

**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, March 8, 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 Kara Hahn, Legislative District No. 5
George Nolan, Counsel to the Legislature
Samuel Chu, Commissioner, SC Department of Labor
Paul Perillie, Aide to Legislator Gregory
Chris DeLuca, Aide to Legislator Cilmi
Ben Zwirn, County Executive's Office
Mark Epley, Mayor, Village of Southampton
B. Cannon, Village of Southampton
S. Funsch, Village of Southampton.
Domenic Mozzone, Suffolk County SPCA
Steven Laton, Deputy Chief, Suffolk County SPCA
Tom Cappelletta, Suffolk County SPCA
Paul Llobell, Suffolk County SPCA
Vanessa Pugh, Town of Babylon
Lois Hartman, Federation of Organizations
Laura Schreiner, Special Assistant-NYS Senate
Charlie Gardner, L.I. Chapter, Natl. Elec. Contractors
Richard Meyer, AME/Leg. Director
Mary Finnin
Kevin Clement
Salvatore C. Nicosia
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 1:02 P.M. *)

CHAIRMAN CALARCO:

Okay. Thank you and welcome to the Government Operations, Personnel, Housing and Consumer Protection Committee. If we could all stand for the Pledge of Allegiance, led by Legislator Spencer.

(*SALUTATION*)

Okay. We're going to start with the public portion. I have a number of cards here. First up is Deputy Chief Steve Laton from I believe the SPCA.

DEPUTY CHIEF LATON:

Good afternoon, Members of the Legislature. My name is Steve Laton.

MS. LOMORIELLO:

You have to put your finger down here and hold it.

DEPUTY CHIEF LATON:

My name is Steve Laton. I'm Chief of Operations for the Suffolk County SPCA. We're here today to ask your support for Introductory Resolution 1124, which would make certain members of our agency volunteers for the County for purposes of indemnification.

I just have some highlights of what we did in 2011 to share with you. We investigated 2,050 cases. We opened and staffed two pet friendly shelters before, during and after Hurricane Irene. We responded with the MASH Unit to William Floyd High School on January 1st, 2011, and stayed for 13 hours during the gas leak in Shirley. We housed animals in the MASH Unit until all clear was given for residents to return home. We rescued over 100 animals, including farm animals, from a house in Shirley. We rescued horses, goats and a pig from a farm in Calverton which were unfed and living in deplorable conditions. We filed 453 charges of animal cruelty, ran rabies clinics in the Town of Huntington and Islip, and all investigations and services performed by our agency are performed at no cost to the County or its constituents; we're all volunteers. We're not asking to be afforded retirement privileges, we're not asking to be afforded tax breaks, we're asking to be afforded the indemnification. Any questions?

CHAIRMAN CALARCO:

Thank you very much.

DEPUTY CHIEF LATON:

Thank you.

CHAIRMAN CALARCO:

Next up is Lois Hartman.

MS. HARTMAN:

Hi. This is in reference to sunseting --

LEG. ROMAINE:

You have to hold the button down.

MS. HARTMAN:

This is in reference to sunseting the living wage allowance assistance. My name is Lois Hartman and I'm here to represent the Federation of Organizations to bring to your attention the devastating effect that this bill would have on the Suffolk County Respite Care Program. This program provides

assistance to caregivers of frail, elderly loved ones, allowing them to take some much needed and affordable time to run errands, keep doctor's appointments, and in many cases, remain actively employed. In-home companionship and supervision are provided by trained, compassionate workers, allowing caregivers to attend these personal needs. Respite workers receive special training in diseases like Alzheimer's and Parkinson's and are knowledgeable about the services that can assist these families in their communities. The program, which is available through Suffolk County, provides a cost effective alternative to nursing home placement, while also helping to keep money flowing in the community by the caretakers who are able to remain in the workforce.

The living wage requirement paid to respite workers is \$12.84 an hour, plus \$1.62 in mandated benefits, which are workman's comp, unemployment, disability. That equals 14.64 -- I'm sorry, 14.46 an hour. The average fee contribution per hour by the clients is only \$9.25. Without the Living Wage assistance, we lose \$5.21 for every hour of service we provide. Hopefully, this will help you see the importance of the hardship allowance and how not receiving it would create a true hardship for many of your constituents, because we will have no choice but to close down the program. Thank you.

CHAIRMAN CALARCO:

Thank you, Ms. Hartman. Any questions? Thank you very much. Next up is Kevin Clement.

MR. CLEMENT:

Good afternoon. I'd like to thank the Suffolk County Legislature for the opportunity to be here. I own property at 215 Depot Road in Huntington Station, and I'm here for a TDR credit through the legislation and the Workforce Housing Program. It's been a long journey for me to get to this point, but I'm sure it's going to be worth it in the end. In my project with building, I will be providing three rental units above commercial space, and work with the Affordable Housing to provide affordable rental units for members of our community, our town, and our County.

I'd just like to thank you for the opportunity, and, hopefully, I can move forward with my project. Thank you.

LEG. ROMAINE:

Question.

LEG. SPENCER:

I have a question.

CHAIRMAN CALARCO:

Legislator Romaine.

LEG. ROMAINE:

Yes. You need the transfer of development rights, these credits, because without these credits, local zoning laws or Health Department regulations, which one would prevent you, or both, which would prevent you from going ahead without these credits?

MR. CLEMENT:

The Health Department.

LEG. ROMAINE:

This is a Health Department issue?

MR. CLEMENT:

Correct

LEG. ROMAINE:

So the Health Department is saying for your property, you don't have -- you have the -- if you did these three apartments, you'd have too much sanitary flow.

MR. CLEMENT:

Correct.

LEG. ROMAINE:

And sometimes they suggest sanitizing a parcel some way like buying another parcel and not building on it and dedicating that is one way, but another way is to use credits, and you're using these credits. And as a result of these credits, you're going to build three rental apartments above your store?

MR. CLEMENT:

Correct, sir.

LEG. ROMAINE:

And these units are going to be affordable, at least under HUD guidelines, of what constitutes affordable, you know, low to moderate income, 80% of the statistical metropolitan area's income, something of that nature?

MR. CLEMENT:

Correct. Well, I'm working with Jill Rosen with the Workforce Program.

LEG. ROMAINE:

Right. And how long will those apartments stay as affordable? What is the agreement? Maybe Jill can answer that.

DIRECTOR ROSEN-NIKOLOFF:

It would have to stay affordable in perpetuity.

LEG. ROMAINE:

Oh, in perpetuity?

DIRECTOR ROSEN-NIKOLOFF:

Correct.

LEG. ROMAINE:

So even if this gentleman sold his property, you know, 10, 15 years from now, the next owner would have to agree to that requirement.

DIRECTOR ROSEN-NIKOLOFF:

Precisely.

LEG. ROMAINE:

Are there any HUD subsidies in this besides the transfer of development rights? Are there any HUD subsidies involved?

CHAIRMAN CALARCO:

Legislator Romaine, perhaps -- we have this item up on the agenda today. Perhaps when we get to the bill we can call Jill up and go over some of these things.

LEG. ROMAINE:

Okay.

CHAIRMAN CALARCO:

Unless you have any other questions for Mr. Clement.

LEG. ROMAINE:

No.

CHAIRMAN CALARCO:

Okay. Thank you. Legislator Spencer.

MR. CLEMENT:

Thank you. I'd like to thank the Legislature for the opportunity

LEG. SPENCER:

I have a question, actually.

MR. CLEMENT:

Sure.

LEG. SPENCER:

At this particular point, would this be a Section 8 project?

MR. CLEMENT:

No.

LEG. SPENCER:

And this is new construction or it's renovation?

MR. CLEMENT:

New construction.

LEG. SPENCER:

Thank you.

MR. CLEMENT:

Thank you.

CHAIRMAN CALARCO:

Thank you. We have Mayor Mark Epley in the audience today. Mayor? I apologize for not calling you up sooner.

MAYOR EPLEY:

That's okay. Thanks. Chairman, Committee Members, thank you for the opportunity to come here today. I'm going to speak about Introductory Resolution 1127, which is authorizing a two year extension for the development of three parcels of land transferred pursuant to the 72-h Affordable Housing Program to the Village of Southampton, and an increase in the income levels of eligible occupants for such affordable homes.

In 2004, these -- there are three properties. They are -- there was one, it was a full acre and there were two quarter acre properties all adjacent to each other. They were on a road called Bailey Road, which is a single lane private road in the Village of Southampton. In 2004, before my

administration came in, these properties were given to the Village of Southampton to have -- to be developed under the 72-h Program. Nothing happened for several years, and then we were granted an extension and the Village began the process of creating affordable housing on these properties. Initially it was set up on one acre zoning. The Village went through, we rezoned the area to half acre zoning. We went through our Planning Board, did a new subdivision, so merged the three properties and subdivided them. Now we have three half acre properties. Had to go back to our Zoning Board of Appeals because the lot width was 100 feet and we had to have 120 according to our zoning code. We got approvals through that.

We have engaged a local architect, who actually has volunteered his time, to help design these three homes, and he's taking a summer cottage approach on the street. About 60% of the homes on the street are all 1500 square foot summer cottages. These three properties sit -- and one of the properties is adjacent to a piece of property that sold for over four million dollars. So aesthetics on the property is extremely important. We've had push back from some of the neighbors saying, you know, we support affordable housing but not in my backyard, but we've been moving forward with this process.

We've also -- we have two out of the three contractors who we're looking to bring on board, who were volunteering their services, to help in constructing of these three affordable homes, and we've engaged with the Town of Southampton and their Housing Committee to help us with the process of identifying potential candidates and running the lottery etcetera, etcetera, and also working with Long Island Housing Partnership on this, too. So we've done a lot of work. We put a lot of money in this. We've had our environmental consultants go through. We've done all the SEQRA work.

What we're asking for is another two year extension to finalize this process, to get the properties built. We're also asking for a modification right now with the 72-h. Under these three properties, you know, it's an 80% minimum HUD income. If you look at the Village of Southampton, we surveyed many of the people in the Village who'd be interested in the school districts, the hospital, people that work for the Village and the Town, and to kind of figure out what their -- you know, what they would look for here, if they'd be interested in doing this.

We broke it down by different income brackets, like 50,000 and below, 50 to 75, 75 to 100, 100 to 125, and then 125 and above. And then, you know, a one person family, two, three all the way up to five plus, because with the 80%, you end up with about \$82,000 for a family of four, which is -- it's a nice income, but the reality is in the Village of Southampton wherein the last 20 years we've watched our population go from about 65% year-round population, 35% summer community to almost a 60% second homeowner summer population, 40% year-round community. So our focus on these three properties has been to try to engage young people that live here. We're looking at this as a next generation housing. We're looking at people that are going to volunteer in our fire departments, our ambulances, get in and coach in Little League, people that are military veterans, people that work at the hospital, work in the local municipalities and also the school systems.

So what we've realize is if a teacher and a police officer were married they would exceed that \$82,000 a year in Southampton. So that's why we've asked for the -- for one property to actually be at 120% HUD, one property to be at 100%, and one property to be at 80%, so we open up the pool of opportunity for more people who are volunteering their time and working and living and raising families in our community.

So I hope we have support from you guys on this. It's extremely important to the Village of Southampton, and thanks for all the time and the work that you're doing.

CHAIRMAN CALARCO:

Thank you, Mayor. And 80% AMI, the 82,000 figure for a family of four is not enough anywhere in Suffolk County to live.

MAYOR EPLEY:

I know, I know. It's --

CHAIRMAN CALARCO:

What was the change that you were looking for in that rate?

MAYOR EPLEY:

Well, we were looking -- initially I had asked for all three of the properties to be at 120%, but working with Jill on this we decided to stagger each one. So one property would be at the 80%, one property would be at the 100% and one property would be at the 120.

CHAIRMAN CALARCO:

Okay. Thank you very much. Does anybody have any questions for the Mayor? Thank you very much. Thank you for coming out.

MAYOR EPLEY:

Thank you.

CHAIRMAN CALARCO:

The last card is Vanessa Pugh from the Town of Babylon.

MS. PUGH:

Good afternoon, and thank you for allowing me to speak today. Again, my name is Vanessa Pugh. I'm here representing the Town of Babylon and its combined offices of Community Development and Downtown Revitalization. I'm here on behalf -- to speak regarding Introductory Resolution 1138, requesting a two-year extension on 11 parcels which were transferred to the Town under the 72-h Program. We've been working diligently with our partners, including Suffolk County and the United Way, to work through a strategy to redevelop these properties. At this point we expect to sign an MOU with the United Way in their Youth Build Program that will help to construct on the majority of the properties with a design that actually Sammy Chu, a process that he oversaw while at the Town of Babylon as part of our Attainable Long Island Program. And so we are asking for an extension for two years to get the work done. We feel that we're reasonably close to the start of construction.

LEG. ROMAINE:

Question.

CHAIRMAN CALARCO:

Certainly. Legislator Romaine.

LEG. ROMAINE:

Very quickly. These are 11 parcels that are scattered throughout the Town of Babylon or throughout one community?

MS. PUGH:

Yes, they are scatter sites. Primarily, though, they are in Wyandanch, the vast majority of the properties are in Wyandanch.

LEG. ROMAINE:

Okay. And these are all vacant properties, none of these are improved properties?

MS. PUGH:

That's correct.

LEG. ROMAINE:

And when did the Town come into possession of them? Do you know how long, on average, ballpark, how long the Town has had possession of these properties that the County transferred to them?

MS. PUGH:

Ballpark, I would say about seven years.

LEG. ROMAINE:

You've had them for seven years. You haven't been able to develop a redevelopment strategy in seven years. You're asking for two years more. It would seem to me that, you know, seven years would have been enough time to put together a strategy to come up with some way to redevelop these properties. I assume they're all zoned residential, is that correct?

MS. PUGH:

That's correct.

LEG. ROMAINE:

I mean, using your housing powers, I mean, you could have cleared the property, threw in a foundation, bought a modular, have that modular up in a matter of a few months and then lotteried them off to potential homeowners for affordable housing. I mean, that's a simplest view, I understand, because these properties may pose greater challenges than that, but seven years is a long time for them to sit fallow.

The reason -- there's two reasons we transfer properties under 72-h to towns. One, the County constitutionally in this State lacks housing powers, but the towns don't. And two, we usually transfer them at no cost, usually, to ensure that the towns have the ability to promote affordable housing. So these properties were transferred to you, 2004-2005, and they sat there fallow. I have to say, just as someone listening, I'd want to see a plan, and maybe I'd be prepared to extend this for one year, but I don't think I'd be prepared to extend this for two years after seven years. But thank you. I mean, please, I don't want to cut you off.

MS. PUGH:

So I won't disagree with you that seven years is well beyond the time that the Town would have hoped to have redevelop the properties. The thing that I would add, particularly for the properties that are in Wyandanch, the Town has undertaken a multi-year, multi-phase revitalization strategy for Wyandanch, and part of what that meant for the Town is that we had to consider all aspects of that strategy. And so now that we're at the point where we have a much clearer roadmap and we are in the implementation phase in Wyandanch, it is much easier for us to make an appropriate decision about how to use those properties. And I think that as we advance our strategy in Wyandanch, adding partners like the United Way, presents a unique opportunity for these properties to be redeveloped.

LEG. ROMAINE:

Would you have a problem if this resolution was amended to one year?

MS. PUGH:

The preference would be for two years, but we could live with one year.

LEG. ROMAINE:

You could live with one year. I'm just reminded that whole strategy, I'd rather be half right on time than whole right too late, but thank you again.

MS. PUGH:

Thank you for your consideration.

CHAIRMAN CALARCO:

Legislator Spencer, you had a question?

LEG. SPENCER:

I do. With regards to the seven-year time period and the two-year extension, I understand that things are coming together. Would it be possible in terms of giving us the two-year number? Is that an arbitrary number? One year will do it or two years? Is there a potential where we could get a time line perhaps in terms of what steps are necessary for you to do the development that you need?

MS. PUGH:

So the first thing that I'd like to say is that several of the properties are very close to the Town closing with other housing partners in the Town of Babylon. And it's really the bottom number that we're looking at, total six properties, that would go into the Attainable LI Program. The challenge for us there is that while it will be -- the activities will be undertaken with the United Way, we have to have a way to pay the United Way for their services, and we are just trying to make sure that there's adequate room in our Community Development Budget to take care of that. And what we know, based on the budget, is that we are about six months out from being able to make a date certain for the start of construction on those units. The others are much closer to being wrapped up.

LEG. SPENCER:

Thank you.

CHAIRMAN CALARCO:

So if I heard you correctly, the Town of Babylon will actually be paying to construct these homes and then auction them off, is that how you plan to do this?

MS. PUGH:

So the Town of Babylon does run an affordable housing program and they would go into a lottery. Two of the properties would actually be constructed as transitional housing with a local housing partner who makes available housing for families in crisis.

CHAIRMAN CALARCO:

Okay. Thank you. Any other questions? Thank you, Vanessa.

MS. PUGH:

Thank you.

CHAIRMAN CALARCO:

That's all the cards that I have. Is there anybody else who would like to address the committee today?

COMMISSIONER CHU:

I would.

CHAIRMAN CALARCO:

Mr. Chu, our Commissioner of Labor, please, come up.

COMMISSIONER CHU:

I'm going to request to address the committee as the Vice Chairman of the USGBC at this moment, rather than the Commissioner of Labor for Suffolk County, and as one of progenitors of the Attainable Long Island Initiative. The Attainable Long Island Initiative that Ms. Pugh spoke about was a collaboration between the Town of Babylon, the United Way, the U.S. Green Building Council Long Island, as well as the Long Island Power Authority, and the driver behind it was to put together a design competition which was nationally released, and to our surprise, we also got applicants internationally as far as Australia, to come up with a design where sustainability can meet affordability.

And to address Legislator Romaine's concern and understandable suggestion that perhaps there could have been foundation laid or even modular products could have been used. The idea was that, especially in a distressed neighborhood such as Wyandanch, that we believe, the partners believed in the attainable Long Island initiative that just because a project was to be done affordably didn't mean it was necessary to exclude that particular type of housing from the benefits of sustainability, which include reduced energy costs making the home even more affordable, and certainly a lot of secondary costs that are associated with improved health that comes from living in a -- you know, in a sustainable house that's built with indoor air quality in mind and many others that I could spend all day listing, but I won't.

So I certainly do understand the sentiment of not letting -- not letting perfect be the enemy of good, but I would say that as being part of that project that it is certainly far along. A winning design was awarded, which is also going to be made an open source design for other communities, not only locally, but around the country to use, so I just wanted to clarify that and let the committee understand how much work and thought went into actually producing a design for the housing in that community.

CHAIRMAN CALARCO:

Sure, Legislator Romaine.

LEG. ROMAINE:

Just by point of information. Modularity are built from low end to mansions. Modularity can be extremely energy efficient and certainly sustainable, depending on the specs and how they're built and where they're built. So you can buy all different types of qualities of modular, certainly sustainable, energy efficient and many would argue in the construction industry that because modular are built in a controlled environment that they are better than stick built, but that's neither here nor there. I'm sure you're familiar with that if you are familiar with modular construction. So I just want to put that on the record.

Again, I'm going to say I would vote for this if this is a one year extension, because I think after seven years to ask us for two is a lot. You're testing the faith of this program and you may have all the good ideas in the world, but for you to have them after seven years, too long, too long.

CHAIRMAN CALARCO:

Thank you. Is there any other questions? Yes, Jill.

DIRECTOR ROSEN-NIKOLOFF:

I just wanted to point out that the two years is necessary also because our partners at the Village and Town levels need to have a time certain where they know they have good, clean title to the property so that they can enter into agreements with developers and contractors. So we do

recognize that the seven period is long in the past, but great steps have been taken. They're at a point where they need to begin construction and accordingly they need a longer period, I think, than one year, so if you would consider that. Thank you.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN CALARCO:

Sure, go ahead, Legislator.

LEG. ROMAINE:

I really don't like to ask a lot of questions but I'm going to start if you would, Jill. Tell me about title to these properties. Please come back. There's 11 properties involved. We 72-h'd them over seven years ago. When we transferred those properties, how long were they in our inventory prior to that?

DIRECTOR ROSEN-NIKOLOFF:

I do not know that.

LEG. ROMAINE:

I can tell you that they had to be in there at least in excess of four years, because the Suffolk County Tax Act is three years and six months, and usually Real Estate error on the side of caution and processing things as slowly as they can, you find out that those properties have been in our possession probably, if you do a little research, at least five years before we even -- five or six years before we even considered 72-h'ing them. Now, tell me how there could not be clean title to this. There's -- are you telling me that when we took these before we transferred them to the Town, in the five or six years that we held them, we didn't do a title search, we didn't do a change of title on these properties?

DIRECTOR ROSEN-NIKOLOFF:

I'm not saying that at all. When we transfer them there is a title search done. So when we transfer them, they're clean. I'm saying that we have a right of redemption if you do not grant an extension, therefore their title is somewhat clouded. Completely different issue.

LEG. ROMAINE:

That's a contingent, and that's contingent because they have had a deadline to do something. They've had seven years, they haven't done it for whatever the reason may be, and they're coming back here and saying we need more time. I'm saying fine, I'll be sympathetic, but I would like to give it at a year at a clip, not two years. And how does that impinge on their title? I don't understand that.

DIRECTOR ROSEN-NIKOLOFF:

Your Counsel can also address it, but as I said, the County has a right of redemption, so how did they move forward if the County can then take the property back after a condensed period of time, what you're suggesting one year. That's what I'm saying, Legislator.

LEG. ROMAINE:

What is the legislation now in terms --

CHAIRMAN CALARCO:

Legislator Romaine, we'll have this matter before us in just a few minutes. Let's wait for it on the agenda, please.

LEG. ROMAINE:

I just wanted to know if the current program gives the town, once we transfer these programs, how many years to do something in?

DIRECTOR ROSEN-NIKOLOFF:

All total seven to build.

LEG. ROMAINE:

Okay, seven to build. So the only reason that this resolution is coming up is because you're afraid that our redemptive right might cloud their title?

DIRECTOR ROSEN-NIKOLOFF:

I'm not afraid, I'm asking for the extension so that they can get affordable homes built on the premises and accomplish the purposes that the program is established for.

LEG. ROMAINE:

We're both on the same page, but I would rather have given a shorter period of time, and then if a second year is needed they could come back and explain the progress, because I didn't even know what the programs were with these 11 plots of land. Thank you.

DIRECTOR ROSEN-NIKOLOFF:

My only point is that if you're going to grant them extension, would you give them two years so that they have a date certain that gives them enough time to enter into agreements with developers and contractors and things of that nature, because they continue to expend time and money. So a two year period of time is a fair and reasonable time to actually get a construction on -- constructed on. That's it. After two years, we will meet again if it's not constructed.

CHAIRMAN CALARCO:

Jill, I have a feeling we'll be talking to you a little bit more in just a few minutes.

DIRECTOR ROSEN-NIKOLOFF:

Okay.

CHAIRMAN CALARCO:

Do we have anybody else in the audience that would like to address the committee today? Seeing none, we'll move on to the agenda.

TABLED RESOLUTIONS

Tabled Resolutions: ***I.R. 1015 - A Local Law to Sunset Living Wage Subsidies (Cilmi).***

LEG. BROWNING:

Motion to table.

CHAIRMAN CALARCO:

Motion to table from Legislator Browning.

LEG. CILMI:

Motion to approve.

CHAIRMAN CALARCO:

Motion to approve by Legislator Cilmi.

MR. NOLAN:

You need a second.

CHAIRMAN CALARCO:

I'll second the motion to table. Sammy, can you come forward and maybe give us your opinion on the matter? I think Legislator Browning may have a few questions.

LEG. BROWNING:

It's just I know the purpose of the Living Wage Law. The committee that was to meet, I was requested to have a constituent of mine who she's a representative -- actually, she's a Director for Colonial Youth, to attend the meetings that are going to be put together. Have they met yet or are they meeting?

COMMISSIONER CHU:

So this was a topic that was brought up, and I'm prepared to speak on it, at the last committee meeting. So right now what the -- and it be with something that became aware to me when coming into the position, that it was the charge of the Labor Department to establish -- to form this committee. There has not been a meeting of this committee. I am confident that a meeting of this committee can take place in April, but there are certain factors that are beyond the department's control that perhaps this committee can help see through.

We have so far -- the committee consists of appointments by several different entities. Three from the County Exec's Office. I will communicate and make sure and shepherd, make sure that those appointments are received from the County Executive. I have had correspondence with the Majority Leader, with DuWayne Gregory's office, about an appointment of a Legislator, so the legislation calls for members of the committee to have a Legislator from both the Majority and Minority. I so far have not had correspondence from Legislator Kennedy in terms of an appointment to the committee. We have appointments in place from the Long Island Federation of Labor, and we also have appointments in place from our department. So if we can have an appointment from the Minority of the Legislature, then we could -- I'm confident we can convene this committee in April.

CHAIRPERSON BROWNING:

Okay. Because I know Legislator Cilmi has been -- maybe you'd want to go sit in on that.

LEG. CILMI:

And maybe I wouldn't. I'm astounded that we've been talking about this committee now for more than a year, I think, and it's still not done. I mean, granted we have a new Administration, but I'll -- you know, I'll look to our Minority Leader to find a Legislator from our side who wants to sit on the committee and then I'll hold you guys accountable to, you know, coming back to us in a short period of time and telling us how you're going to -- you know, how you view this situation. We have 30 some-odd child care agencies in this County, and five of them or six of them are getting a subsidy and the rest of them are out of luck. It doesn't make any sense.

LEG. BROWNING:

I think there's a lot more than five or six that are getting the subsidy. However, I mean, again, you're the sponsor of this bill to sunset the law, so I would assume that you would be interested in sitting on the committee to help resolve the problem. Maybe that's not a good idea. I would certainly think it would be the great idea, since you seem to have the answers.

As far as -- and again, one of my concerns is, is if you're going to sunset the Living Wage Law and we have a Living Wage Law, well, the subsidy, and we have that law, what is that going to do? I know that we have a lot of contract agencies in our districts who get funding from us for their

programs, and, you know, me personally, I think what they should just do is that instead of getting that subsidy, incorporate that subsidy that they would normally get into their contract, but then it means we have to pay them more. So we have to come up with a problem, and being that you are the sponsor of the bill, I figured it would be a good idea for you to participate.

LEG. CILMI:

All I want is for it to be fair, and right now it's not fair. Because right now you have agencies -- if you run an agency, and you run it very well and you provide a level of service and you're doing so without the subsidy, and I run an agency, for example, that has applied for the subsidy and receives a subsidy and I provide the same level of service. It's unfair to you. Why should you have to live within our law without a subsidy and yet I have the option of, you know, a work around, or getting additionally subsidized over and above what the subsidies, you know, already are for the service that we're providing? So, you know, and I've said all along that if there's a -- if there's a hardship associated with, you know, these agencies abiding by our living wage laws, then they should, when they bid the contract for the service, they should take that into consideration and submit their bid and whoever wins the bid, wins the bid.

LEG. BROWNING:

I don't know that it's necessarily a bid. I mean, some of these are day-care providers that are being subsidized, they're DSS children, and so they're getting the subsidy because they're providing that service. I don't necessarily would consider that a bid. You know, if somebody in Bay Shore was to bid against a day-care provider in my district for kids who live in my district, it's not going to work.

LEG. CILMI:

Whatever the case is, if I'm using the wrong terminology, I apologize. But my point is that everybody should be on a level playing field.

LEG. BROWNING:

I don't disagree.

LEG. CILMI:

And it should be right from the start, and that you don't need a committee to, you know, to know that or to deal with that. Just do it.

LEG. BROWNING:

Well, I think there's a little more to it and that's why I would highly recommend that you get involved.

CHAIRMAN CALARCO:

Mr. Chu, do you happen to know how many agencies are currently receiving funding through the living wage?

COMMISSIONER CHU:

We currently have, it fluctuates, but we currently have 35 day-care contractors. We have the one agency who's represented here who provides respite care, and we have that -- that takes -- that uses the contingency fund, and we have six contract agencies that use the --

CHAIRMAN CALARCO:

Through the Chair, please.

COMMISSIONER CHU:

I'll go down again. We have 35 day-care contractors, roughly. They're in the contract with DSS.

We have six that use the contingency fund. And we also have one, again, the nonprofit that's represented here today, that provides respite care that makes use of the contingency fund.

CHAIRMAN CALARCO:

What's the total amount that we're providing to those agencies right now?

COMMISSIONER CHU:

Well, the contingency fund for last year, which was \$500,000, was almost entirely used.

CHAIRMAN CALARCO:

Okay.

LEG. CILMI:

Through the Chair, questions.

CHAIRMAN CALARCO:

Yes, go ahead.

LEG. CILMI:

Thank you. And of the six agencies that receive this money, how evenly distributed is the funding?

COMMISSIONER CHU:

I'm not sure I'm understanding the question.

LEG. CILMI:

Well, you said we used the full \$500,000.

COMMISSIONER CHU:

Again, out of 35 day-care providers, there are six that use the -- that make use of the contingency fund.

LEG. CILMI:

Right. And of the \$500,000 that we're utilizing, that we're paying those six providers, is that equally distributed among the six?

COMMISSIONER CHU:

I don't have that specific information with me, but I'll be glad to provide that to the committee.

LEG. CILMI:

Let me ask you another question that you may be able to provide at a later date to the committee. The overall budgets of the six agencies that are utilizing our subsidy, if you could provide that information as well, that would be helpful because my understanding is that they're literally in the millions of dollars.

I'd further be interested in knowing what the administrative costs of those six agencies is. And I'd like, if you would, I know you're very busy, but I'd like a comparison of the services provided by those agencies, the 29 agencies that are not receiving a subsidy as compared to the six that are.

And furthermore, if we're providing -- if we're allowing 29 agencies who do not receive this subsidy to provide services to our residents, I assume that we're content with the quality of service that they're providing.

So if you could come back to us with a full analysis of this program and, you know, complete with those comparisons, we can address this at our next meeting.

COMMISSIONER CHU:

Certainly I just want to make clear the relationship my department has to the fund and to the law. I understand that the -- all the providers that are under contract with the County are under contract with the Department of Social Services, so I just want to suggest or recommend that perhaps they have a greater depth of understanding with the agencies they contract with. You know, we enforce this practice and the fund for contracts that scope many different, many different departments, so I just want to let you know that I intend to -- I will gladly reach out to Commissioner Blass and his department to include them in this conversation, because I'm sure they have a greater depth of understanding the contracts.

LEG. CILMI:

If you would, and if, through the Chair, if you would as well ask the Commissioner to come before us.

CHAIRMAN CALARCO:

I'd be happy to have Commissioner Blass come. It sounds to me that this is really an issue that this task force, this Living Wage Task Force that has yet to convene, should be handling. A lot of times these Task Forces are put together with the best intentions to look into just these types of matters. I think there's issues at play here in terms of the size of the day-care facility and the number of children that they are taking care of. Certainly it would impact the amount of assistance they might require from the County to operate.

So perhaps it's best that we actually have this Living Wage Task Force convene and perhaps the County Executive, if one of his three appointments might want to put the Commissioner of DSS or one of his appointees there since they have such in-depth knowledge in their interaction with these agencies that are actually providing the service, and would have a little better handle on what's going on there. Let's let them do their work and come back to us in a period of time to give us some information.

LEG. CILMI:

That's your prerogative as Chair. Again, we're debating this bill in this committee and I would suggest that there's no better place to have this discussion than in this committee. If that's the way you want to work it, then that's your prerogative.

CHAIRMAN CALARCO:

I had the pleasure of chairing up a Task Force last year for the previous Legislator and we actually got work done. It all comes down to the people who are put on those task forces of actually doing the job that they are assigned to do or not. It sounds like this committee has yet to convene and yet to have appointments made to it, and certainly they're not going to get the job if they don't. I'd hope that they can get together by April. I hope that our Minority Leader and our Majority Leader can both make their appointments, as well as the County Executive, to get this commission moving so we can have them do the work that they're supposed to be doing. Otherwise, we wasted a lot of time on that legislation to begin with.

Okay, on that, do we have any other comments or questions? We'll take a vote. I have a motion and a second to table. All those in favor? Opposed?

LEG. CILMI:

Opposed.

LEG. ROMAINE:

Opposed.

CHAIRMAN CALARCO:

Abstentions? Motion carries. *(Vote: Tabled 3-2-0-0 Opposed: Legs. Romaine and Cilmi)*

I.R. 1019 - Directing the Planning Department to conduct a feasibility study on incorporating LEAN Government Principles in Suffolk County (Cilmi).

LEG. CILMI:

Motion to approve.

CHAIRMAN CALARCO:

We have a motion to approve by Legislator Cilmi. I'm making a motion to table, and I think Mr. Zwirn from the County Executive's office, I know this is an important issue to the County Executive as it is to I and this whole committee. So I'd like to hear some information from you about where the County Executive's moving with his performance management team.

MR. ZWIRN:

Thank you, Mr. Chairman. I know this legislation has been tabled and we take it very seriously. And the County Executive is assembling a performance management team that is scheduled to commence its work before the end of the month. March 19th is the target date to get these people on board and get them moving forward. We also have a Government Ops Committee that has been put together by the County Executive, which Legislator Romaine sits on and has been a very active participant.

The performance management is one of the key issues that the present County Executive ran on and intends to implement here in Suffolk County, and he's just asking that he get a little more time. On March 19th he's inviting Legislator Cilmi, and other Legislators who'd like to meet with the performance management team, and give them some of their suggestions at that time. They'd be welcome to hear them over at the Dennison Building on the 12th floor in the afternoon.

But at this time we're just asking you just to give him a little bit of leeway. He's a new County Executive coming in, he'd like to try to do it his way. His not discounting the legislation that Legislator Cilmi has put in, but he would like to just have the opportunity to get started with his group on his own. He's just asking for a little more time to get that done, and I expect the Legislature will give it to him at this time. I hope so.

CHAIRMAN CALARCO:

Go ahead, Tom.

LEG. CILMI:

I appreciate that, and this bill does not seek to impose any sort of performance management system upon our County government. Rather, it asks the Planning Department to look at it and present findings to us and to the County Executive as to whether or not this system, scientific system, is appropriate and can be implemented in some way as part of an overall performance management strategy in the County. There's absolutely no reason why we would want to avoid this sort of analysis. And the Planning Department is the right place to do it.

MR. ZWIRN:

The County Executive would say, look, the performance management group is the area where this should be directed, first of all, and he's asking for a couple of weeks more, maybe a month or two more, to get his group up and running. I don't think that's too much to ask. The Planning

Department is busy doing a lot of things. Look, the committee and the Legislature can do what it has to do. The County Executive is asking for more time on this as a courtesy, and you can vote any way you want, but, you know, I don't think that's too much to ask on the part of this Administration.

LEG. CILMI:

The Planning Department is doing a lot and this Legislature has asked the Planning Department to do a lot, and this Legislature will continue to ask the Planning Department to do a lot. They're a tremendous resource. There's no doubt in my mind that they have the ability to do this within the time frame that I've allotted. It's not, you know, significantly cumbersome, and yet at the same time I believe there are significant benefits to be had by doing the analysis and by presenting this as one of our options.

So, again, I renew my motion to approve, and you know, I appreciate the County Executive's willingness to, you know, address the performance management issues that I've been talking about for two years. And I would hope that he considers this as one of those -- one of those -- one way to do it.

CHAIRMAN CALARCO:

And I know we had spoke on the issue and the County Executive does appear to be moving forward, and given the budget analysis that was given earlier this week I know he's had his hands full over the last month and a half or so, and it does appear this is a top priority for him, and I think he sees it as a tool to help dealing with the budget issues we're going to be facing. So the reason I made the motion to table is they do have a plan in place. They will have a team in place by next week and at our next committee they will be coming to talk to us about it. Correct, Mr. Zwirn?

MR. ZWIRN:

Yes. Thank you, Mr. Chairman, that's correct.

CHAIRMAN CALARCO:

Okay. I have a motion to approve and a motion to table. Do I need seconds?

LEG. BROWNING:

Second to table.

CHAIRMAN CALARCO:

Legislator Browning seconds the motion to table. Do I have any other -- do I have any other motions?

LEG. ROMAINE:

I'll second the motion to approve for my colleague.

CHAIRMAN CALARCO:

And a motion -- second by Legislator Romaine on the motion to approve. Tabling goes first. All those in favor? Opposed? Abstentions?

LEG. CILMI:

Opposed to tabling.

CHAIRMAN CALARCO:

Motion is tabled. *(Vote: Approved 4-1-0-0 Opposed: Leg. Cilmi)*

I.R. 1048 - A Local Law to require all retail stores to display fees associated with layaway programs (Pres. Off.). I'll make a motion to approve.

LEG. SPENCER:

Second.

CHAIRMAN CALARCO:

Seconded by Legislator Spencer.

LEG. CILMI:

On the motion.

CHAIRMAN CALARCO:

On the motion.

LEG. CILMI:

Counsel, could you describe to me exactly what this is going to do and who it's going to affect specifically?

MR. NOLAN:

It's going to apply to any store in the County that offers a layaway plan. And those stores that offer a layaway plan are going to be required to post this sign in their store which discloses all the fees associated with the store's layaway program. The information that would be included would be the layaway service fee, required down payment, any cancellation fee and any other additional fees that are associated with the layaway purchase or cancellation thereof.

LEG. CILMI:

And do we have a sign police in our County, do we go around to stores looking for -- you know, make sure -- how many different sign laws do we have anyway, that we require different signage to be put up in these stores?

MR. NOLAN:

I don't know the answer to that question. We have --

LEG. ROMAINE:

Health Department.

MR. NOLAN:

You know, there's probably a half a dozen.

CHAIRMAN CALARCO:

Who has responsibility to -- oversight over this law? Is this going to Consumer Affairs?

MR. NOLAN:

Consumer Affairs.

CHAIRMAN CALARCO:

Is Mr. Coleman in the auditorium today? No? I know the impetus behind this by the Presiding Officer is that he's found that some of these layaway programs are offering exorbitant interest rates on their program and they're not disclosing that. And it's in fairness to the consumer to at least understand what they're getting themselves into when they go into a layaway program and the added costs they may incur.

LEG. CILMI:

Wouldn't the consumer ask? When you want to buy something, don't you ask how much it's going to cost? Don't we have the freedom to do that in this country? I mean, how many signs are we going to require these stores to put up on their walls?

CHAIRMAN CALARCO:

You would think that some people would ask but not everybody does. And you would think that these companies would be more willing to disclose that upon their purchase point, but when they say oh, you can have this layaway program and the interest rate is going to be 25%, but they don't necessarily do that either. I think what we're trying to do is address an issue where neither side is necessarily meeting their full obligations as consumer or as retailer.

LEG. CILMI:

What State laws do we have in place, Counsel, to govern this? I want to ask specifically in this regard. If somebody goes in and places something on layaway and then makes, you know, periodic payments to it, and then finds out at the end of the -- at the end of the road when they're looking to actually pick up the product that there was an interest rate applied and that the charge is going to be significantly more than what they thought. What protection does that consumer have in terms of being able to get his or her money back after having made, you know, payments?

MR. NOLAN:

Off the top I don't know if there's any State protection specifically for a layaway program. There might be, you know, there may be laws at the State level about deceptive trade practices and the like that a consumer might be able to use, but I'm not aware of any specific State law regarding layaway programs. I'd be glad to look at that to see if there is, but I am not aware of any.

LEG. CILMI:

Okay. I mean, that's sort of a key piece of information, because if as a consumer you put something on layaway and you've made payments, let's say, but then those payments are, you know, legally required to be returned to you if you choose not to ultimately purchase the item, then it seems to me we've solved the problem, because then the buyer can just make a choice as a consumer whether or not to purchase the item given this newfound information about interest charges. Absent a -- absent that knowledge on the part of our Counsel, I would suggest that we table this bill and get that information and find out exactly what laws are in place at the State level to protect consumers with layaway plans, and then we'll move forward at that time.

CHAIRMAN CALARCO:

Counsel, can you comment? Is this actually a sign requirement or is this a disclosure and they must provide the information upon purchase?

MR. NOLAN:

It's a sign requirement.

CHAIRMAN CALARCO:

Do I have any motions on this?

MS. LOMORIELLO:

You have a motion and a second to approve, and I think you just made a motion to table.

LEG. CILMI:

I'll make a motion to table.

CHAIRMAN CALARCO:

Okay. We have a motion to table by Legislator Cilmi.

LEG. BROWNING:

Can I?

CHAIRMAN CALARCO:

Sure. Legislator Browning

LEG. BROWNING:

I mean, I vaguely remember the Presiding Officer, obviously it was based on issues that have come across to him where people were not aware. A lot of the people who are using layaway are lower income, you know, people who can't afford to pay for something outright, and maybe just, you know, they just didn't read some of the language, or maybe the very small print, and I don't see the problem with putting up a sign and making sure that -- because it's hard enough for them to -- you know, they're spending money on a product that they really want, especially at Christmastime is when you're seeing it, and they're having a hard enough time paying for the items that I don't think it's a bad idea to put up a sign so that they are aware. And, yeah, some people do make mistakes and don't always read fine print. I think a sign would certainly be very helpful for them and protect them somewhat. And, clearly, the Presiding Officer didn't put this bill if the incident didn't occur.

We can go back to the issue that you had with the -- what do you call that, the beer pong thing? You know, we passed that even though we know that, yeah, the kids can go buy the cups and they can go buy the balls and can go buy everything everywhere else. But, you know, it's -- sometimes we just do things because it's the right thing to do, and I don't think this is the worst thing to do, is to require postage for layaway.

CHAIRMAN CALARCO:

Legislator Spencer.

LEG. SPENCER:

I can see the point that Legislator Cilmi has with regards to the issue of if there's disclosure or the onerous being on the consumer, but one of the reasons I think the legislation should be approved is that if you just say was there disclosure then there would have to be some evidence that information was given, whereas if there's a sign, then the information is clearly displayed, and displaying a sign does not require a lot of resources. You know, I don't know if the concern is that there would be too much to read, but to me it gives transparency with regards to the transaction. And I think it does offer a certain level of consumer protection in a situation where you may have a consumer that may not be as sophisticated with regards to some of the underlying fees, so that's why although I appreciate my colleague's point, but I would lean towards approving it.

LEG. CILMI:

May I?

CHAIRMAN CALARCO:

Yes.

LEG. CILMI:

Thanks. You know, have we ever been in these stores? I mean, there are signs all over the place. What makes anybody think that somebody's going to see one of these signs any more than they would see the hundreds of other signs that people have up. I mean, if you're a store owner you have to put up Department of Labor signs, you have to put up, you know, this sign and that sign. You're struggling for every ounce of space to sell your product. You know, you're looking to make a

living here. The more space you take up in a -- on your wall to display signs that no one's really going to read anyway is space that's taken away from your business. And, you know, you can say well, you know, it's just a sign, it's just another sign, but every time we do these things it's just another and it's just another. Folks, we're 49th most -- least business friendly state in the country. When is it going to end?

CHAIRMAN CALARCO:

Have you gone into one of these stores with the layaway counters? They don't do their retailing there, it's a good location for them to actually post information about the program that they have there. And, you know, we have disclosure laws when you're taking out a loan, we have disclosure laws when you're taking out a mortgage, we have disclosure laws when it comes to taking a credit card. I think it's only fair that we have a disclosure law in this type of loan program, the layaway program. I don't think it's quite a hardship to the retailer to say to the customer, hey, we have a great layaway program, but by the way, I think the legislation mentions there's one that has 81% rate of return on their program. I mean, I think there is a -- there should at least be some level of disclosure by the retailer of what it is that they're doing, because that's -- that's, you know, quite an interest rate that is three, four, five times even the highest credit card rates, and I don't think that the customers understand what they're getting themselves into.

It's just a fairness issue to the customers that they have the information before they make the purchase, before it comes to Christmas Eve and they go in to pick up their toy finally for their child and they realize that they're going to be owing an extra almost twice the amount on the toy in the first place and they can't actually pick it up.

LEG. CILMI:

I just can't argue with that.

CHAIRMAN CALARCO:

Okay. Do we have a motion?

MS. LOMORIELLO:

Motion and a second to approve.

CHAIRMAN CALARCO:

Do we have a second for the tabling motion?

MS. LOMORIELLO:

No.

CHAIRMAN CALARCO:

Okay. Motion to approve goes forward. All those in favor? Opposed?

LEG. CILMI:

Opposed.

CHAIRMAN CALARCO:

Abstentions? Motion carries. *(Vote: Approved 4-1-0-0 Opposed: Legislator and Cilmi)*

IR 1055 - A Local Law to increase licensing fees for motor fuel facilities operating in Suffolk County (Kennedy). Counsel advises motion must be tabled since it was amended after the deadline. I'll make that motion.

LEG. BROWNING:

Second.

CHAIRMAN CALARCO:

Seconded by Legislator Browning. All those in favor? Opposed? Abstentions? Motion carries.
(Vote: Tabled 5-0-0-0)

INTRODUCTORY RESOLUTIONS

I.R. 1105 - A Local Law amending Resolution No. 1130-2011 to expand the "Contractors Wall of Shame" to include all professions licensed by Suffolk County (Spencer).

LEG. SPENCER:

Motion to table.

CHAIRMAN CALARCO:

Motion to table by Legislator Spencer; I will second that motion. All those in favor? Opposed? Public hearing.

LEG. CILMI:

Okay.

CHAIRMAN CALARCO:

Motion carries. *I.R. 1124 - 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:

We have a motion to approve by Legislator Romaine. I'm not hearing any other motions.

LEG. BROWNING:

Well, let me ask, because I know that we provided some money last year to help with the insurance. I don't know where that went.

CHAIRMAN CALARCO:

And I know Legislator Cilmi was quite active in trying to find them insurance at the time as well.

LEG. BROWNING:

That's right.

LEG. CILMI:

If I can expound briefly on it.

CHAIRMAN CALARCO:

Please do.

LEG. BROWNING:

Because of our budget issues, obviously, and I hate to say this, you know, I don't know how we are doing with this one.

LEG. CILMI:

Yeah. The -- we worked hard cooperatively. The County Executive's office, through the County Attorney, the folks at the SPCA and myself, all worked very hard to secure an insurance policy for the SPCA as well to sort of subsidize that policy for the SPCA. But the SPCA is concerned that, you know, I think, and I don't want to speak for the SPCA, but I think the SPCA is concerned that two things, number one, that it's becoming increasingly difficult to secure those insurance policies, and number two, the insurance policies in terms of liability have a limit. And, therefore, I believe this piece of legislation speaks to that and says that, you know, in the event that that limit is reached, that the County's indemnification in turn kicks in. That's my understanding of this and of the situation. For any other information, I'd defer to Counsel or the bill's sponsor.

CHAIRMAN CALARCO:

Legislator Romaine, perhaps you can shed some light.

LEG. ROMAINE:

Yes. I think Counsel can also expound and probably do so in a way that every member of the committee will accept that, at least what the technical explanation of what the bill does. Essentially when I drafted this bill the SPCA has an insurance policy with limits. There is a fear that those limits might be breached if there was a large lawsuit that would be brought. The SPCA are people that are volunteers, that go about trying to prevent animal cruelty by investigating situations and bringing to justice those who abuse animals, all types of animals.

They -- this is not -- these are not County employees. If we had County employees to do this, our costs would be infinitely much, much higher than having the volunteers. All this bill does is say whatever their insurance policy covers they're covered by, but if there is ever a lawsuit that exceeds that that is successful, the County would indemnify them against such lawsuit. It protects people who volunteer on behalf of this County to protect animals from being abused.

Now, you have to determine in your wisdom and intelligence whether that is a worthwhile function of this government. I think it is. I commend the volunteers of the SPCA. And I do want to protect them personally from being sued in investigating cases and bringing to justice those who would abuse animals, torture them, and do other things to these animals in this County. They have done, as the press accounts have been replete with, good work on behalf of protecting animals in this County from such horrendous treatment. Thank you.

CHAIRMAN CALARCO:

Legislator Cilmi.

LEG. CILMI:

I just want to -- I want to echo the comments of my esteemed colleague, Mr. Romaine, in complimenting the work, the good work that the SPCA does. But I do have a couple of questions for our Counsel. Number one, what's the potential cost to the County in the event that there's a lawsuit that's brought upon the SPCA and, you know, that exceeds the limit of their coverage? You know, I'll ask all the questions at once if I could, maybe you can, you know, combine the answers. Number two, if the SPCA fails for whatever reason to get insurance, does that leave us then responsible to cover the whole thing? And number three, if we pass this bill, are there any other consequences of passing it? In other words, is there -- what else happens to the County or could potentially happen to the County?

MR. NOLAN:

Well, first, you know, this resolution does not state the SPCA has to maintain an insurance policy, first of all. So if they do not have an insurance policy in place that they have purchased on their own, then we are basically their primary insurance. If the resolution says that they do have a policy

in place we will indemnify them for any excess judgment beyond the limits of their policy. What is the exposure to the County? You know, we obviously are self-insured. If one of their members is sued for a negligent act while in the performance in the scope of their duties, we're going to be liable for the amount of any judgment that might arise out of such a lawsuit. That could be, you know, for any amount, potentially.

LEG. CILMI:

So, my question maybe would be to the sponsor then. It sounds to me what you're describing, Counsel is that there's no requirement -- if there's no requirement that the SPCA try at least to procure insurance on their own, then, you know, if we pass this indemnification, why would they even bother?

MR. NOLAN:

I think the sponsor just asked us to do a resolution for a straight indemnification. It was at my -- it was actually my suggestion to the sponsor that we at least include in the resolution the possibility that they have their own insurance and that's why that provision was added, that if they had a policy we would be excess, essentially, for them. So that's how the drafting, how it ended up in the form it is in today.

LEG. CILMI:

And so does this carry to any other liabilities on the County's part or does it strictly address the insurance liability associated with any lawsuits that might occur?

MR. NOLAN:

Right. It strictly applies to the agents who are working now for the SPCA as volunteers. We're basically saying right now the County -- under County law we indemnify volunteers of the County and we are basically adopting these people as volunteers in the County for the purposes of indemnification.

LEG. CILMI:

I appreciate the Chair's indulgence; just one more. I'm just -- I'm reminded of a bill that we have before us that I think will come before us on Tuesday wherein we're going to be asked to bond four million dollars to settle a lawsuit. I mean, is it -- I'm sorry?

CHAIRMAN CALARCO:

Nine million dollars.

LEG. CILMI:

A nine million dollar lawsuit. So we're on the hook for four of it, I think, and that was a settlement out of court.

CHAIRMAN CALARCO:

We're bonding for -- we're paying the other five straight cash.

LEG. CILMI:

Oh, I stand corrected, or sit as they case. I think the State is paying -- that's what I thought. But four million dollars is four million dollars. So my question is, you know, are we -- are we leaving ourselves open for this sort of liability?

MR. NOLAN:

Well, that's where the policy issue comes into play, because, yes, obviously, we are. We're taking -- assuming some risk. You have to balance that against what the group says that without this type of indemnification it's going to be very hard for them to survive as an organization. So I

think it's a balancing question, it's a policy issue. Not the easiest question, but that's really the issue.

LEG. CILMI:

And just in contrast, I know that there have been lawsuits, you know, with the SPCA, but to my knowledge, and maybe they can confirm this, but I don't think any of them have been successful.

DEPUTY CHIEF LATON:

No, they haven't.

LEG. CILMI:

Maybe we can ask them to come forward so it's on the record.

CHAIRMAN CALARCO:

If you could, Mr. Laton, please come forward. We had a couple of questions here and I had a few myself.

LEG. CILMI:

So, Chief, maybe you could just speak to that for me if you would. Just give us a brief history of your -- a brief legal history and just overall.

DEPUTY CHIEF LATON:

I can tell you that there have been no successful lawsuits against us in my time with the agency.

LEG. CILMI:

And how long have you been with the agency?

DEPUTY CHIEF LATON:

Nineteen years.

LEG. CILMI:

How many lawsuits in those 19 years, approximately, do you think you've been faced with?

DEPUTY CHIEF LATON:

You can count them on one hand, not that many.

LEG. CILMI:

Okay. So, I mean, you know, the cost to your insurance company, even in, you know, preventing any liability has not even been significant because there's only been a handful of suits to begin with; is that correct?

DEPUTY CHIEF LATON:

That's correct.

LEG. CILMI:

Okay. Thank you.

CHAIRMAN CALARCO:

Do you currently have insurance?

DEPUTY CHIEF LATON:

Yes, we do. We always have.

CHAIRMAN CALARCO:

I know there was an issue last year with finding a company that would cover you. What is the issue that's been hanging over your head, so to speak, with that?

DEPUTY CHIEF LATON:

I'm not sure what the issue was that we had a problem finding a company. We did find a company to underwrite the policy and the rates, we're paying for the rates. We have a \$5,000 deductible on each claim, but we do have insurance and we plan on keeping it.

CHAIRMAN CALARCO:

What's the level of your coverage?

DEPUTY CHIEF LATON:

I believe it's five million dollars.

CHAIRMAN CALARCO:

And do any of your volunteers, are they armed?

DEPUTY CHIEF LATON:

Our Peace Officers are armed, yes.

CHAIRMAN CALARCO:

And they're all Peace Officers that are trained through our Sheriff's Department?

DEPUTY CHIEF LATON:

Yes, they are trained out in the Suffolk County Sheriff's Academy every year.

CHAIRMAN CALARCO:

Legislator Romaine, is it possible that we could maybe amend this resolution to just put in a requirement that they carry the insurance policy and we indemnify anything above it and beyond? And perhaps at a certain level?

LEG. ROMAINE:

Since I'm doing this at the behest of the SPCA to ensure that they continue the service, does that -- would that be acceptable to the SPCA?

DEPUTY CHIEF LATON:

That would be acceptable, thank you. It was to our understanding that's how the legislation read, but if there's a question.

LEG. ROMAINE:

That's what I thought, too.

DEPUTY CHIEF LATON:

Yeah.

LEG. ROMAINE:

That there was in the legislation we only identified you above and beyond what your insurance company provided. That's the way I thought the legislation read.

CHAIRMAN CALARCO:

I think Counsel --

MR. NOLAN:

That's what it does say, but it does not require them to carry insurance. It says we're going to indemnify them beyond the level of any insurance they might have.

LEG. ROMAINE:

I think we have another gentlemen from the SPCA who wants to address that issue if we could.

MR. LLOBELL:

Hello, Ladies and Gentlemen. One of the issues we have is the market to get the insurance for our agency is very, very limited.

LEG. ROMAINE:

That was the issue last year.

MR. LLOBELL:

And we believe that maybe coming up this year, next year, we are not going to have an opportunity to place that coverage someplace. That is one of our biggest fears. While we do have underlying coverage now, and there should be indemnification coming forth from the County anything above and beyond what we have coverage for, that's appropriate.

But the one thing you want to remember is virtually out of the 3,000 plus calls I think we get every year, that we handle cases, I would say probably three-quarters or 60 -- or 75 or 80% of those are directed to us right from the County of Suffolk from the Suffolk County Police Department. They call us. They've called us a couple of times today to go out and handle cases. We're handling cases on behalf of the County of Suffolk. The Police Department doesn't want to handle them, the townships can't handle them, so we go out and investigate these cases. And what it does, even though we have about 30 Peace Officers that have been trained, properly trained, and if they go out and they make an arrest or they take action and somebody feels that they were done wrong with that action, we need to have that coverage. I don't want to go back on my homeowner's policy and because there's a lawsuit and then I can't get coverage on my homeowners? I mean, it just doesn't make sense. This is a performance of a duty that we're for the County of Suffolk at the request of the County of Suffolk.

LEG. ROMAINE:

Mr. Chairman, can I ask a question?

CHAIRMAN CALARCO:

Yes, go ahead.

LEG. ROMAINE:

Paul, let me just ask you some questions. In other counties, does the county have employees or other municipalities have employees that handle these situations of animal cruelty?

MR. LLOBELL:

I can't speak for the other counties because I really don't know. I know most counties intertwine their SPCA's with some Sheriff's Offices, some sort of law enforcement agency.

LEG. ROMAINE:

Right. But yours is a pure volunteer agency that works on behalf of the County at really no cost to the County.

MR. LLOBELL:

Correct.

LEG. ROMAINE:

Carrying out functions that normally would be County functions, which would be certainly in the western towns the Police Department to investigate cases of animal cruelty. Are they not misdemeanors and felonies that would require investigations by our Police Department. Which, by the way, we could have our Police Department do this instead of the SPCA. I think the cost would be slightly different, but that's, again, another policy decision that you guys have to make. You know, first of all, first policy decision, does this -- is this a County that wants to investigate or look into or try to prevent animal cruelty. The answer's yes, then we have to figure out how that gets done.

Right now we have a volunteer structure that is only concerned about being indemnified in case there's ever that rare case that is ever brought that is successful, that they don't want to be on the hook as volunteers from their homeowner's insurance or personally. The other option is, okay, we don't want to do that, we'll instruct our Police Department to enforce these laws. Different cost involved. So the first policy decision is do you want this as a policy of Suffolk County? Now, not to say that -- but I know just from the puppy mill bill that this auditorium will probably be filled at the next meeting. Absolutely packed, because I think there are people in this County that do want the County to investigate animal cruelty and do want to put a stop to this. And then, whatever you decide there, the next meeting will probably be filled with the fiscal conservatives if you decide that the Police Department should do this rather than volunteers. But those are choices that we all make and I put them out there for you to consider. Thank you.

MR. LLOBELL:

If I could, Legislator Romaine. Every time we make an arrest, every time we have somebody incarcerated, any of the fines, any of the penalties that they pay, they go directly to the County of Suffolk. We actually generate income for the County of Suffolk. The District Attorney prosecutes the cases. We work hand in hand with the D.A.'s Office, we work hand in hand with the Police Department. I literally -- I'm the Duty Officer. I literally get a handful of phone calls everyday from a different police agency, different Police Department. You saw a cat up in the tree the other day in Newsday with a tree guy getting it down. It was a gentleman who had a problem with his neighbor next door. The cat went up in the tree, he wouldn't allow anybody on the property. Well, believe it or not, that cat becomes his care and custody and he could be charged. Once we told him he could be charged, and I had a Lieutenant from the 7th Precinct spent an hour on the phone with me. We went through the law, Article 26, the Agriculture and Markets Law. They went over and spoke to the gentleman, they let the tree guy go up in the tree and get the cat down. I mean, that's kind of a crazy case, but those are some of the things that happen. Whenever we do anything the County benefits from it. We get no personal gain out of this, there's nothing on our end.

CHAIRMAN CALARCO:

Legislator Spencer.

LEG. SPENCER:

Do you currently have any formal contract with the County or is it just a matter of tradition?

MR. LLOBELL:

I don't believe we do. The Chief just shook his head no. I can tell you, though, most of the Legislator's offices, I can tell you quite a few of them call me on a regular basis with animal problems. I get the phone call and we dispatch it out to one of our agents. I mean, your own officers are using us. In the meantime, we go out and do something, we have no coverage or no indemnification. It's not proper.

LEG. SPENCER:

I want to make it very clear that I am very appreciative of what you do, especially following the heels of Jon Cooper. You really provide a very vital role and, you know, we need that service. And I think that the elements that we're discussing here when we look at the current County fiscal crisis, and I do understand the history, really more centers along the language of the legislation. Because my concern with the legislation as it stands right now could be that you could say we're not going to have any insurance and the language is that the County would then be indemnifying you. So I think that would -- but I need you to continue what you do. It's very important and I appreciate what you do.

MR. LLOBELL:

Thank you very much, I appreciate that. You know, it's the same thing as sending out a Deputy Sheriff or a Suffolk County Police Officer to handle a cruelty case. You're indemnifying that person, why don't you indemnify us? It's the same exact scenario. There's nothing different.

LEG. CILMI:

Mr. Chairman? Counsel, is it possible to amend this bill and still vote on it on, you know, maybe discharge it, amend it, and still vote on it on Tuesday?

MR. NOLAN:

No, unless it gets a Certificate of Necessity. We're past the amended filing deadline.

CHAIRMAN CALARCO:

We have a very short cycle. We come back in two weeks. Perhaps Legislator Romaine would like to entertain making a slight amendment to just require that insurance clause. I mean, not for nothing, but it sounds to me like we ought to have some sort of contract in place with the SPCA for the services they're providing. There's no doubt that they do a terrific job and we all benefit throughout the County for what they do for us. Perhaps that's the resolution to the issue.

LEG. ROMAINE:

Well, I'm happy to draft a resolution, another resolution, that would say that there should be some insurance policy in place, and I'm happy to draft a resolution that says that the County should enter into contract with SPCA where indemnification issue is addressed, and I think that would be a second resolution to this one. So this one can go forward and I certainly can write another one with Counsel's assistance. He's a gifted wordsmith and I'm sure in a matter of a few hours he and his diligent assistant, who has helped me on numerous occasions, can draft a piece of legislation that would say that an insurance policy should be in place and that this would be a requirement that would be part of a contract that would be drafted by the County of Suffolk that would provide indemnification, and this contract could be drafted for a period of three years so that there would be a renewability in three years and all of these guys would feel that they have a contractual obligation and protection of the County of Suffolk. But I think that's a second bill. This bill outlines this.

We pass bills all the time and then we come along two or three weeks, a couple of months later and refine the bill by adding something to it. So I have no problem with this one going forward and I have no problem drafting a second one that would better clarify and establish a requirement for a contractual obligation to further protect the SPCA. I have no problem with that. And I hope that Legislative Counsel can provide me a draft so that I can take a look at it and discuss it and revise it and have it ready to go in time for the next meeting or for the meeting after. Because we're not going to make the next meeting for me to lay it on the table. We've already missed the deadline, I think, to lay it on the table. Is that not correct? So we wouldn't deal with this until the end of April.

MR. NOLAN:

Well, we could do a late starter if that was the case. But, frankly, I think, you know, we probably -- to do the things you're talking about I don't think necessarily we need to enter into a contract with this agency. That's something we can talk about. But, you know, we also have to decide if we're going to say they have to have an insurance policy, okay, what are the limits going to be, what's the minimum coverage they're going to have to have, and, B, also address the question that they've raised which is what happens in the event they can't obtain insurance from any source, any other source. So those are just some of the issues we're going to have to deal with.

LEG. ROMAINE:

I would hope that you would have those discussions with the SPCA in drafting the second piece of legislation. The first piece of legislation is before us for a vote today.

MR. LLOBELL:

Councilman Romaine. I just have to tell you that this is critical. I mean, we have agents that are uncomfortable. They have no confidence in going out and doing cases right now if we don't have coverage. And we know we're not indemnified by the County, we don't have anybody backing us up. You wouldn't have a Suffolk County Police Officer going out there doing that, you wouldn't have a Deputy Sheriff going out, you wouldn't have a Bay Constable going out. Nobody would go out and perform their duties unless they had indemnification. We need that indemnification. We are hoping today that everybody will step up to the plate and do what's right. Thank you.

CHAIRMAN CALARCO:

To the sponsor, again, I just feel it would be much, much cleaner and more efficient and effective to just handle this all with a minor amendment to the current resolution and we'll handle it in a couple of weeks.

LEG. ROMAINE:

I appreciate your advice. My motion is on the floor for approval.

CHAIRMAN CALARCO:

Do I have any seconds?

LEG. CILMI:

I'll second his motion.

CHAIRMAN CALARCO:

Seconded by Legislator Cilmi. Do we have any other motions? Okay. I have a motion to approve and a second. All those in favor? Opposed? Abstentions? Motion carries. **(Vote: Approved 5-0-0-0)**

LEG. ROMAINE:

It's unanimous.

CHAIRMAN CALARCO:

Congratulations, Legislator Romaine. Good luck on Tuesday. Okay.

Moving on. We have ***I.R. 1127 - Authorizing a two-year extension for the development of three parcels of land transferred pursuant to the 72-h Affordable Housing Program to the Village of Southampton and an increase in the income levels of eligible occupants for such affordable homes (Co. Exec.)***. Are there any motions?

LEG. ROMAINE:

Motion.

CHAIRMAN CALARCO:

Motion by Legislator Romaine.

LEG. BROWNING:

Which one?

MR. NOLAN:

1127.

LEG. SPENCER:

Second.

LEG. BROWNING:

Second.

CHAIRMAN CALARCO:

Second by Legislator Spencer. Do I have any questions on the motion? Jill, perhaps you can come up and answer any questions we may have. Legislator Romaine, I know you were talking to the time frames that we had for the properties in Babylon. Jill, could you just fill us in? What kind of time frames did we deal with on these particular parcels, these three parcels in Southampton? Were they the same deal where they were seven years and are now looking to move forward?

DIRECTOR ROSEN-NIKOLOFF:

These three parcels were actually transferred by the County to the Village in 2002.

CHAIRMAN CALARCO:

So they've had ten years.

DIRECTOR ROSEN-NIKOLOFF:

They've had that long, yes.

CHAIRMAN CALARCO:

And they're looking for another two years?

DIRECTOR ROSEN-NIKOLOFF:

They are -- that's correct.

CHAIRMAN CALARCO:

Could they do it in one year?

DIRECTOR ROSEN-NIKOLOFF:

I'm going to let the Mayor address it, but the construction, because they will be working with volunteers and non-profits and having to get funding sources in place, I think two years will give them a level of certainty so that they can actually accomplish it without having to worry about having to come back for another approval.

CHAIRMAN CALARCO:

I think two years is a pretty appropriate time frame. Do we have any other questions? Legislator Browning.

LEG. BROWNING:

Well, you know, I look at it and I see Wyandanch and, you know, some of my communities very similar with the many properties. My concern, equally for them, and I wouldn't want to do it in my district. I know Legislator Romaine, you have all those questions, you used to represent the Shirley/Mastics area and the Bellport area. What happens to those properties if we don't do that and we take them back? They go up for auction, correct?

DIRECTOR ROSEN-NIKOLOFF:

Yes.

LEG. BROWNING:

Right. And then we're going to have to see these speculators come in, buy them up, turn them into slum rentals and we want to turn our communities around, not beat them up. So I'm going to support allowing them the two more years because I've seen what's happened in my district when these properties go up for sale at the auction. I'm not going to do it to Wyandanch. I wouldn't do it to my community; I'm not going to do it to Wyandanch.

CHAIRMAN CALARCO:

Okay. And I don't think in Southampton they have to worry about it turning it to slumlords, but I would.

LEG. BROWNING:

I'm talking the Wyandanch one.

CHAIRMAN CALARCO:

I would be very happy to see us create some affordable housing in Southampton --

LEG. BROWNING:

Absolutely.

CHAIRMAN CALARCO:

And opportunities for teachers and other employees to own a home. So on that, do I have any motions?

MS. LOMORIELLO:

Legislator, you have a motion and a second to approve.

CHAIRMAN CALARCO:

All those in favor? Opposed? Abstentions? Motion carries. *(Vote: Approved 5-0-0-0)*

MAYOR EPLEY:

Thank you, guys.

CHAIRMAN CALARCO:

Thank you, Mayor.

MAYOR EPLEY:

Thank you.

CHAIRMAN CALARCO:

J.R. 1128 - Authorizing the Retirement and use of Workforce Housing Development Rights banked in the Suffolk County Save Open Space Bond Act Workforce Housing Transfer of Development Rights Program Registry for use in the Town of Huntington (Co. Exec). Any

motions? Legislator Spencer.

LEG. SPENCER:

Motion to approve.

CHAIRMAN CALARCO:

Motion by Legislator Spencer; I'll second that motion. On the motion, any questions? No? Then we'll call the vote. All those in favor? Opposed? Abstentions? Motion carries. **(Vote: Approved 5-0-0-0)**

I.R. 1138 - Authorizing a two-year extension for the development of eleven parcels of land transferred pursuant to the 72-h Affordable Housing Program to the Town of Babylon (Co. Exec).

LEG. BROWNING:

Motion to approve.

CHAIRMAN CALARCO:

Motion by Legislator Browning; I'll second the motion. Any questions? All those in favor? Opposed? Abstentions? Motion carries. **(Vote: Approved 5-0-0-0)**

HOME RULE MESSAGES

Home Rule Message 2 - Requesting New York State Legislature to amend the General Municipal Law, in relation to the regulation of taxicabs and limousines in Suffolk County (Assembly Bill S.6366-A and Assembly Bill A.8268-A). (Romaine).

LEG. ROMAINE:

I'll make a motion. I will also tell you that this bill was amended to include livery.

LEG. CILMI:

Second.

CHAIRMAN CALARCO:

Motion by Legislator Romaine, second by Legislator Cilmi. Can we have an explanation, Counsel or Legislator Romaine?

LEG. BROWNING:

Is there a Senate bill?

LEG. ROMAINE:

Yes, there is. LaValle is the Senate, Thiele is the Assembly.

LEG. BROWNING:

Okay. What exactly -- I'm not sure if I know this.

LEG. ROMAINE:

Let me talk about the bill, which if Bill Lindsay was here he could talk about also with great detail. This is a bill -- our limousines are not licensed. If they go in to pick up a fare in Nassau or the City, they can get fined or seized.

LEG. BROWNING:

Okay, I know it.

LEG. ROMAINE:

What they can do now is any limousines that go into the City, to be on the safe side they buy a medallion from Nassau County. We are losing out on revenue and our limo drivers can, if they don't buy the medallion from Nassau, which has reciprocity with the City, can get seized in the City or Westchester, or in Nassau for that matter, and have been fined \$1200 as a minimum per violation. So the reason we want to license, particularly limos and livery vehicles, is because, one, we will get some money out of it, and two, we will allow people who do this for a living to go into Kennedy or to go into Manhattan or LaGuardia with their fares without fear of reprisal.

LEG. BROWNING:

Okay. Yes, I did know what that was, but I thank you for reminding me.

LEG. ROMAINE:

I'm sure you've heard the same. Bill Lindsay was hot on it.

LEG. BROWNING:

Yes indeed.

CHAIRMAN CALARCO:

Legislator Romaine, would this require us to create a Taxi/Limousine Commission? How would the County put this into place?

LEG. ROMAINE:

This would probably require, if this was enacted, a Taxi and Limousine Commission, which would operate under the Department of Consumer Affairs, and essentially it could operate -- you are shaking no. Okay, maybe it would have to be separate. But essentially what this would do is give us an opportunity to raise some money.

CHAIRMAN CALARCO:

It would require some extra staff, some upfront costs maybe?

LEG. ROMAINE:

Not a lot of staff, because how many people are going to come in for medallions. I mean, maybe Mr. Gardner, who's here, could speak to this issue, because he seems to have some -- I'm watching him in the audience.

CHAIRMAN CALARCO:

Mr. Gardener, I think you worked on this issue for some time, did you not, when you were our Director of Consumer Affairs?

MR. GARDNER:

Yes, yes, we did. It doesn't necessarily have to operate out of the Department of Consumer Affairs as the Legislator said.

LEG. ROMAINE:

It could.

MR. GARDNER:

It couldn't, and certainly it does that in Nassau County. The problem that we had back then was with the personnel, the staffing requirement. You know, the paperwork isn't that bad, you know, we certainly do enough licensing within the department now. But the enforcement of it is where Nassau County ran into a problem. And if anybody speaks to Nassau and we get honest answers from them, they'll find out there's a lot of overtime involved because when do a lot of limos

operate -- like Westbury Music Fair, the catering halls and things like that, Jones Beach. They are out Saturday evenings, Friday evenings, Sunday afternoons. The winery business, which is big for us, there's a lot of weekend business out there, so the enforcement part of it -- they were actually using Weights and Measures Inspectors, paying them overtime to work Friday nights and Saturday nights. That was one of our biggest problems, was the enforcement part.

LEG. ROMAINE:

Is this a revenue positive or revenue negative?

MR. GARDNER:

It depends who you speak to in Nassau County. You know, there were people who were complaining that it looked like a revenue positive, but when you added in the other -- they didn't actually hire any new employees to cover the enforcement part, but they used -- they grabbed Home Improvement Investigators and Weights and Measures Inspectors and people like that who were already working within the department, and then assigning them these duties to work then with Nassau County PD on seizures, etcetera. Again, most of that, just keep in mind when most of that enforcement is. It's not at two o'clock in the afternoon on a Wednesday. It's weekends and evenings.

CHAIRMAN CALARCO:

Did we have a situation where they were targeting Suffolk County companies that were maybe bringing kids in for the prom and those kind of things?

MR. GARDNER:

Well, they weren't necessarily targeting Suffolk County companies. As the Legislator said, they would target anybody that doesn't have their license. But the big deal with the State, as Legislator Romaine mentioned, we can't just do it. You have to have reciprocity with either New York City, Westchester or Nassau, because otherwise then you can't go into the airports, you can't go into the City. If you don't have that reciprocity, which is I believe still authorized by the State, you just can't do it. And keep in mind when you say taxis and limos, several of our towns already regulate taxis.

Now, one big problem with Nassau, remember when they came in last year, Nassau was actually seizing, targeting and enforcing against ambulettes, which in my opinion was absolutely ridiculous. They were gathering them in under the limo law and they were actually targeting ambulette services and private ambulances. The Legislator remembers that.

LEG. ROMAINE:

Yes, I do, because many of the ambulettes came to me and complained as well. Believe it or not, this law will probably resolve that issue as well because Suffolk County will have the opportunity to issue medallions. We will raise revenue. How much we will expend of the revenue we raise depends on how much enforcement we do.

MR. GARDNER:

Correct.

LEG. ROMAINE:

If we do less enforcement, it will be revenue positive. You have to do some enforcement because it will be people that will not want to get medallions that will avoid the law. This is at this point simply a Home Rule Message supporting a bill introduced by State Senator LaValle and Assemblyman Fred Thiele. And I think Kate is familiar. If Bill was here, Bill Lindsay has supported me repeatedly and I have supported him on this issue because it hurts our industry here in Suffolk County.

CHAIRMAN CALARCO:

I understand, and I actually am familiar with the issue and I've got a few taxi -- excuse me, limousine companies in my district that they're terrific companies and they've experienced this very problem, whether going to JFK or LaGuardia or anything else.

MR. GARDNER:

We did have a very large public meeting here, Presiding Officer Lindsay convened it, many people were here. The people that were at that meeting, the industry people, were about split on whether or not to go ahead with a Suffolk version. But they were very -- they just didn't understand the State part that Presiding Officer Lindsay -- that the Suffolk County Legislature couldn't just snap their fingers and create this. They just didn't understand that.

LEG. ROMAINE:

Right. It requires State legislation and we've had that request before. It hasn't passed and probably some of the people who were opposed to it is because they just bought a medallion out of Nassau County.

CHAIRMAN CALARCO:

Well, they certainly can't afford to keep going to Nassau and New York City or Westchester and everywhere else that they've been asked to buy a medallion for. It gets quite onerous very quickly for them, and especially in this region.

LEG. ROMAINE:

It's very expensive. But the fines -- if you're caught, the fines are very onerous.

CHAIRMAN CALARCO:

And they seize the vehicles.

MR. GARDNER:

And -- I mean, they seize vehicles.

LEG. ROMAINE:

They seize vehicles.

MR. GARDNER:

They seize them. They've had limos that go into -- I'm just going to say, you know, Crest Hollow, they drop people off, or whatever, if they seize the limo, those people aren't getting picked up. I mean, that has happened.

LEG. ROMAINE:

Right. That's right over the border. And they do this with ambulettes.

CHAIRMAN CALARCO:

Okay. Do we have a motion?

MS. LOMORIELLO:

You have a motion and a second.

CHAIRMAN CALARCO:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? Motion carries. *(Vote: Approved 5-0-0-0)*

I have no other business. Thank you very much.

*(*THE MEETING WAS ADJOURNED AT 2:40 P.M. *)*