fee would have been \$360 this year, compared to \$50 for a license. So we wanted to make a compromise. We've met -- I've spoken to the past Commissioner, Charlie Gardner. We wanted to work this out through the County, and with Steve -- we met with Steve Levy when he was still here, and also with Ben Zwirn. So both Administrations are on board with what we had proposed and we sat and came up with hopefully the bill that will be voted out today.

We'd like it to be, you know, put out there for a vote on Tuesday. We felt it was a fair deal. We're going to a hundred dollars a year, which is two hundred dollars biannually, which is a major increase to my members and to my service stations from the \$50. We felt this was fair because it was going to bring us up to what the electricians are paying, what everybody else is paying, the plumbers are paying and it would be -- it was something that I can sell to my members being, you know, we felt this would be a fair compromise as compared to going to the \$20 per meter.

After that, like I said we met with -- I met with Ben Zwirn on this and explained this whole situation that we thought this would be out of committee already and it would already have been voted on and been taken care of. Because by this being stalled and everything happening, you can't -- you can't move forward in collecting your licensing fees, which is a lot easier to do knowing what you're going to collect every year. You're going to know what the fee is, they know how to do it administratively, they've done it for years and years. This is the way they do it. To do it by a

meter, you can't do this as easily as they were doing the administration on the licensing fee.

Also, you're not going to be -- you're not going to collect the money you think you're going to collect, because this year a lot of us -- like I said, my license is good until 2013. They sent me a bill, which was illegal, for \$360. I'm not paying that bill because I already have the license, and under the law you can't have both, you can't charge a meter fee and have -- and also be charged a licensing fee. So since my license is in effect and it is good, they -- that bill is obviously void. That's one thing.

And the other thing on this whole -- I lost my train of thought. With the -- with the meter fee, we -- you can't collect on the meter fee unless the stations are all checked. If the station is not checked, you can't charge a meter fee. There's years that go by that they don't come to the station and check the meters because you just don't have the manpower to do it. They never have, they never will. We're looking at layoffs, you're looking at cutbacks and by forcing them to go to these meter fees and forcing these gentlemen to go out and inspect the meters, which really, truly don't change. You don't have problems any day with all the electronics and everything like that, that you're pulling them away from other jobs they could be checking. Stings that they could be doing, undercover stings that could bring money to the County. Things that we have spoken to, you know, over and over again, whether it be bootlegging or other opportunities that they can look into. But now you're going to pull them where they have to go to these stations otherwise they don't collect the revenue.

This is a big issue for us. We'd like this to be just put out. Let's get this out of committee, let's vote on this next Tuesday. Because this was an agreement; we had an agreement. You know the revenue that you will be pulling in, you're going to continue to pull the revenue in without having a stopgap, and as soon as it passes it automatically goes up. But right now you're going to have a gap because you're not going to be able to collect from people that still have a license that are in effect for the next two years. You're not going to generate the revenue you think you're going to. This is fair all the way around. It brings us up to par -- keeps us on par with the electricians and the plumbers.

CHAIRMAN CALARCO:

Mr. Beyer, your time is up.

MR. BEYER:

Okay. Thank you.

CHAIRMAN CALARCO:

No problem. I do have a question for you, well, Legislator Cilmi does. Legislator Cilmi.

LEG. CILMI:

Yes, thanks. How are you doing, Kevin? You said something about a bill, you getting a bill and it's illegal or you said they sent you a bill. Who sent you a bill and what about it is illegal?

MR. BEYER:

Well, they came around to the station to check the meters at my station at my location.

LEG. CILMI:

"They" meaning?

MR. BEYER:

Consumer Affairs.

LEG. CILMI:

Okay.

MR. BEYER:

Weights and Measures came, you know, they came around, checked the station, checked the fills and everything they need to, and then they totaled up the amount of meters I have times \$20, which came out to \$360 just for this one year. So where's the fairness in all of this to the businesses? It's just not fair. My station only has three pumps. You have stations that have five pumps, six pumps, you know, and it's not the pump that's being charged, it's the meters that are in the pumps. Now what made it --

LEG. CILMI:

But what about that is illegal, though?

MR. BEYER:

Because by County Code you can't charge both a meter fee and also a licensing fee. My license is in effect until February of 2013 -- I'm sorry April, April 1, 2013. So you can't collect this \$360 from me this year. I've already paid for a license.

LEG. CILMI:

Are you aware of any other gas stations that have encountered this?

MR. BEYER:

Yes, I am. There are stations that have been calling the LIGRA office on this, and, you know, we're telling them please don't pay the, you know, you shouldn't be paying the bill. And it's going to create havoc because the ones that did pay the bill now have to ask for refunds and it just creates paperwork and confusion for the department and for our members.

We ask for it to be held off. We ask for the bill to go out and just do it this way. It was going to be an increase of revenue right away to the County if we did it this way. It's clean, it's easy. Like I said, the past Commissioner agreed with this, that this is the right way to do it and the easiest way to do it. You're going to collect the money every year knowing exactly how many stations there are, what the money is. You don't have to go do the meters. If you don't get to a station, you're not going to collect that money that year.

LEG. CILMI:

Did our Department of Consumer Affairs acknowledge that this was done in error?

MR. BEYER:

I didn't reach out, but I did speak to the Commissioner prior, and, yes, he is aware of it now.

LEG. CILMI:

Okay. Thank you.

CHAIRMAN CALARCO:

Any other questions? Statement to be made on the bill?

LEG. KENNEDY:

Mr. Chair, although I'm not a member of the committee, while Mr. Beyer is here, if I could just for a moment. I had asked him to come down and to speak with the committee today, and he's very succinctly kind of summarized the whole process going back to September of last year when there was a decision to go ahead and change the process. I believe it was part of the 2012 recommended budget, and out of that kind of evolved an opportunity to work with the Long Island Gasoline and

Retailers Association, which represents the lion's share of the merchants --

CHAIRMAN CALARCO:

Legislator Kennedy, do you have a question for Mr. Beyer, or we'll take it up at the debate of the bill. I'm going to have questions for you, I think, at that time.

LEG. KENNEDY:

Okay. I'm sorry, I didn't realize. I thought we were on the bill now. We still on public portion?

CHAIRMAN CALARCO:

We're still in the public portion.

LEG. KENNEDY:

Okay. I'll yield then and we'll do it on the bill.

CHAIRMAN CALARCO:

Thank you very much. Okay. The next speaker I have Robert Meguin. Bob, are you looking to speak on the merits of the bill itself?

COMM. MEGUIN:

Frankly, yes.

CHAIRMAN CALARCO:

Okay. We're going to call you up at the time of the bill, we'll let you speak then. Does that work for you?

COMM. MEGUIN:

Yes.

CHAIRMAN CALARCO:

Thank you. Legislator Romaine, I have a little clarification about the mitigation measures. Apparently, the County Executive is just going to be laying them on the table at the next meeting and not bringing them as a CN.

LEG. ROMAINE:

Oh, okay.

CHAIRMAN CALARCO:

So we will have ample opportunity to debate them during the committee process.

LEG. ROMAINE:

Are you intending, or is anyone in this committee intending to put in an amendment that will change any of the issues listed in his mitigation measure?

CHAIRMAN CALARCO:

Well, until I see the filed resolution I can't tell you I'm going to offer any amendments to it.

LEG. ROMAINE:

Okay. I just want -- could -- you know, maybe an open invitation to my colleagues that once the mitigation resolution is filed on Tuesday, first of all, I always think it's wise to go to committee, and I appreciate that on behalf of the County Executive, because I understand time is money. But I would certainly like to know, as I'm sure all my colleagues would, if any of us as Legislators put in resolutions to change or alter in any way that budget mitigation plan.

CHAIRMAN CALARCO:

Well, I don't think that we can, but I know Legislator Romaine, as you're very familiar with the process, you can offer any resolutions that you want and have them laid on the table and go through the committee process like everybody else.

LEG. ROMAINE:

Well, that will not be possible because most of these will be budget resolutions. And while the County Executive's Office has the power to amend the budget 365 times a year, we only have four times a year, and that time is going to be Tuesday. And if there isn't a resolution laid on the table by Tuesday, we will have missed that opportunity for several months.

CHAIRMAN CALARCO:

Correct. So I would recommend you get together with Counsel pretty soon and I'm sure the Presiding Officer will let you lay it on the table as a later-starter. So I think you have the prime opportunity to do that right now, if that's something you're looking to do, Legislator Romaine.

LEG. ROMAINE:

The deadline for laying things on the table was yesterday at 1:00.

CHAIRMAN CALARCO:

And we have a giant packet of late-starters every Legislative meeting. I don't think that the Presiding Officer is in the habit of preventing you from laying something on the table, especially something so timely as a budget amendment. Thank you very much.

LEG. ROMAINE:

I do have some amendments in, by the way.

TABLED RESOLUTIONS

CHAIRMAN CALARCO:

We're going to move on to the agenda. *I.R. 1015 - A Local Law to sunset the Living Wage Subsidies (Cilmi).*

LEG. CILMI:

Motion to approve.

CHAIRMAN CALARCO:

Motion to approve by Legislator Cilmi.

LEG. BROWNING:

Motion to table.

CHAIRMAN CALARCO:

Motion to table by Legislator Browning. I will second the motion to table. I think given that we know this is going to be part of the mitigation measures we can take it up at that time. Do I have a second to the approved motion?

LEG. ROMAINE:

I'll second it.

CHAIRMAN CALARCO:

Second by Legislator Romaine. Any discussion?

LEG. CILMI:

You know what, I'll -- if this is going to be part of the budget mitigation plan that comes forward on Tuesday as a late-starter, why not just pass it now?

CHAIRMAN CALARCO:

Well, my opinion is I'm hoping that we see something a little bit different come from the County Executive that's more of a phase-out than just a cold stop the payment, so that's my position on the issue.

LEG. CILMI:

All right. Let's see.

CHAIRMAN CALARCO:

Any other comments?

LEG. BROWNING:

Well, doesn't it make it redundant if there is no money? If there was no money, you wouldn't need to pass the bill either, right?

LEG. CILMI:

If there's no money --

CHAIRMAN CALARCO:

He's saying, well --

LEG. CILMI:

That's fine.

CHAIRMAN CALARCO:

Okay. Any other comments?

LEG. BROWNING:

Does the Commissioner want to make any -- Commissioner Chu, do you want to make any comments as far as the Living Wage Law?

COMMISSIONER CHU:

No. I think you're doing fine on your own.

LEG. BROWNING:

Well, okay, we're good to go.

CHAIRMAN CALARCO:

We'll call the vote. I have a motion to table and a motion to approve. The tabling motion goes first. All those in favor?

LEG. ROMAINE:

Tabling?

CHAIRMAN CALARCO:

Tabling goes first, correct. All those in favor of tabling? Opposed?

LEG. CILMI:

Opposed to tabling.

LEG. ROMAINE:

Opposed.

CHAIRMAN CALARCO:

Motion carries. It's tabled. *(Vote: Tabled 3-2-0-0 Opposed: Legislators Cilmi and Romaine)*

IR 1019, Directing the Planning Department to conduct a feasibility study -- Legislator Cilmi, didn't you withdraw this bill?

LEG. CILMI:

No, I did not withdraw this bill. I'll make a motion to table, though.

CHAIRMAN CALARCO:

Okay. *(1019) Directing the Planning Department to conduct a feasibility study on incorporating LEAN Government principles in Suffolk County (Cilmi)*. I do have a motion to table by Legislator Cilmi. I'll second the motion. All those in favor? Opposed? Abstentions? Motion is tabled. *(Vote: Tabled 5-0-0-0)*

I.R. 1055 - A Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County (Kennedy).

LEG. CILMI:

Motion to approve.

LEG. ROMAINE:

Second.

CHAIRMAN CALARCO:

I have a motion to approve by Legislator Cilmi, seconded by Legislator Romaine. On the motion?

MR. ZWIRN:

Mr. Chair.

CHAIRMAN CALARCO:

Legislator Kennedy, I cut you off earlier. I was certainly going to be looking to hearing from you. I thought we dealt with this during the budget last year.

LEG. KENNEDY:

Yes. As a matter of fact, what we did, if you'll recall, Mr. Chair, was that there was an election on the part of the former administration to move away from the licensing fee, the station fee, and instead elect to go ahead and move to what's called the metering fee. For a whole variety of reasons that metering fee was something that was problematic, not only for the industry, but, quite frankly, for our own personnel to be able to actually operate and administrate. Subsequent to that, Mr. Beyer and Mr. Shell from the Long Island Gasoline Retailers Association met with the former administration. They had some meeting of the minds of -- regarding the piece of legislation you see in front of you, but, nevertheless, with all of the turmoil and mayhem that we had that went on throughout the end of the year, that bill that we put forward did not get adopted.

My understanding, and Mr. Zwirn is here, and he and I have had a number of conversations on this, the -- I know the Administration, I believe, and he'll talk to us, is cognizant of the membership, the Long Island Gasoline Retailers Association membership, and I thought that we had a meeting of the minds here, but I don't want to put words in his mouth. Maybe we can hear from him.

CHAIRMAN CALARCO:

Yeah, and Mr. Meguin, if you would like to come forward now as well. I know you had some comments you wanted to add. Perhaps you can give us the position of the Department and then we'll let Mr. Zwirn add the comments for the Administration.

COMM. MEGUIN:

Do you want me to take the podium?

CHAIRMAN CALARCO:

No, you can sit down.

COMM. MEGUIN:

Mr. Chairman and members of the Committee, my name is Bob Meguin. I'm frankly the newly appointed Commissioner of Consumer Affairs. And this is a matter that, frankly, I can appreciate Mr. Beyer's frustration that this has been languishing for seemingly a long time. I think what -- and, frankly, I think I would agree with him. My reading of the current legislation, which is 599, I think it's C-3, clearly does preclude an imposition of a licensing fee and simultaneously have a meter fee. And it's impacted by the Agriculture and Markets Act.

What our numbers are showing, and I'm basing it on the less accurate numbers that we have of 2010, that notwithstanding the apparent increase of a licensing fee from a hundred dollars bi-annual, you know, to the number that we're talking about in the bill, that we would frankly be losing revenue on an annual basis using the 2010 figures of a little in excess of 76,000.

Now, why I say that, and there are other repercussions as well. You know, why I say that, and perhaps maybe this meter fee, to my understanding, came into effect in August of 2011, and perhaps it's been -- and I don't know that for a fact, but whether it's been administered incorrectly, I need a little more research by way of that.

But our estimation is that if we do a fee consisting of first a registration so that we know all of the motor fuel facilities that are out there, and rather to have an annual licensing fee, that if we do our inspections based upon meter fees, which more -- better reflects the amount of time, effort and labor that we need to expend to ensure that the consumer's protected, we feel that, you know, that is the better approach and likely it would generate more revenue in that respect. As far as the mechanics of how the inspections are done, I have members of our department that can speak to that as well.

But what I'm asking respectfully is that perhaps we table this, notwithstanding Mr. Beyer's frustration of the history, the arduous history of this particular legislation, that we table it so I can present much more accurate figures.

One other concern I also have is if we're using a per site fee, we have a situation where you have a gas station that may only have two pumps, and on the other extreme, but perhaps another facility that might have upwards of 30 or more pumps, and clearly we can't abdicate our responsibility to inspect, you know, the pumps i.e. the meters is what we're talking about. I think that creates a gross inequity in terms of the different sizes of the motor fuel facilities.

So, you know, that being said, I'm just respectfully asking and bringing to your attention what I at least initially determined to be what the physical impact would be on implementing the bill as it currently exists.

CHAIRMAN CALARCO:

I'm just going to let Mr. Zwirn comment real quick and we'll hear from the Administration as well.

LEG. KENNEDY:

I'm very eager to hear from Mr. Zwirn, I guess, as to -- notwithstanding our new Commissioner, who I appreciate and, you know, I know you've got many years out there and certainly you do know how to read the law, sir.

CHAIRMAN CALARCO:

We'll let Mr. Zwirn speak.

MR. ZWIRN:

First of all, I want to thank the County Executive for appointing more people with gray hair and white mustaches.

*(*Laughter*)*

So when we do the "Where is Waldo" routine we'll be able to -- I'm sure Bob and I will be somewhere in the picture.

COMMISSIONER CHU:

Ben, I have one, too.

MR. ZWIRN:

Nice try, Sam. Not a chance. See us in another 20 years, come back and we'll talk.

But originally we had signed off on this as well because the numbers that the Long Island Retailers Association showed us, we got the numbers for revenue were pretty close. You know, with all the problems that we're having, we would like to give the Commissioner of Consumer Affairs just a short turnaround. We've got a quick turnaround, just so we can compare the numbers, have the Long Island Retailers come in to show that the revenue that we're losing -- their numbers showed it within about \$25,000, I recall. I think if it's marginal then I don't think we had a problem, but if it's going to be an enormous difference in revenue we don't have the luxury right now of turning away revenue that would be coming in.

So we would just ask for a turn-around. We haven't changed our position, but we just want to take a look at it to make sure we're not shortchanging the County at a time when we're facing lay-offs and all sorts of catastrophic events.

LEG. KENNEDY:

Through the Chair.

CHAIRMAN CALARCO:

I have a list, Legislator Kennedy.

LEG. KENNEDY:

Okay.

CHAIRMAN CALARCO:

Legislator Browning.

LEG. BROWNING:

Yeah. Commissioner, you mentioned about, you know, the inspections of the gas stations and checking the meters, and the gentleman from LIGRA basically said that they don't see the inspectors. So my -- one of my thoughts is, you know, the comment that it does kind of create a level playing field creating a license fee rather than a, you know, per meter fee, would clean things

up. And I'm wondering could it turn out to be a wash where maybe more gas stations, once we get them online, we're going to see more license fees. And again, to say that you're going to go out and inspect them, I know your department, and that's my concern is they're not -- they're not able to get out there, and I want to know how you're going to be able to get out and inspect them. Do you have the bodies, do you have the people to go out and do that? Do you have the capability?

COMM. MEGUIN:

Legislator Browning, I disagree. We do have -- although we have six field inspectors that are going out, we are keeping up with, you know, the task. I think we obviously could use more field inspectors. We've had an individual that just retired from last year. But -- and if you need specific details in terms of what have we done this particular year, I believe the numbers are we've roughly hit about 22% of the stations and virtually all are complying. So projecting that over the year, I feel that we are certainly capable of fulfilling our obligation to do what we have to do under the law.

LEG. BROWNING:

But it would be less work for you if they were licensed; am I correct?

COMM. MEGUIN:

Probably so. Then -- I'm sorry, yes, probably so in terms of it just simply an administrative fee. I would need more clerical people perhaps because we do have people at the front desk that have to open the mail, literally, look at the applications, field phone calls and whatnot, but I think that kind of begs the question, I think, ultimately I'm an advocate for the consumer, and I think even in this climate that, you know, we have to be very vigilant in terms of, you know, the lifeblood of our economy which fortunately or unfortunately is gasoline sale prices.

LEG. BROWNING:

I'm kind of inclined to go with a license fee. I mean, I respect the fact that you're a new Commissioner, you want to be able to come back with the numbers. I believe we come back in two weeks. I wouldn't necessarily be opposed to allowing you to come back in two weeks and giving us the information that you want to provide us.

COMM. MEGUIN:

Thank you. And I will reach out to Mr. Beyer and we'll sit and perhaps we can reconcile it and maybe come to some sort of consensus. But, I mean, at this point, at this juncture, you know, I feel compelled and obligated and incumbent upon me to at least bring this to your attention, to at least be able to make an informed decision.

MR. ZWIRN:

Mr. Chairman, if I might. Maybe what a compromise situation would be to move forward is to discharge this so it gets to the floor. If we can get the information in time then we can give it to you, the full Legislature, and that way at least there's a sense that it's moving forward. And if not, if we ask you -- if we need a tabling at the full Legislature we'll ask for it and it will be your discretion whether you want to subscribe to that or not. But at least there's a feeling that we're -- it's moving in the right direction. It gives us a little time.

CHAIRMAN CALARCO:

That sounds like a positive compromise. Legislator Cilmi, you had a question?

LEG. CILMI:

Yeah, I do.

CHAIRMAN CALARCO:

Okay.

LEG. CILMI:

So, I have a couple of concerns, and I'm happy to hear that we're going to discharge this resolution and we'll have a debate about it on the floor on Tuesday. But, first of all, I'm a little concerned that we don't have the systems in place to prevent the sorts of mistakes that happened in terms of this dual, you know, charge that happened. So, I mean, that may be something that you want to give a call to Mr. Melito from the County Executive's Performance Management Team and ask him to have a look at the systems in your department to see if there's a way that they can help you fix that.

Secondly, I'm concerned with this philosophy of generating more revenue. I understand that the County is in desperate times, but so are our taxpayers. And we should not be trying to generate more revenue on the backs of our businesses, which provide the jobs and the tax revenue that we survive on in business. In fact, last night I heard a very eloquent County Executive tell us that Suffolk County is open for business. And I would hate to have that statement contradicted in terms of our actions. So, you know, there's not only with Consumer Affairs but in other departments as well, there's this mentality that's, you know, not pervasive I wouldn't say, but it exists in some places that we want to get them while we can. And I think we need to shed that mentality, otherwise we're going to go out of business in the County. Thank you.

MR. ZWIRN:

Mr. Chairman, if I just might respond to that. And we appreciate everything that Legislator Cilmi says and we're trying to make the County more business friendly. I think Consumer Affairs, from what I heard from Mr. Meguin, is that if you have a gas station -- where I get gas they have two pumps out in Sag Harbor. The major chains have larger stations that have 30, 40 pumps. The mom and pop is paying the same fee as Mobile and Gulf and all the big stations. So we're just trying to make it fair. It's not just about money, but it's about fairness. So we hear what you're saying, we agree with what you're saying.

CHAIRMAN CALARCO:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, if I can. I appreciate the sentiment from Mr. Zwirn, too, but I think it's important for us here if I can ask Mr. Beyer to just go ahead and shed, you know, a little more information, because, you know, as the President for a 500 plus member organization, he does bring what the merchant and the operators' perspective is as well. What can you tell us, Kevin, about this. Seems to me we're mixing up some of our terms, in my opinion.

MR. BEYER:

Absolutely. First of all, you're talking about a station that may have two pumps. I have three pumps and the fee was \$360. And these stations that you're talking about, you're speaking of the larger stations, they're all independently owned. There's very few that are company operated. I would say most stations that are here on Long Island are not company-owned. There are company-owned stations, but if you're flying a Mobile flag doesn't mean the company owns that station. You have a dealer like myself in there that's running that location, same thing with a Gulf or a Shell, or anything else that's out there. So that's a misconception right there, I want you to understand that.

And also, when we keep going back and forth, when it goes to the meters, they don't come -- no matter what you think, they don't make it every year, and you're pulling them away from a job, from other jobs. The meters don't go out, and everything, the new technologies that are out there, these meters don't really go out of synch, you know, very often. I understand when they finally get to the station they do check it, that's great, too. I mean, when they checked all my meters every meter was correct on my pumps. There were other things that I had to address, but nothing to do

with the meters.

With that being said, and also, we keep talking about the revenue, the revenue, the revenue. Well, you know what? It's totally unfair to us to have to be paying something like this when I know what my licensing fee is. It's been in place for years the way it's been done, it was \$50. We pay biannual so every two years, you know, it's not so burdensome on the department or us; you're paying a hundred dollars every two years. Here we agreed to go to 100 -- up to \$400 every two years. It's a big increase on my members. This isn't something that we took lightly. We had no choice. It was one or the other and we tried to work it out. I felt this was a fair compromise that we've been working on, you know, for months now.

LEG. KENNEDY:

Okay. Kevin, thank you very much for coming. Again, through the Chair. Mr. Zwirn has brought forward something I think in the spirit of honoring a commitment from the Administration that allows us to move forward with the process. Can you be available to meet with them and speak with them before next Tuesday?

MR. BEYER:

Absolutely.

LEG. KENNEDY:

Okay. Thank you.

CHAIRMAN CALARCO:

I just have a quick question for BRO. What we're hearing from the Commissioner, that this is going to cost us revenue if we go the route of Legislator Kennedy's law. I had thought, quite honestly, that Legislator Kennedy, that this, what he's done here is kind of something that was in compliance with what the budget had planned for. So could you tell me what did we budget for? Is this going to bring us shorter revenue based on what we were projecting, and was this something we were anticipating to do or were we anticipating to stay with the per meter rate.

MR. MUNCEY:

Okay. When the budget was proposed and adopted they had \$190,000 in revenue based on a per-pump -- actually, per meter analysis. So there was \$190,000 that's in the budget now. We have met with the oil retailers and Department of Consumer Affairs and worked a couple of times on different analyses to try to get the exact amount or estimate as close as possible would there be more money or less money in revenue if it went to a licensing and registration fee versus the meter. It's close. This year, if we were to swap over, and this is based on about four to five weeks ago, there would be a loss of about \$30,154 in revenue in 2012. After that, in '13, it's different, it's roughly about \$19,375 per year, but the five-year loss would be \$107,654. Now, there's so many variables in this, depending on if gas stations change hands or not. If they do, it might be equal to the same amount of revenue. If less gas stations change hands, then there would be a bigger budget hole there.

CHAIRMAN CALARCO:

Okay. Thank you.

LEG. CILMI:

I have a question for Budget Review.

CHAIRMAN CALARCO:

Sure, Legislator Cilmi.

LEG. CILMI:

Just quickly, what would happen if the gas stations went out of business?

MR. MUNCEY:

Well, you wouldn't have the revenue and I guess you wouldn't need the manpower to inspect the gas stations.

LEG. CILMI:

Right. Thank you.

CHAIRMAN CALARCO:

Legislator Gregory.

LEG. GREGORY:

Thank you, Mr. Chair. I know I'm not a member of this committee, but I was intrigued by this discussion. I guess this question really goes to Counsel. We just heard from our BRO analyst that this bill more than likely will lose revenue. I believe a few years ago Legislator Stern introduced -- sponsored or introduced the bill that this body passed that if there's a legislation that is enacted that reduces the budget, that there has to be a corresponding offset for that. And how would this bill reflect in that aspect?

MR. NOLAN:

That's actually correct, that if we pass a resolution or a Local Law during the year after we've adopted an Operating Budget that decreases revenue, there has to be a corresponding increase in revenue or reduction in appropriation. This is kind of a mind-bender of an issue that I'm going to have to think about because, obviously, we've had testimony that we can't have both, this registration scheme and also the per meter charge, you can't do both, and this bill actually reduces the registration or licensing fee. So it's a tough one to analyze. It's not a clear-cut question whether or not this would, in fact, require that, and I'm going to have to give that one some thought because it's a tough call.

CHAIRMAN CALARCO:

If I may, let's -- I'd like to make a motion to discharge without recommendation following the Administration's request, and perhaps they can get together with BRO and with LIGRA and hammer out those numbers again and maybe we can get it to a point where we think it's revenue neutral and we all could be satisfied with the outcome and we'll take it on the floor on Tuesday.

LEG. BROWNING:

I'll second that.

LEG. KENNEDY:

Mr. Chair, just one other question and I appreciate this Committee's taking the time to consider this. But kind of in response to Counsel and Legislator Gregory's concerns, the metering fee was something contained in the proposed 2012 budget. It was done unilaterally under the purported authority of the Director of Consumer Affairs without consultation, review, or approval by this body. This bill that we have before us was done as an alternative in consultation with the industry, and for that matter, with the Administration. So that we would approximate an increased revenue stream, but may not reach what was a higher projection that came from last year that had never been realized before. So we are not forfeiting revenue, we are raising to a level slightly lower than what the prior administration had decided to put it at.

CHAIRMAN CALARCO:

John, I don't want to withdraw my motion, but in all fairness, Budget Review just stated that

this -- that the per meter is what we approved in the budget, that's what the budget was approved at, that's what the dollar figure is that we are looking to meet. We already had big enough deficits that we're dealing with to add to the deficient because we decide that we want to lower the bar that we had already set. I think that we can reach a compromise and I think we're at a point where we can settle this and I'd like to move this to the floor, if possible.

LEG. KENNEDY:

Good.

LEG. ROMAINE:

I just would just say that the estimates by the previous administration have proven less than reliable. I would not want to base my financial future on what the former County Executive included in his budget. They proved to be less than reliable.

CHAIRMAN CALARCO:

As we can say about a lot of things, but let's just take this motion and move forward, please. So I have a motion to discharge without recommendation, I have a second. All those in favor? Opposed? Abstentions? Motion is discharged. **(Vote: 5-0-0-0)**

And, Ben, if you could get together with LIGRA and the budget folks and hopefully we can have this worked out by Tuesday.

MR. ZWIRN:

Comments from the Legislature were well taken.

CHAIRMAN CALARCO:

Thank you. ***IR 1290 - Establishing County Policy to Utilize Employees Separated from County Service (Spencer).***

LEG. SPENCER:

I would like to make a motion to table. I want to allow the Executive to complete the collective bargaining process before addressing this resolution.

CHAIRMAN CALARCO:

Okay. We have a motion to table, seconded by Legislator Browning. All those in favor? Opposed? Abstentions? Motion is tabled. **(Vote: 5-0-0-0)**. On to Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

IR 1340 - Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as volunteers of the County of Suffolk for the purposes of indemnification (Romaine).

LEG. ROMAINE:

Motion to approve.

CHAIRMAN CALARCO:

A motion to approve by Legislator Romaine.

LEG. CILMI:

Second.

CHAIRMAN CALARCO:

Seconded by Legislator Cilmi.

LEG. BROWNING:

Can we have some discussion on both of them because the two bills --

CHAIRMAN CALARCO:

Before we go to discussion, I'm going to make a motion to table.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Seconded by Legislator Spencer. So who would like to go first?

LEG. SPENCER:

I'd like to hear from the County Executive's Office with regards to the indemnification.

MR. ZWIRN:

Thank you. Mr. Chair, we would ask that these bills both be tabled today to give us a chance -- we're reviewing this right now. Our concern is not with the good work that the SPCA has done in Suffolk County, but with the indemnification ramifications. This is the only group that we can think of that has -- that a lot of them carry firearms, and it's one thing if somebody's, you know, trying to help with protecting the public from stray animals or protect animals from abusive owners. This is a very different situation, and one accident, one incident could be catastrophic, not only to an individual, but also to the County. So we want to handle this a little bit differently. They have certain law enforcement powers. They are not employees of the County. It is -- you know, so we don't want to disparage the group, but at the same time we would like an opportunity just to examine this a little bit further, and because it's setting a precedent for this Administration that they're not exactly comfortable with at the current time.

CHAIRMAN CALARCO:

Legislator Romaine.

LEG. ROMAINE:

Yes. I realize that this is a new Administration and sometimes is given to change. This Administration, and I can pull up the verbatim minutes of this committee a month ago, this Administration said they had absolutely no objection to my bill. I guess there's been a change of heart. I wonder what next meeting will bring.

Obviously, you know, yes, you could -- I think it's a valid question. I've made my argument for this. Again, I believe that the SPCA serves a tremendous purpose in this County to prevent animal cruelty and to assure justice to those who perpetrate those crimes and relieves our Department of Police of that expense. If we had Police Officers doing this, even if we had say five Police Officers, because I believe the SPCA has well over 40, 50, volunteers. So if we only assign, let's say five County -- to the County Police District, forget the East End, let's do the County Police District, the average police salary without benefits is well over 100 grand. You're talking about spending a half a million dollars, with benefits probably much more, to have animal cruelty laws enforced, which I'm sure this Administration wants to see enforced. I don't think anyone here would say that those laws should not be enforced, or that we should be less vigorous in pursuing those who torment and torture and kill innocent animals or mistreat them.

But I can guarantee you that any indemnification will cost less than that half a million dollars, \$750,000. And five would be at least the minimum that I would see that you would need. I think they were talking about insurance policies that were costing somewhere in the neighborhood of 100 --

MR. ZWIRN:

No.

LEG. ROMAINE:

-- hundred and fifty thousand dollars last year, unless that number has gone up and I'm not aware of that.

MR. ZWIRN:

If I might just jump in.

LEG. ROMAINE:

Sure.

MR. ZWIRN:

I looked at the tax returns that the SPCA filed with the Comptroller's Office, and I think on their report, the last one that I saw was the 2010, probably 2010, it was about \$20,000 for insurance policy, that they represented in their policy.

The question is this. There are Town Control Officers in all ten towns that are responsible for animal control. The Police Department has said they can handle all the problems that are out there, they're willing to do that, they have no problem with that. We don't want to do that. The biggest thing that we're concerned with is that this organization -- and they're great, I'm not criticizing them, but they're the only ones that carry firearms like Police Officers and Deputy Sheriffs, and that is a -- you know, when you're trying to get animals away from abusive owners, do we ask for a compromise? Do we ask for we'll indemnify them if we take away --

LEG. ROMAINE:

Are they the only ones with Peace Officer status?

MR. ZWIRN:

Town Control Officers want the Peace Officer status. They would prefer to do this on their own. We talked to just about every Town Control Officer in Suffolk County, and their almost unanimous response is that we would like to have this authority as law enforcement officers to do this work.

We're just asking for a brief recess so we can take a look at all the options before we make a recommendation. I know it's a very controversial issue and it's been an emotional issue. It's not an issue where we're disparaging this organization. This Legislature has already given a gift, the beautiful -- that MASH Unit that they have that they used in the last, in the brush fires out in Manorville, they have at the shelter in Riverhead. The MASH Unit was there to take in pets. Nobody questions the work. We're just concerned about not just the bill that Legislator Romaine has, but even with Legislator Spencer as well. But just give us a chance to take a look at it so we try to get it and we try to do it right so that in the future we won't have to have this debate again. That's all. Thank you.

CHAIRMAN CALARCO:

Legislator Browning.

LEG. BROWNING:

Sure. Well, first of all, the one thing that I've said, and I'll continue to say, is if we wanted to give it to the Police Officers, if we don't want them, we just had a wildfire in Manorville and they got called. So let's be real. I don't think that we're never going to need them.

The other thing is, to answer on the indemnification of Police Officers. Now that I Chair Public Safety, there is an Indemnification Committee that meets on any suits that come to the County involving a law enforcement officer, and that committee meets to make a decision whether to indemnify or not. In this case with the ASPCA, we don't have that. And that would be something that I think that we would have to address, because -- and I agree with Dr. Spencer, they're not employees of Suffolk County, they're not employees of New York State, and I think there has to be some kind of a contract or something to clean up that part of it. That's my concern.

Now, I know I spoke with Mr. Llobell, because you do have an insurance policy at this time.

MR. LLOBELL:

Yes.

LEG. BROWNING:

And if you want to come up and if you can explain, is this -- is this that each and every one of you provide your own insurance policy, or do you have an umbrella policy that covers everyone in the event of a lawsuit. Why don't you come to the mic and explain this. Because that's where I'm trying to see the difference. I know we have two bills, I believe one is just indemnification where you would no longer be required to carry any type of insurance, and the other one is basically asking for we will indemnify you up, you know, after a certain amount.

MR. LLOBELL:

Thank you, Kate. I guess it's working. We do have an insurance policy. The problem we have is there is no guarantee that we're going to be able to renew that policy. We already know the cost of the insurance is going up quite substantially about now. Fifty-five thousand?

MR. GROSS:

Forty-five thousand.

MR. LLOBELL:

Forty-five thousand. Many of us carry our -- an additional umbrella on our homeowners, hoping that we would have some coverage if we had an incident.

The other thing is if you don't -- regardless whether you indemnify the Suffolk County SPCA or not, and regardless if the SPCA is here or someday it goes bye-bye, which it may do, then you're going to be indemnifying whoever is investigating these cases and enforcing these animal cruelty laws. The local animal shelters that you just mentioned are not authorized by the State of New York. There can only be one SPCA in every county to do the law enforcement duties that we do. So -- and you all know, I mean, because we've been approached by almost every different township, and many of the members of the Legislature, asking us if we would consider maybe running a shelter, a centralized shelter in the County, because the towns can't afford to run them anymore; they're not going to be around. They don't -- they close at four o'clock in the afternoon, they don't respond at night. They're not available to the Suffolk County Police Officers.

But getting back to the indemnification, regardless one way or the other, whether you indemnify us or you indemnify, you know, your Park Rangers, or your Police Officers, or your Deputy Sheriffs, or your Bay Constables, you're going to indemnify them anyway. I mean, there really is no difference.

LEG. BROWNING:

That wouldn't necessarily be true, because there is a committee, and the committee that meets to make a decision whether an employee would be indemnified or not. We wouldn't have that with you. And I -- you know, and again, I don't think you should be having umbrella policies on your homeowners. I don't think that's fair. But, again, if there's some way, again, we don't have a contract and I would like to see if we are going to indemnify you, that there would be some kind of a contract and agreement as to how and when, because I know while you respond quite often for Suffolk County, you're not just responding for Suffolk County. You may get called by the Town of Brookhaven, like the incident in my district where it had absolutely nothing to do with the County. You got called by the -- by Councilman Panico, I believe. So why would we now be responsible to indemnify you when it was the Town of Brookhaven called you? Do you know what I'm saying? I want to make sure that we're not going to get stuck with the bill in light of a lawsuit when we didn't call you and someone else did.

MR. LLOBELL:

In all due respect, you still would have on that particular call in your district, which I remember vividly with the cow in the dining room --

LEG. BROWNING:

Me, too.

MR. LLOBELL:

The bull in the dining room, excuse me. You had plenty of Suffolk County Police Officers there and plenty of Suffolk County Fire, Rescue and Emergency Service personnel. You know, it's all -- this has been going on now for quite a few years. We've always had the indemnification and it's really, really, really putting us in a bad, bad position.

LEG. BROWNING:

But who called you that day to come?

MR. LLOBELL:

I believe the call came from the Police Department.

LEG. BROWNING:

Okay. I guess that would be something that we could find out. But, again, I guess -- I'm done for now.

CHAIRMAN CALARCO:

Okay. Thank you. Legislator Spencer.

LEG. SPENCER:

I'll be brief. And Ben wasn't here when I made my comments initially. I think the SPCA should be indemnified. I agree with what they do. I admire what they do, I think they're well trained. For me it's -- that's not the issue. I agree with my colleague, Ed Romaine. It simply comes down to a matter of if we indemnify, there has to be a relationship where the parameters of that indemnification are defined, that simple. We need you. I admire you. I am a friend. I want to work so like you said, I don't want to indemnify someone else. I want to figure out a way to indemnify you, but we have to have some sort of oversight.

You are armed with firearms. You're trained to use them, you know how to use them, but we have a responsibility. Any other firearm carrying organization indemnified by this Legislature comes before the Indemnification Committee. I don't know if it comes down to a matter of surrendering the firearms. No, you should have them, you should be protected. We should give you everything

that you need. I support you. We have to figure out a way to craft a relationship and my colleague's bill does not do that.

CHAIRMAN CALARCO:

Thank you. One quick comment to Counsel. How does this bill differ from the one that was not approved at our last meeting?

MR. NOLAN:

Legislator Romaine's bill is identical to the bill we voted --

CHAIRMAN CALARCO:

That was my question, and I'm not inclined to pass something to the floor that failed to pass at the floor once already.

LEG. ROMAINE:

First of all, let me just say it did pass out of this committee unanimously.

CHAIRMAN CALARCO:

And it failed to pass on the floor.

LEG. ROMAINE:

It failed to pass on the floor. There were nine votes in favor of it, eight votes opposed, and one Legislator was absent. Let me also say to Dr. Spencer, we don't administer County government, we don't manage County government. We are the policy-making body of County government and that's why this resolution is drafted. The administration of policy is the province of the Executive Branch. So, for example, we pass this policy, the Executive Branch may direct the County Attorney's Office to enter into a contract with SPCA for indemnification and they'll set the terms. We make policy, we don't micromanage County government. This is a policy-making resolution. There is a huge difference and that's why we have what's called a separation of power between the three branches. We set policy, the Executive Branch administers that policy. Thank you.

CHAIRMAN CALARCO:

Thank you, Legislator. And this is the first time I've ever heard you actually give up and cede some authority from this body, but thank you very much for that.

*(*Laughter*)*

I think we've had enough debate. We know that we have two different versions before us at this point time. We have a motion to table and a second. The tabling motion goes forward. All those in favor? Opposed? Abstentions?

LEG. ROMAINE:

Opposed.

LEG. CILMI:

Opposed.

CHAIRMAN CALARCO:

I.R. 1340 stands tabled. *(Vote: Tabled 3-2-0-0 Opposed: Legislators Romaine and Cilmi)*

I.R. 1349 - Designating individual agents of the Suffolk County Society for the Prevention of Cruelty to Animals as Volunteers of the County of Suffolk for the purposes of providing reasonable indemnification (Spencer).

Before we move on, Counsel, could you just explain what the difference between this version and the previous version are?

MR. NOLAN:

This version, unlike the bill we just tabled, would require the SPCA to have a two million dollar policy and then the County would indemnify them for any loss or claim above that amount. Additionally, it sets an end date for the indemnification, which is December 31, 2013. The prior resolution was a more open-ended indemnification for the group.

CHAIRMAN CALARCO:

So we're setting a policy here that we are going to offer indemnification to the SPCA, but they're going to have to enter into some sort of agreement with us, and that they're going to have to carry some sort of insurance in order to do that.

MR. NOLAN:

Right. The resolution states that they have to maintain a two million dollar policy, and if they do that, we will indemnify them for any judgment or settlement above that amount.

CHAIRMAN CALARCO:

Thank you, Counsel. Legislator Browning, you have a question?

LEG. BROWNING:

Well, basically, I just would like to know, because if we pass this one, they're carrying insurance at this time. I would like to look at the possibility of what happens if they don't get insurance or are no longer able to get insurance. We can revise and go back and indemnify them, similar to what Legislator Romaine's bill is.

MR. NOLAN:

Well, if you adopted this resolution, and then at a certain point the group could not get insurance, then obviously we're not indemnifying them at all. And then you would have to perhaps revisit the issue.

LEG. BROWNING:

And what's the amount on your current insurance policy? Is it two million dollars?

MR. GROSS:

Is that what you're saying the insurance we have now?

LEG. BROWNING:

Correct.

MR. GROSS:

It's costing us about \$45,000 a year right now. The problem, as I had mentioned, that case in 2009 where the Police Department made the arrest, it was not us, in a cockfighting ring, and all we did was take the birds from them, we did nothing else. We were not involved in the arrest, we were not there when they executed the search warrant, and our insurance company, with the insurance, and I felt comfortable with having some insurance, but the insurance company is saying that they will not cover us on what they're alleging to be a false or an improper search warrant. That leaves us on the hook, so we can't operate that way. And this is all -- this is brand new; this just happened. We can't operate not having insurance. They said seek our own counsel. That means we're stuck if was a two million dollar -- we'd be stuck for two million dollars? We can't do that.

CHAIRMAN CALARCO:

I think that should this bill go forward the way it is, your insurance company would have some level of assurance that you would have the County there to back you up, and I think that would probably help make this -- it easier for you to obtain the insurance?

MR. GROSS:

Well, what about the first two million? I mean, that's -- we're still on the hook for two million dollars. We still -- if we had that insurance, the two million dollars insurance, they are still responsible for that two million dollars. But, again, as I bring out to you, this particular case from 2009 where we are being sued along with the Suffolk County Police Department.

CHAIRMAN CALARCO:

And I think that if you had a contract in place with the County then there would be an understanding that maybe in a situation like that where because you were interceding on behalf of the County and the County P.D. were the lead agency, we'd probably have more liability and culpability in that case and would cover you. That's why we need to have a contract in place and actually have some sort of legal agreement that is standing there between your -- between the SPCA and the County of Suffolk, between what we expect out of you in terms of -- in return for our payment in terms of indemnification. So I think that there is -- it just goes to show why we have to have an actual legal contract in place and why we have to have some sort of arrangement, not just give a blanket indemnification where we really don't know whose role is what.

We're dealing with these kind of problems in many different places. I'm dealing with this with the Families Association from the Flight 800 TWA Memorial, who do a terrific job maintaining that memorial, but there's become a controversy over who owns it, who's responsible for what and who should be doing what. I think that it's another situation where you've got to have legal arrangements in place. The contracts exist for a purpose and I think that's what Legislator Spencer is trying to accomplish with this bill.

I don't have any motions at the present.

LEG. SPENCER:

I'll make a motion to table based on the County Executive's Office recommendation, at least for one cycle. Is that what -- they're looking to table both or if we approve this, would that -- before the General Meeting, would that give enough chance to discuss -- come up --

MR. ZWIRN:

I think for this next meeting I think the agenda has pretty much -- I think it will be nothing short of a miracle to get to the agenda at this meeting on Tuesday.

LEG. ROMAINE:

I'm sure there'll be a lot of speakers, and I'm sure some of those speakers will come to speak for the protection of animal rights.

MR. ZWIRN:

I think that there's going to be a lot of bills before the Legislature on that day.

CHAIRMAN CALARCO:

We have a motion by Legislator Spencer, I'll second the motion. Ben, again, I guess the Administration has a little bit of work to do. I'd like to be able to move something on this in the next couple of weeks. We come back to this in two weeks and we'd like to try to move on the bill at that time if possible. Hopefully you guys can work out some sort of arrangement with the SPCA.

MR. ZWIRN:

Thank you.

LEG. BROWNING:

I don't like these competing bills. Could we please get the County Executive to come up with the solution that works for them, works for everybody, so we don't have these competing bills. And in two weeks we're going to approve something.

CHAIRMAN CALARCO:

This is an ongoing issue that we've been dealing with for close to a year now. It's time for us to put this to bed.

LEG. BROWNING:

It's ridiculous.

CHAIRMAN CALARCO:

Mr. Zwirn, if you could take care of that for us we'd appreciate it, and hopefully in two weeks we'll either be moving this bill or you'll have a solution for us.

MR. ZWIRN:

Okay.

CHAIRMAN CALARCO:

Thank you.

LEG. SPENCER:

I apologize. I do have to say to my colleague we do respect animal rights and this is not an issue of -- I do understand that we formulate policy, but we have to formulate responsible policy and be aware of the consequences, so I appreciate the lecture on that topic. Thank you.

LEG. ROMAINE:

Lecture?

(*Laughter*)

CHAIRMAN CALARCO:

I have a motion and second. All those in favor? Opposed? Motion is tabled.

LEG. ROMAINE:

Abstention.

CHAIRMAN CALARCO:

One abstention. (*Vote: Tabled 4-0-1-0 Abstention: Leg. Romaine*)

IR 1357 - A Local Law to strengthen the Affordable Housing Transfer Program for homeowners displaced by a natural disaster (Romaine). This has to be tabled for a public hearing. Legislator Romaine, would you like to make a motion?

LEG. ROMAINE:

Yes.

CHAIRMAN CALARCO:

Motion by Legislator Romaine; I'll second the motion. I.R. 1357, all those opposed? In favor -- in

favor? Opposed? Abstentions? Motion is tabled. (**Vote: 5-0-0-0**). And with that, we'll make a motion to adjourn. Thank you very much.

(*THE MEETING WAS ADJOURNED AT 2:44 P.M. *)