

WAYS AND MEANS COMMITTEE

of the

Suffolk County Legislature

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on February 2, 2006.

Members Present:

Legislator Louis D'Amaro • Chairman
Legislator Elie Mystal • Vice•Chair
Legislator Ricardo Montano
Legislator John Kennedy
Legislator Steven Stern
Legislator Edward Romaine

Also In Attendance:

Presiding Officer William Lindsay
George Nolan • Counsel to the Legislature
Gail Vizzini • Director of Budget Review
Richard Baker • Deputy Clerk of the Legislature
Bob Martinez • Aide to Legislator Montano
Deborah Harris • Aide to Legislator Stern
Ron Cohen • Aide to Legislator D'Amaro
Melissa Sellers • Aide to Legislator D'Amaro
Ben Zwirn • Assistant County Executive
Tom Vaughn • County Executive's Office
Anita Katz • Commissioner, Board of Elections
Bob Garfinkle • Commissioner, Board of Elections
Basia Braddish • County Attorney's Office

Sharon Cates•Williams • Chief Information Officer
Penny LaValle • Director of Real Property
Will Campbell • Suffolk County Mental Hygiene
Jackie Best • Suffolk County Mental Hygiene
Kristine Chayes • Civil Service/Human Resources
Adam Gaus • League of Women Voters
Cheryl Felice • President of AME
Lydia Sabostio • First Vice President of AME
Sandra Sullivan • Legislative Director for AME
Lisa Tyson • Long Island Progressive Coalition
Christopher Deutsch • Department of Public Works
Valerie Romeo • Department of Public Works
Diane Terzulli • Department of Social Services
Cathy Majorossy • Department of Social Services
Christine Boffoli • Department of Social Services
Mark Haner • Harvest Real Estate Services
Jerry Guerra • Paragon Group
Michael Donovan • Donaldson Acoustics
Joel Shechter • Democracy for Long Island
Howard Kipnes • Hauppauge Industrial Association
Marge Acosta • Long Island Progressive Coalition
Karen Reiben • Long Island Progressive Coalition
Marc Klein • Long Island Progressive Coalition
Lisa Tyson • Long Island Progressive Coalition
Judie Gorenstein • League of Women Voters
Joyce Rosenthal • League of Women Voters
Bill Jones
Theodore Debowy
Larry Silverman

Minutes Taken By:

Lucia Braaten • Court Stenographer

[THE MEETING WAS CALLED TO ORDER AT 10:00 A.M.]

CHAIRMAN D'AMARO:

Okay. Good morning, Ladies and Gentlemen. I apologize for being late, but I appreciate you waiting for me patiently. I'd like to welcome you all to the Ways and Means Committee of the Suffolk County Legislature, and ask you to all please rise and join us in the Pledge of Allegiance, led by Legislator Montano.

[SALUTATION]

Okay. Turning to the agenda, we have no correspondence, so we'll go right into the public portion of the agenda. I would note for the fellow members of the committee that we have quite a few cards this morning, and under the rules of the Legislature, of course, we're going to ask each speaker if they could limit their comments to three minutes, I'd appreciate that. So with that said, I'd like to call the first person. Actually, I have a series of cards. I'd like to call the first person, Marge Acosta. Please, come on up. Good morning.

MS. ACOSTA:

Good morning. My name is Marge Acosta. I'm a Suffolk resident and a member of the Long Island Progressive Coalition. Thank you for the opportunity to speak with you today.

As you're well aware, New York State has been threatened with legal action by the United States Department of Justice and we're at risk of losing 220 million dollars if we don't replace our lever voting machines by the Primary of 2006. However, I'm concerned that in the rush to fulfill HAVA requirements we will lose much more than money. I'm terrified that in the end, after spending millions of dollars and a great deal of effort, we in New York will have given up a stable voting system to thrown, as other states have been, into chaos and we'll have lost the integrity of our vote.

According to Commissioner Kellner of the New York State Board of Elections

at the December hearing, two types of voting machines will be tested for certification. He assured us that both would be on the certification list, the Direct Recording Electronic or DRE machines and optical scanners.

I propose that the paper ballot optical scan voting system is the best solution to resolve New York's problems, and so I'm supporting Resolution MR2•2006.

While electronic voting vendors have painted a Pollyanna image of new wave technology with speed, security and convenience, the actual experience of states using these DRE's shows a very different picture. What they may do is to very quickly and efficiently cite the wrong candidate as the winner. Read the reports of the Nonpartisan Government Accountability Office, or the Bipartisan Carter•Baker Commission that speak of numerous irregularities, like one district in North Carolina where a DRE handled thousands of votes, stopped recording the last 4,000 because its memory was full. In New Mexico DRE's counted 10,000 more votes than voters, and their Board of Elections was so confident in this secretive unknown technology that they actually certified the results. And how would you determine which 10,000 votes are false? If DRE's record 10,000 extra votes, will they also print 10,000 extra paper receipts?

On the other hand, almost all counties that have been using optical scanners with paper ballots, which was 35% of the country in the 2004 election, they're planning to keep or expand them. Seven are going 100% optical scan in 2006.

Finally, while there is not one existing DRE that is compliant with HAVA and New York requirements presently, there is an optical scanner from ES&S that meets these requirements. And we have seen from Boston's experience, they can be ordered and up and running without problems in less than four months. So let's keep it simple and cost effective, but most importantly, let us preserve the integrity of our vote.

CHAIRMAN D'AMARO:

Okay. Thank you, Ms. Acosta.

MS. ACOSTA:

Okay. Now we ••

CHAIRMAN D'AMARO:

I appreciate you taking the time to address the committee. I'd like •• go ahead, yeah.

MS. ACOSTA:

I'm sorry. What we were able to do is that we have a couple of speakers that are each speaking on a certain issue.

CHAIRMAN D'AMARO:

That's fine.

MS. ACOSTA:

Thank you very much.

CHAIRMAN D'AMARO:

Yep. And I'll call them up in the order that I have in here in front of me. The next speaker would be Karen Reiben.

MS. REIBEN:

Karen Reiben.

CHAIRMAN D'AMARO:

Reiben.

MS. REIBEN:

Good morning, and thank you for the opportunity to speak today.

CHAIRMAN D'AMARO:

Okay, thank you.

MS. REIBEN:

My name is Karen Reiben, and I'm a Suffolk resident and a member of the Voting Booth Committee for the •• of the Long Island Progressive Coalition. I am here today in support of Resolution MR•2006.

Almost all counties that have been using optical scanners with paper ballots, 46% of counties and 35% of voters in the 2004 election, are planning to keep them or expand their usage; Michigan, Arizona, Oklahoma, South Dakota, North Dakota, Rhode Island, West Virginia, among others, are going 100% optical scanners in 2006. This is not surprising, since optical scanners have many important advantages. The paper ballots used with optical scanners have a familiar format and are easily understood. It's like filling the circles of a lottery card or taking a standardized test. The system elicits voter confidence, since it is totally self-administered, self-marked, self-verified and self-inserted into the scanner. Once voters complete their ballots and insert them into the precinct count optical scanner, any over-voted ballots are rejected and the voter gets a fresh ballot. Under-voted ballots produce a warning and the voter gets the opportunity to correct the under-vote by marking any unmarked races unintentionally left blank.

The scanner allows for corrections and also has a write-in option. The same ballot is used for absentees and for handicapped accessible machines such as an AutoMark. Therefore, the optical scanner can process all ballots and they are •• and then preserved for audits and recounts. The optical scanner system eliminates conflicts between electronic ballots and paper ballots, and voters can continue to vote in the event of equipment failure.

According to the counties that were surveyed, another significant benefit is that according to counties' optical scanners, poll workers are easily trained, lines are very short or nonexistent, ballots are scanned instantly, and optical scanners last for 15 years or longer.

Since optical scanners are a relatively simple technology, they are less prone to tampering, more easily tested and don't require proprietary vendor technicians to run our elections. In addition to all of these advantages, as many states have demonstrated, the cost of purchasing, operating and maintaining optical scanners is much less expensive than DRE's. Certainly, the paper ballot optical scanner system is the best choice to replace our lever machines and ensure the integrity of our vote.

(Applause)

CHAIRMAN D'AMARO:

Okay. Legislator Stern, go ahead, please.

LEG. STERN:

Ms. Reiben, a question. You had said •• you had stated that there are virtually no lines using this type of technology that you're advocating for. As a practical matter, how many •• how many voters might •• might be able to vote at one time so that there are no lines?

MS. REIBEN:

Well, it's very simple. You're given a card and you're able to fill out the ballot. Now there is the AutoMark for those who are visually impaired or blind, or, you know, have an arm in a wrist •• you know, in a band or so. So that's a separate issue, but you can fill this out and just submit it so you see your paper ballot. And what •• and then the best •• the best thing about this is it goes into a lockbox and that lockbox, if there is ever a recount, all you have to do is take it out of the box and it proves, and you can count and it's verified. The votes are verified by your own submission. It's a card. It's like when you go to school and you take a test or you fill a lotto system, you fill it out and submit it.

LEG. STERN:

And so one person fills out a card at a time ••

MS. REIBEN:

That's correct.

LEG. STERN:

•• or do multiple voters fill out cards simultaneously?

MS. REIBEN:

No lines, no lines. You fill out a card and then you go there and just scan it through, so that there are no lines. Or the •• it's the privacy box, that's correct, that it goes into. Multiple ••

AUDIENCE MEMBER:

Multiple voting booths.

MS. REIBEN:

Okay, multiple voting booths. But the great thing is that, and I think the League of Women will testify to this, that when you have one DRE machine that has to be replaced, and this is very significant, the life expectancy is about five years, versus what we have in our country right now, optical scanners that we have proven to have the longevity rate of over 15 to 20 years. The cost difference is significant. The fact that there's a paper trail is significant. There's just no comparison, there really isn't.

CHAIRMAN D'AMARO:

Okay, thank you. The next speaker, please, would be Theodore Debowy, is it? Please, step up.

MR. DEBOWY:

Good morning. My name is Theodore Debowy. I live in Stony Brook. I support paper ballots and optical scanners for voting and vote counting in our elections. No computer has ever been invented that is secure from innocent mistakes or malicious tampering, but optical scanners assure us that our legal ballot is a permanent paper ballot filled out by voters, and it is not an invisible electronic ballot, which no one can witness, neither the voter at the time they cast it, nor the election observers later, when the ballots are handled, stored and counted. With optical scanners there is more opportunity for the citizen to observe and prevent tampering. Any tampering that can be done with paper ballots can be prevented by continuous cameras or by ordinary nontechnical citizens observers, simply observing the delivery of the ballot to the optical scanner, because to tamper you have to be in the room with the paper ballot. With a DRE, no one can observe the tampering or know that it has happened. It leaves no evidence. It can be done in seconds by a person located anywhere in the world.

DRE's record, preserve and count the votes cast. This provides too much opportunity for errors and tampering. With paper ballot optical scanners, the computer only counts the votes, and we have the paper ballot for recounts. You can simply run the paper ballot through a second scanner to

check the accuracy of the first, or manually recount the ballots.

In closing, I would like to scare you. You have had submitted to you the GAO press release which went along with their report. This report concluded that electronic systems have already spoiled some elections, and that the technology is not ready for our democracy. Here is a list of the most common failures and malfunctions of DRE electronic systems in recent elections. As you listen to this list, imagine the chaos and lawsuits that we will have when these things happen here. They've lost ballots, blanking out the voter's entry, they have created additional ballots, sometimes in the hundreds or thousands. The tabulated software reaches a certain point and starts counting backwards. The voter sees their votes jump on the screen to a different candidate. Voters are presented with the wrong ballot. The ballot programming miscounts the votes and no one knows why, because the software in the DRE is proprietary. We need to look at what other states have done and are doing, and take the safe road and use optical scanner technology, which is reliable and has been in use for over 20 years. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you very much.

(Applause)

The next speaker to address the committee will be Larry Silverman. Please, step up, Mr. Silverman.

MR. SILVERMAN:

Good morning, Mr. Chairman, and members of the committee, Commissioners Katz and Garfinkle. I must say, it's nice to see so many friends in this chamber. I'm here to speak on the subject of pre-election testing of voting machines.

And first, I would like to thank Marge Acosta, citizen activist, who brought so many of us to this cause. She really has energy and leadership and dedication, that's •• we admire very much.

Voting equipment is tested with a known number of votes and must produce exactly that result in order to be certified for use in elections. Optical scan systems are much more easily tested, since a large sample of ballots, say 50 to 100, can be filled out by that number of election workers and then used to test the machines. The test can be easily carried out by regular poll workers and observers without the need for technical assistance. Such simplicity and transparency in testing inspires confidence in the public and in election workers.

With optical scanners, individuals, under the supervision of the Board, would be able to cast their test votes that I described on their voting ballots at once, all at the same time. The sample ballots, or packet kit as it's sometimes called, would then be processed through the scanners. It may be used over and over again to test many scanners, so there's an efficiency to that.

And with the DRE's, it would not be possible to have 100 individuals cast their ballots on each machine. A large pre-election test vote would simply not be feasible, so, instead, as I understand it, what is devised is there's a test data disc and the votes are digitally prerecorded on the disc or simulated and are run through the system to test the system. But the problem with this is that the DRE machine is not testing the votes actually cast, it's testing a disc. The data on the disc, unlike the test vote, is not transparent, it's opaque, it can't be seen. No one can see the data being processed and that it's being tabulated accurately. It is, in effect, not really a test at all. One can see that it promotes reliance on technicians as well, most likely vendor technicians, not bipartisan election officials and workers.

These people, bipartisan election officials, which has been recognized, and New York has been recognized as a superior model because of it, are the checks and balances, the watchdogs, if you will, of the electoral process. Its system has served us well. It promotes confidence of the public in the electoral process.

Once again, as in other aspects of the election process that have been discussed, the adoption of DRE's, as opposed to optical scanners, would greatly increase the likelihood of our losing the checks and balances as

technicians employed by machine vendors replace Board of Election officials. All it will take is one compromised election to destroy the confidence of the public in our system of government. This is a risk that is simply not worth taking. As we learned from the 2000 election, the very election which led to HAVA, the price we may well pay may be freedom itself. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you, Mr. Silverman. The next person requesting to address the committee is Judie Gorenstein from the League of Women Voters.

MS. GORENSTEIN:

This has to be handed out. Should I start?

CHAIRMAN D'AMARO:

Yes, please, go ahead.

MS. GORENSTEIN:

Hi. I'm Judie Gorenstein. I'm with the Huntington League of Women Voters where I'm Voter Chairperson and Vice President, and I'm also on the Board of the Suffolk County League of Women Voters.

The cost of the different voting machines should never be the major criteria in this election process. However, the fact that the paper ballot optical scanners, known as the PBO's, are more secure, more accurate, easily recountable, and, with the ballot marker, are handicapped accessible, as well as being the most cost effective, is very important.

The last time I appeared before this committee, I had given estimates about the number of PBO's or DRE's Suffolk County would have to purchase, and the estimated cost of purchasing these machines. Since that time, the Suffolk County Board of Election has sent me a detailed list of all of our polling stations, the number of ED's in each, and the number of lever machines currently in each ED. With this information, I was able to accurately calculate the number of replacement voting machines for each

township and the entire County.

If you look at the page titled Suffolk County, the Factor 4, you will see the tabulations.

If the County chooses DRE's, they will need to purchase one for each lever machine they are currently using, which would be a total of 1,468 machines. If, on the other hand, they chose the optical scanners, they will need to purchase 514 PBO's, 514 ballot markers, and 1,468 privacy booths.

During the past month, the vendor, ES&S, has demonstrated a full phase compatible optical scanner and ballot marker at a voting machine demonstration in Rochester, New York. So far, they are the only company that has agreed to submit their optical scanner, their ballot marker and their DRE's for certification by the New York BOE. The cost of their PBO and their ballot marker is \$5,500 each. The cost of privacy booths is estimated to be \$160 each. The total replacement cost for Suffolk County would be \$5,888,880. This same company has estimated their low cost for a full face DRE with a paper trail to be \$9,000, and the high cost to be 10,000, for a total of \$13,212,000 using the lower price, and \$14,680,000 using the higher price. The cost of the optical scanner is less than half the cost of the DRE's. More than 7 million dollars would be saved.

(Applause)

CHAIRMAN D'AMARO:

Okay. Thank you for your testimony. And if you would remain at the podium for one moment, Legislator Stern had a question.

LEG. STERN:

Ms. Gorenstein, thanks for being with us this morning. Here in •• this is the handout ••

P.O. LINDSAY:

Use your mike, Steve.

CHAIRMAN D'AMARO:

Steve, use the mike.

LEG. STERN:

Here in the handout •• can everybody hear me?

MS. GORENSTEIN:

Right.

LEG. STERN:

There is fourteen•sixty•eight, 1,468 privacy booths, part of this calculation.

MS. GORENSTEIN:

Right.

LEG. STERN:

How many booths per polling place would that be?

MS. GORENSTEIN:

The number 1,468 is the number of lever machines we have, so the number of privacy booths would be the number of levers in each different polling place.

LEG. STERN:

So, using this type of technology, it's just one for one, one voter would be able to utilize this new technology really for every voter that's using the current system we have in place?

MS. GORENSTEIN:

Okay. Imagine a room set up like we have, basically our polling stations now. Wherever there would be a lever machine, there would be a privacy booth. The person would go into that privacy booth, fill out their paper ballot. They would then go over to a spot where there was an optical scanner, which takes less than a minute, put it through. Okay?

LEG. STERN:

Thank you.

MS. GORENSTEIN:

I think that answers your last question, too, right?

CHAIRMAN D'AMARO:

Okay. Also ••

LEG. STERN:

Yes.

CHAIRMAN D'AMARO:

Also, before you leave, if you don't mind, Legislator Mystal had a question also.

LEG. MYSTAL:

Hi. We talked yesterday.

MS. GORENSTEIN:

Yes, we did.

LEG. MYSTAL:

But one question for you. Would that also increase the square footage that we need?

MS. GORENSTEIN:

Do you know, I don't •• do not think so. It hasn't been computed. But, basically ••

LEG. MYSTAL:

I'm talking about in the polling places that we do rent right now. Would it increase the amount of space that we need to accommodate?

MS. GORENSTEIN:

I don't see how it ••

LEG. MYSTAL:

I'm just asking.

MS. GORENSTEIN:

I don't see how it would.

LEG. MYSTAL:

Okay.

MS. GORENSTEIN:

Although, we have •• I can't speak for the League of Women Voters, because that hasn't come up before, but I don't see how it would, because the privacy booths are very, very small.

LEG. MYSTAL:

Yeah, about the size of the voting.

MS. GORENSTEIN:

The optical scanner is very, very small.

LEG. MYSTAL:

No. Yeah, but the privacy booth we have to get, at least the size of a voting booth, because you have to have some little room to maneuver. No?

MS. GORENSTEIN:

No, I don't think so. It could be •• it's just •• imagine like a cardboard that would go around ••

LEG. MYSTAL:

Big enough for a person to fit in.

MS. GORENSTEIN:

Right, it has to be big enough for a person to fit in.

LEG. MYSTAL:

Okay.

LEG. STERN:

Okay. Legislator Romaine, did you have ••

LEG. ROMAINE:

Yes. First of all, I'd like to thank the League and Long Island Progressive Coalition for their research effort in this field.

This is a memorializing resolution that calls on the State to do certain things. It doesn't empower the County to do anything. Your handout, however, spoke specifically of expenses and costs, and stuff like that. Has either organization approached the County Executive about inclusion of any funding or discussion of what his desire is to do, vis•a•vis the Capital Budget that will be coming up in June for us to vote on?

MS. GORENSTEIN:

I can't speak for the Progressives, I can speak for ••

LEG. ROMAINE:

The League?

MS. GORENSTEIN:

•• the League. We have not yet done that.

LEG. ROMAINE:

Okay.

MS. GORENSTEIN:

However, the initial cost is supposed to be paid by the federal government. We're supposed to get the HAVA money for the replacement of the machines. There's a lawsuit going on in New York State because we're not compliant, so we're not sure we're getting the money.

LEG. ROMAINE:

Thank you for the information.

CHAIRMAN D'AMARO:

Before you go, just I had one question for you, also. And I know you were here just to speak for three minutes, so I apologize for keeping you, but it's a very important topic.

MS. GORENSTEIN:

Oh, we think so.

CHAIRMAN D'AMARO:

And I also appreciate all of the research that's been done and all the information that's been submitted to the committee, as well as myself. It's extremely helpful, and it is very important.

My question was, to follow up on what Legislator Romaine was just pointing out, would the funding ultimately, when this passes through the State, would the funding come from the County directly, or is this not provided for on a federal level and passed through to the County?

To acquire the new machines.

MS. GORENSTEIN:

Okay. The HAVA money is supposed to go for the initial purchase of the machines and the training of the workers initially. The cost that comes up after that is by the County.

CHAIRMAN D'AMARO:

Okay. But we have that cost now. But the figures that you're showing us in this handout go to initial acquisition and training.

MS. GORENSTEIN:

This is only for initial acquisition. It doesn't ••

CHAIRMAN D'AMARO:

All right.

MS. GORENSTEIN:

These numbers do not include training, this is just the purchase ••

CHAIRMAN D'AMARO:

Okay. So the cost indicated on this sheet would then, in effect, be picked up by the federal government should we come into compliance with HAVA; is that correct?

MS. GORENSTEIN:

Should we come into compliance with HAVA.

CHAIRMAN D'AMARO:

Okay. So, in other words, at this point, there's probably not a reason to approach the County Executive yet about funding, because the funding has been made available through federal legislation.

MS. GORENSTEIN:

If we were secure we were getting it, that would be accurate.

CHAIRMAN D'AMARO:

Okay.

MS. GORENSTEIN:

The other thing is that because the paper ballot optical scanner •• the optical scanners have a history of lasting for more than 15 years ••

CHAIRMAN D'AMARO:

I see.

MS. GORENSTEIN:

•• and the DRE's, I just have to correct something that was said, they're only warranted for up to five years, and based on the same kind of technology with other machines, we know that their replacement will be more frequently. The next time these machines would have to be replaced if you were to •• if the federal government paid for the initial DRE's, the next • the time they would have to be replaced, it would be up to the County.

CHAIRMAN D'AMARO:

Okay. Legislator ••

MS. GORENSTEIN:

Does that answer the question?

CHAIRMAN D'AMARO:

Yes, it did. Thank you. And Legislator Montano also has a question of you.

LEG. MONTANO:

Good morning. Just very quickly. I just want to be clear, and you may have answered this, but what you're saying is that the initial money for the purchase is part of HAVA, so that will come from the federal government.

MS. GORENSTEIN:

If we •• if New York's able to keep it.

LEG. MONTANO:

If New York qualifies. So the figure that you said that we would save, the 7 million dollars based on the two systems, really is a cost that is paid by the federal government. So if the savings were to accrue, it would accrue to the federal government, because we opted to purchase one machine over another, it's not as if the County's saving money; is that what you're saying? Did I say that right?

MS. GORENSTEIN:

The initial savings would go •• right. Remember, the pool is for all of New York, so if it went exactly the way it was supposed to and we got the HAVA money, and the HAVA money •• New York's getting 200 or has gotten 220 million dollars. I haven't figured it out for the entire state and how much machines •• how many machines the whole state would have to be purchasing, but ••

LEG. MONTANO:

Theoretically, it would not be a cost to the County, it would be a cost ••

MS. GORENSTEIN:

Theoretically, that should not be a cost.

LEG. MONTANO:

•• that would be passed on to the federal government.

MS. GORENSTEIN:

If we were HAVA compliant, yes.

LEG. MONTANO:

I got you. Thank you.

MS. GORENSTEIN:

Any other questions before I ••

CHAIRMAN D'AMARO:

Yes, Legislator Kennedy also had a question. Thank you.

LEG. KENNEDY:

Yes. Thank you, Mr. Chair. We had an opportunity to go ahead and have a conversation as you know you have with many of us. And I thank you, also, because you're bringing important information to us.

MS. GORENSTEIN:

Thank you.

LEG. KENNEDY:

One of the questions that I would have for you with the League and with all of the research you've done, what is the •• what is the requirements for storage of this equipment? I guess what I'm saying is when you compare the two different types of applications, scanners as opposed to DRE's, when it comes time for actual use of them in the polling places or, in the alternative, storage out in Yaphank at Board of Elections, or wherever it's going to be, how do you compare them and contrast them? My experience with computer equipment has been, under many extreme conditions, where even slight fluctuations in humidity, temperature, and things such as that, will render it inoperable. So what, if anything, have you seen when you've looked at these two types of technologies?

MS. GORENSTEIN:

Okay. The difference between the two was one, with the DRE's, we're talking about many more machines and the machines are bigger, so they would first require larger storage place. The second thing is the DRE's would require more accurate climate control, and that would not only be for storage, but in the transportation of them.

LEG. KENNEDY:

Okay. Even though my personal experience, as a matter of fact, with scanning, as my colleague here, it is fairly sensitive equipment that has to be monitored and calibrated, and does require a certain level of upkeep.

MS. GORENSTEIN:

We're not saying that the scanners don't require some, but we're saying the DRE's require more.

LEG. KENNEDY:

I see.

MS. GORENSTEIN:

And the climate control that would be needed for the DRE's is supposedly much more than the climate control for the optical scanners.

LEG. KENNEDY:

Which goes, I guess, to some of the questions that Legislator Romaine had before. While there may be federal subsidy for initial acquisition of this equipment, certainly the storage, maintenance, transport, and all those other functions, I believe will be County borne expenses.

MS. GORENSTEIN:

Right, and the programming, the recalibration. In Miami Dade County that used the DRE's in the last election, they spent 6 •• over 6 million dollars in the actual running and keeping of these machines. So it is a very •• the DRE's have proven to be very expensive, much more the maintenance and the upkeep, and the programming and recalibration than optical scanners.

LEG. KENNEDY:

Okay. Thank you very much. Thank you, Mr. Chair.

CHAIRMAN D'AMARO:

Ms. Gorenstein, I had a quick question for you. The •• there is a lot of debate going on concerning the two types of methodologies or machines available. I have in front of me a CRS Congressional Research Service

Report for Congress, which is actually recently dated December 14 of 2005, and it's entitled "The Direct Recording Electronic Voting Machine DRE Controversy, Frequently Asked Questions and Misperceptions." And I read the report and it was very informative, it was very interesting, but it kind of concludes that the jury's still out on the types of technology available, and when whether the problems in each type of technology can be addressed.

You're asking us as a body to support State legislation. Could it •• is it possible it's a little premature to take a position at this point until all of these different potential problems are explored and resolved?

MS. GORENSTEIN:

I understand your concern. The League of Women Voters never makes a hasty decision, and they have studied both kinds of machines and they are 100% behind the paper ballot optical scanners, saying because they are more secure, accurate, recountable and accessible. You know, what you're asking is, is this premature. I don't think so, but I think it's important, the integrity of our vote is important.

CHAIRMAN D'AMARO:

Right, but we're talking about very sophisticated technology. In fact, this Congressional report hints at the DRE technology, if used properly, may actually become more secure than the optical scanner. And I'm not saying that's the case, but what I'm saying is I would just like to know •• obviously, you're advocating very strongly for one type of technology, so you've seen this report, I would assume, and you're convinced that this ••

MS. GORENSTEIN:

I saw it just today, so I only read two pages of it.

CHAIRMAN D'AMARO:

Okay. Well that •• fair enough. Well, I'm sure you've seen enough on both sides of the issue, but, you know, I just want to be certain that your conclusion and what you're telling this committee and ultimately the Legislature is that your conclusion, you're convinced that the DRE technology will never become as secure as the technology offered by the optical scanner.

MS. GORENSTEIN:

And I'm basically saying based on past history. I mean, none of us can predict 20 years from now where it's going to be, but based •• if we look back and we look over the last elections, DRE is relatively new, and there's hundreds of pages of documented failures, that hasn't been the case. So I don't have a crystal ball, I can't say way in the future that it won't be, but we are not buying the machines way in the future, we're buying the machines today.

CHAIRMAN D'AMARO:

Very good. Any other questions?

P.O. LINDSAY:

No.

MR. MONTANO:

No.

CHAIRMAN D'AMARO:

Thank you very much for your patience.

MS. GORENSTEIN:

Thank you.

CHAIRMAN D'AMARO:

I appreciate it.

(Applause)

The next speaker is Joyce Rosenthal, also with the League of Women Voters.

MS. ROSENTHAL:

Good morning, and thank you for having me here. I'm Joyce Rosenthal, Voter Service Chair for the League of Women Voters of Suffolk County and League of Women Voters of Smithtown. It's my responsibility to complete

Mrs. Gorenstein's report.

The opponents of the PBO's always bring up the cost of the paper ballots that would be needed for each election. As was reported the last time the League of Women Voters addressed this committee, the price quote from an Ohio based printing company for the full•faced ballot is only 29 cents. As our County has approximately 850,000 voters, the cost of these ballots would be approximately \$250,000.

Even if we use DRE's, some ballots would need to be printed for absentee and provisional ballots. The cost of printing ballots is small compared to the maintenance, storage, transportation and programming DRE's would require. In addition, the DRE will need to be replaced far more frequently than the PBO's, which have lasted for over 20 years.

The League of Women Voters has strongly advocated the optical scanners because they are secure, accurate, recountable and accessible, as well as being cost effective. We hope your committee will recommend the optical scanner. They will provide the confidence •• the public with the confidence that their vote will be counted correctly and will cost at least seven hundred •• seven million dollars less to the voters. Thank you.

(Applause)

CHAIRMAN D'AMARO:

Thank you very much. Okay. The next individual requesting to address the committee is Mark Klein from the Long Island Progressive Coalition.

MR. KLEIN:

Good morning.

CHAIRMAN D'AMARO:

Good morning.

MR. KLEIN:

I'm Mark Klein, Suffolk resident for approximately 40 years, and a member of the Long Island Coalition's Committee on voting.

DRE's are not cost effective. In addition to excessive initial purchase costs, DRE's after acquisition costs are very substantial and wastefully unnecessary. These costs will fall on the County and not be covered by HAVA money.

I'm prepared to go into and delineate the various costs, going into cubic feet, that DRE's take up as opposed to optical scanners, the weight of the machines, the recalibration periods that are necessary. Every time you move them, they have to be recalibrated, DRE's. But for the sake of brevity, and I believe you can be supplied with that information in printed form. I'll just highlight two points about operation and maintenance.

A six-year comparison study of operation and maintenance costs, which will fall totally on the County, of Sarasota County, which uses DRE's, and Manatee County, which uses optical scanners, revealed that Sarasota had to spend per year 1.1 million dollars more for a population of 125,000 voters. Now, if you extrapolated that for Suffolk County, which in 2005 has 933,000 voters, it will cost considerably more for the County to maintain and operate the machines.

One other point. Lester Sola, the new Supervisor of Elections of Miami-Dade County, has recommended that 25.4 million dollars worth of DRE's be thrown out, scrapped, because not just of lost votes, but because of maintenance and operating expenses. And within five years of replacing them with optical scanners, the County would save 13 million dollars. That's 2.6 million per year.

The reliability of these machines is not in question with optical scanners. They've been used in places for 20 years, and state after state, county after county has reported that they expect 20 years usage. No DRE can make that claim. No DRE can make that claim. That's why they're only warranted for five years.

I think it is clear that the economically sound and wise choice for the County is optical scanners. Thank you. As I said before, I'd be willing to go into storage, transportation, vendor assistance contracts, go down to battery

replacements. They're unbelievable, the costs in DRE's. Thank you.

CHAIRMAN D'AMARO:

All right. Thank you, Mr. Klein.

(Applause)

The next speaker is Lisa Tyson with the Long Island Progressive Coalition. Good morning.

MS. TYSON:

Good morning. So we heard a lot of information today, and I think your question about why are we doing this memorializing resolution I think is really the key question here. And what's interesting is how this decision is to be made. And, unfortunately, and we see this as a lack of democracy, that the Board •• that the Commissioners of each county, the Board of Elections Commissioners, get to make this decision statewide. This decision should have been made on the state level, it has not been made. They are refusing to make this decision and making it much harder. They could have also had economies of scales and really saved a lot of money if we all purchased the same machine, but that didn't happen. And so, instead, it's on a county•wide decision, county to county to county.

And we believe the Legislature, the people that the voters elected, should be making this decision, because, as you see, this is something you're going to have to pay for years to come. Not only will you have to pay for this, you will also have the voters look to you when things are a problem with these machines, if they start breaking down, the situation in Miami•Dade County.

This is really a voter trust issue, and at the end of the day, the real difference between the two that we see the difference is that the optical scanner, what the •• what the voter actually fills out is the piece of paper that we get to keep after. And if you need to do recounts, you know those recounts are extremely safe, because that's what the voter wanted on that piece of paper, because they filled it out. The other machine, you will never know whether or not that's what the voter actually filled out.

There are lots of cost issues. I think your point is so •• you know, if the federal government pays for it, maybe that's not such a big issue for us. Maybe we would want to go to the more expensive machine if someone else is paying for it, but with a five-year warranty. And with a system that is not a quality system, you know, many people will say we will go to DRE's, in the next 20 years they will become safe and secure, but they are not it right now. It's like using a DOS computer. The software, the systems are still just being created right now. It's Computer 101. And you know what, our voting system should not depend on Computer 101. We need a system that is safe and the voters believe in, and that if we have a recount, we could do a real recount.

So we really want to put this in your hands. And that's the point of the memorializing resolution, is for you, the elected officials, to discuss it and have the debate around this, because, ultimately, it is the voters that are going to be voting for you on whatever system is chosen, so we want to make sure it is the right system.

One thing about privacy booths I want to make sure people understand, all a privacy booth is, you're going to get a nice privacy booth, but in other areas, when they ran out and they needed more and there was a big line, all you have to do is get big pieces of cardboard, just so that you have a little area that you fill in your card. I've seen •• I've seen them. It's like the size of this, it's just a piece •• like one of those •• you know, one of those boards that you can buy and you just very simply can add them on.

So the optical scanner system is clearly the best system, and long-term, it really would be the best for the County.

CHAIRMAN D'AMARO:

Thank you, Ms. Tyson. Could you answer a quick question for me? The official method of recount with an optical scanner would be the card, not any computer data?

MS. TYSON:

Yeah, you'll actually have the card that the voter filled out, whereas ••

CHAIRMAN D'AMARO:

Right. But what's the official method of recount with the other system?

MS. TYSON:

Well, the other system, you will have this ATM style piece of paper that comes out. The voter never actually •• you know, that is something the computer is creating and that's what you're recounting.

CHAIRMAN D'AMARO:

But the voter •• the voter does see the card before it drops into the computer system or •• it's like a receipt, really, is what you're saying.

MS. TYSON:

It is a receipt, exactly, exactly.

CHAIRMAN D'AMARO:

But it's not something the voter ever takes ••

MS. TYSON:

No, the voter does not take ••

CHAIRMAN D'AMARO:

•• it just goes into a system or a hopper.

MS. TYSON:

Exactly. Exactly, it drops it into a box.

CHAIRMAN D'AMARO:

So the computer system itself is generating that card. The voter can look at it for accuracy and then it drops down.

MS. TYSON:

Yes.

CHAIRMAN D'AMARO:

The optical scanner card ••

MS. TYSON:

Can they look at it for accuracy?

AUDIENCE MEMBER:

It's difficult to do.

MS. TYSON:

It's difficult to do, because you also have to see how many •• it's a little piece of paper and I've seen them and they're very small. I mean, each thing is very small, it's hard to read.

CHAIRMAN D'AMARO:

Okay. Now the optical scanner card is filled out by the voter.

MS. TYSON:

It's like a lotto ticket, basically, yes.

CHAIRMAN D'AMARO:

Okay. And if that •• one question I had in my mind was if •• you know, in a perfect world, everyone fills in inside the lines. If you get into a recount situation, and now are you getting into areas of judgment in reviewing those cards, similar to what happened in the past in other elections, Presidential elections?

MS. TYSON:

Exactly, the hanging chads and all that.

CHAIRMAN D'AMARO:

Yeah.

MS. TYSON:

It actually spits it back to you and says you've undervoted, you haven't voted •• either you voted correctly •• the voter actually •• before it gets to that point of the recount, the machine does not have •• let it come in with that problem. It will spit it back at you, you go back and make your correction. It will say you undervoted. You might not want to vote for

everyone, but it will tell you that. If there was a problem with that, it will spit it out and you will be able to redo it.

CHAIRMAN D'AMARO:

Well ••

MS. TYSON:

And they give you another card.

CHAIRMAN D'AMARO:

I don't want to use a lot of time here. But, you know, someone could choose not to vote in a particular race. Would it be spit out in that circumstance ••

MS. TYSON:

It would just be ••

CHAIRMAN D'AMARO:

•• if there's no mark?

MS. TYSON:

It would call •• be an undervote and then it would notify you of that, and you could say, "That's fine, that's how I intended it to be."

CHAIRMAN D'AMARO:

I see. So this has been thought through also.

MS. TYSON:

Yes. I mean, this is the system that schools use to grade our tests all the time.

CHAIRMAN D'AMARO:

Right.

MS. TYSON:

You know, the big challenge of the system is to be able to have a full•faced

ballot, especially because we have so many people being elected, you know, for •• on each election ballot. But that challenge has been met and the full •faced ballot has been created for this, and they actually used it, I believe, in an election in Brooklyn last year, or maybe the year before.

CHAIRMAN D'AMARO:

I see. All right. Thank you for answering my question. Legislator Mystal also had a question.

LEG. MYSTAL:

Miss Tyson, good morning.

MS. TYSON:

Good morning.

LEG. MYSTAL:

This is more a statement than question. The problem, you know, I'm having right now is that we are a Legislature. There are two things in play right now. One, we have hired people at the Board of Elections to conduct our election. That's their job, that's what they have to do. And as per me, if I'm going to listen to anybody, I'm going to listen to you, I'm going to listen to, you know, anybody from •• you know, from the League of Voters, I'm going to listen to anybody that wants to speak. But the main person to me who's going to be 50% of my decision is going to be the people from BOE for two reasons. A, they have to work with it; B, they are supposed to be the expert. Okay? That's part of number one that I have with this whole thing here.

Number two thing, I have a lot of people here from the optical scanners. I don't see anybody from DRE. Now, I don't know if this is because nobody from DRE is supporting DRE's here. I would like, as a Legislator, I would like to listen to both sides, because, believe it or not, this decision is not going to be that easily done, because we're going to have to have presentations from both vendors in this Legislature at this table whenever we make that decision.

Number two, the Board of Elections, the people we hire to conduct our

election, remember we are political people and we are very, very sensitive to whom count our votes, so we are going to listen to the Board of Elections to what they want to do.

Now, I don't have any •• I'm not coming in with a preconceived idea as to what system we should use, because, frankly, nobody around this horseshoe has seen any of it. All we are hearing is from you guys saying this is the way it's supposed to work, this is the way it's supposed to do. I haven't seen one yet. And we are supposed to dole out the money as a pass •through, but we are supposed to dole it out. What I would like to do is to sit there •• sit there and have them do the presentation, let me see both of them, have the BOE make their declaration as to which one they think will be best, because believe it or not, Miss Tyson, they've been doing this a longer time than you have.

MS. TYSON:

Yes.

LEG. MYSTAL:

They have a lot more experience than you doing it. So I'm not trying to shut anybody out, but my decision will be a lot •• will depend a lot on what they say.

MS. TYSON:

Well, I'll tell you the truth, I agree with a lot of what you said. We love the idea of making it where you guys hear it from both sides and you really research it and you look into it and you do the very best thing. We believe, when you look at everything, you're going to come out with optical scanners. We want you to go through that process. Right now, that process is not definite that that's going to happen. I mean, the way it's read, it really does not have to come to this body, both sides don't have to come, and so that's what we do want.

Now the other thing is we did have a public hearing in Nassau and the DRE companies did come and present. So it would be wonderful for you to have a public hearing, have them come and present. There was not one supporter for DRE's from the citizens, and everyone else was optical

scanners. Please have the hearing here, and we would love to come and testify and go through this will all Legislators.

LEG. MYSTAL:

I don't have any problem with it. You know, first of all, I say to people in the audience, do you all know what a DRE is?

AUDIENCE MEMBER:

Yes.

AUDIENCE MEMBER:

No.

LEG. MYSTAL:

Because anybody who has seen the optical scanner, I think anybody can have an idea what an optical scanner •• could you define it? Do you know what it is?

MS. TYSON:

It's a direct recording equipment.

AUDIENCE MEMBER:

Direct Recording Electronic ••

MS. TYSON:

Excuse me?

AUDIENCE MEMBER:

Direct Recording Electronic Voting Machine.

MS. TYSON:

Right. And, basically, it's called •• it's ATM style. It's like an ATM machine.

LEG. MYSTAL:

Okay. Which is an acronym. I'm sure right now, if I were to take a poll around this room, I don't think anybody has ever seen one, or very few of you have seen one.

CHAIRMAN D'AMARO:

I saw a picture of one.

LEG. MYSTAL:

Huh?

CHAIRMAN D'AMARO:

I saw a picture of one.

LEG. MYSTAL:

Oh, the Chairman said he saw a picture of one. So, see, this is what's bugging me about this debate, is that we are talking about stuff that we have not seen, stuff that we have •• we don't know anything about, and we're going on and on and on as though we are expert at this. Please, give me a break, folks. We haven't made a decision yet. The State hasn't done anything. Let the State do what it has to do, then you all •• everybody can come back here and open the real debate. I think we're jumping the gun. We are being premature. We are making a lot to do about nothing, because we don't even know what this is going to do.

MS. TYSON:

But the process is, once the State does certify, then the local board of Election Commissioners get to decide right then and there what they want to do.

LEG. MYSTAL:

No, no.

MS. TYSON:

And the way it is is that they get to decide ••

LEG. MYSTAL:

Do you know how we work here? You've been around here?

MS. TYSON:

I have, but the way ••

LEG. MYSTAL:

We have 18 cardboards around here. Do you think that anything would be bought for all that money from this County without us getting our two cents in, the way we like to pander? Give me a break. Now, this bill that you're looking at to me is a pandering bill to you and anybody else around here. You know, let the process take its •• you know, take its course. I mean, we have 18 people here who have a stake in this. Do not believe that the Board of Elections is going to be able to buy anything without having Mr. Ed Romaine or Mr. •• you know, anybody here saying something about it. We're going to have •• we're going to have something to say about it. So I don't want you to feel that we're going to make some decision in some back room somewhere at the back of the Board of Elections in Yaphank between the two Commissioners and nobody else will know anything about it. Come on, we'll hang •• hang us out to dry out here, sits around here all the time. Come on, give us a break.

MS. TYSON:

Well, I think that's wonderful, and that's exactly why we came today. I mean, this resolution, of course we'd like it to pass, but we understand if it has to be tabled to have the discussion. We want the discussion, so we are prepared to support that.

LEG. MYSTAL:

You will have many more opportunities ••

MS. TYSON:

Thank you.

LEG. MYSTAL:

•• to discuss this thing with us, trust me.

CHAIRMAN D'AMARO:

Okay. Miss Tyson, thank you very much for helping us out, we appreciate it. All right. The next individual wishing to address the committee is a gentleman by the name of Joel Schechter. And Mr. Schechter is with the organization Democracy for Long Island.

MR. SCHECHTER:

Good morning. I also am supporting the optical scan machines. I do hope that, based on the last discussion, that the Board of Elections also holds public hearings, hearing from both sides about the machines.

What I do find is interesting is when we had a hearing in the Nassau County Legislature, the Legislators were telling us we were in the wrong place and that they had no control over which machine would be selected, so I find that comparison interesting. I'm glad that you believe you do have an input. I think that's very good.

LEG. MYSTAL:

We're not Nassau.

MR. SCHECHTER:

I agree.

LEG. MYSTAL:

We have a Presiding Officer; okay?

MR. SCHECHTER:

I agree. I believe that's very good. Now, I just found the comparison interesting. Now, I just want a couple of quick reminders here. I want to remind you the optical scan technology is the way we've been buying lottery tickets for years. We don't seem to have problems with the pencil being •• not filling in the circle enough or being outside the circle. We buy our lottery tickets. It's a very smooth process. The machines have been reliable, not in particularly great care in all kinds of stores. So I think we have a lot of history of confidence in that.

Now, why is no one ever seen a DRE? Because there has never been built a DRE that complies with the New York State Law. The New York State Law requires a full•faced ballot. No machine like that, that is a DRE, has ever been built. For the optical scanners, we have that capability, because it's just printing the ballot on a piece of paper.

So the vendors are going to come and tell you, if we get the contract, think that this is what it's going to look like. It's going to be new technology. You'll be the first buyer buying version one of the new technology; always a bad thing. You don't want to be buyer one. Okay?

Now, the other thing about getting used to confidence in the votes with computers with this more complex •• remember, when we have things like that with our bank records, with our investment records, but those institutions have huge auditing departments. They have totally separate security departments that 24/7 do nothing but live and breathe security, and they have outside auditors, and we get our statements at home to peruse at our leisure to verify the accuracy of what's going on. We don't have any of that with a DRE. Okay?

Now the other thing we're talking about is the paper trail. The examples I've seen of the paper trail, it's a strip of paper with a DRE, it would be a strip of paper a few inches wide. It will be in a •• behind a piece of glass, probably. It will be a different format than the ballot that the voter voted on on the DRE. So it's going to be a question, will the voter verify it? Will they be able to? Will there be confusion about what that paper printout is, aside from did it print out something different than the electronic vote that was recorded?

If there's a requirement to recount, there's no legal •• if we use a DRE, there's no legal precedent or legislation that defines what is the voter's vote. Is it what the machine recorded electronically, or is it that slip of paper? With the optical scanners, it's clear, the ballot that •• the paper ballot that the voter filled out is the ballot. Thank you.

CHAIRMAN D'AMARO:

Thank you, Mr. Schechter.

(Applause)

Okay. The next speakers have requested to address the committee this morning. The Commissioners of the Suffolk County Board of Elections are present and have filled out a card as well, and that would be

Ms. Anita Katz and Mr. Bob Garfinkle.

MS. KATZ:

Mr. Chairman, is it all right if we sit at the table ••

LEG. MYSTAL:

Yes.

CHAIRMAN D'AMARO:

Absolutely.

MS. KATZ:

And we can both speak at one time?

CHAIRMAN D'AMARO:

Yes. And, Commissioners, before you start, I would just like to, on behalf of the Committee, welcome the two of you here. Thank you for taking the time out of your schedules to come down and help us with this issue, we appreciate it. And, please, go ahead.

MS. KATZ:

Thank you, Mr. Chairman, for the invitation. We're here this morning to speak on Memorializing Resolution 2 that Legislator Cooper has put forward, and we are here to say that we have no official position for or against either the optical scanners or the DRE's.

We have passed out copies of the New York State draft of the rules and regulations that are under a 45•day public comment period. This is a 22•page document that New York State has put out with the new rules and regulations for any voting machines that will be certified by New York. As I said, a 22•page document. It is very detailed, it is very complicated, and speaks to all of the criteria that these machines must meet, going so far as to say that not only will people who are blind be able to vote independently, but people who are sufficiently handicapped that they need to use what the State refers to as a sip•and•puff straw to be able to vote on these machines without any help whatsoever. So, obviously, these are complicated issues

and complicated machines.

The New York State Board of Elections has directed, it is true, the local Legislator •• the local Commissioners to make the choice from a list of certified machines that the New York State Board of Elections is telling us they will have ready in early spring. So we have not been meeting with vendors, although many people call us and say, "We hear you're meeting with the vendors, you're not getting input from the public." Our position has been we are waiting for this certified list. We're not wasting the manufacturer's time, nor are we wasting the County employees' time. We are waiting to see which manufacturers the New York State Board of Elections puts on a certified list and then we will begin the due process that they need to be reviewed.

We're open to any questions, if Commissioner Garfinkle would like to speak to any of the other issues.

CHAIRMAN D'AMARO:

Yes. Before •• well, how about if •• Commissioner Garfinkle, if you'd like to make a brief statement first, please go ahead.

COMMISSIONER GARFINKLE:

I just want to reiterate a couple of things. Commissioner Katz and I very early on during the HAVA process realized that vendors are going to be introducing machines, using copies of machines that they have in other jurisdictions, and that ultimately, before any machine by law could be sold in New York State, it had to be certified by the New York State Board of Elections. Commissioner Katz and myself had agreed that not only do we have •• we don't have an official position, we don't even have an unofficial position, because we were not meeting with vendors until there were certified machines, because from the initial stages of their demonstrations to when they would ultimately be certified, there would be major modifications, not just tweakings, but major modifications. We did not want to feel prejudiced by seeing Machine A and saying, "Boy, that's good," and by the time certification comes, there may have been many better machines, or a machine that during the demonstration stage may not have been a very

good machine, but by the time of certification, may have been a wonderful machine. Our position is that it is really too early right now for us to make any kind of evaluation. We want to see what's certified.

The Suffolk County Board of elections has always worked very closely with our Legislature. The final decision by law is with the Commissioners. We've always worked with you from expansion through technology. You've been very courteous to us. We've made representations to you in the past as to what we would do •• as to what we would do and we've always lived up to them. We're in the forefront of technology. Our number one computer I.T. person gets invited down to Washington to deal with the Election Commissioners down there. We have a stellar reputation. We do not take for a moment anything •• anything that would jeopardize the confidence in the electorate in those election results. And we were going to continue doing that, but, at this point, we just think it's a little too premature to lock ourselves into any one position, and we'd just ask you to take that into consideration. Thank you.

CHAIRMAN D'AMARO:

Thank you. And there were a few questions from the Committee, starting with our Presiding Officer, Legislator Lindsay.

P.O. LINDSAY:

I want to go back in time to both of you to clarify some things in my mind. I believe it was three years ago, might have been two years ago, you came into a Capital Budget meeting and you were looking for us to appropriate 10 million dollars to buy new voting machines, and we were waiting for a decision by the State on to •• that they were going to certify one machine. I think that was the discussion. And here we are three ••

MS. KATZ:

I think it was always going to be a list.

P.O. LINDSAY:

Huh?

MS. KATZ:

I believe it was always going to be several machines.

P.O. LINDSAY:

Several machines? Okay. Then that could be my misunderstanding. But that had to be two or three years ago.

MS. KATZ:

At least. At least.

P.O. LINDSAY:

So here we are in this process still •• so the State's going to certify multiple machines.

MS. KATZ:

The State has told us that, depending upon which machines and which manufacturers apply and meet the criteria, they will pick several.

P.O. LINDSAY:

And will that mean multiple •• I mean, will they •• we're looking at two distinct different types of machinery here, the ballot •• the scanner with the ballot and the electronic machine. Will that mean that they will certify maybe both of those types in addition to different manufacturers of those types, or will the ••

MS. KATZ:

Unofficially, we have been told they will.

P.O. LINDSAY:

They will.

MS. KATZ:

That there will be both scanners and electronic machines on the certified list, we don't know for sure.

P.O. LINDSAY:

That just seems like a recipe for disaster to me, you know, that you're going

to have ••

MS. KATZ:

I understand your frustration, because many of the Legislators are new, but this is at least the fourth time perhaps that we have appeared and said, "Don't worry, any minute they're going to act in the State." And I certainly understand your frustration. Imagine how we feel, because people are turning to us and saying, "What's happening?"

P.O. LINDSAY:

What is the ••

MS. KATZ:

So I understand.

P.O. LINDSAY:

What is HAVA •• what is the time sequence there that we have to comply?

MS. KATZ:

Theoretically, it should be for this upcoming election, November of '06.

P.O. LINDSAY:

Okay.

MS. KATZ:

September and November.

P.O. LINDSAY:

So here we are three years later and we still don't have where we're going with it. So, if they certify a list of machinery tomorrow, how •• you know, we have to lay out the money before we get the money from the feds; is that right?

MS. KATZ:

I know that Fred Pollert has been notified in a letter from the New York State Board of Elections on the amount of the money that •• and everything is

theoretical, of course, if we're in HAVA compliance. The County should be getting approximately 14 million dollars, because we're about to put in our next Capital Budget just because of the timing. We've been in touch with both DPW and someone from Fred Pollert's Office, because we do have that 12 million dollar request when we were unsure as to whether or not we were going to get either 50% reimbursement, or now it looks like we may get 100% reimbursement. So there is a Capital Budget project out there which will probably •• we've been told to just leave in until we actually get final word from the State. But, at this point, we're looking at 100% reimbursement, if we're in compliance.

P.O. LINDSAY:

I'm confused. I don't remember that in the '06 Capital Budget.

MS. KATZ:

I think we made the request and, in the end, they decided not to put it in. The request has been in every year.

P.O. LINDSAY:

I'm not questioning the request. The request has been •• you know, the first I heard of it was three years ago. But, again, it didn't make the cut.

MS. KATZ:

It did not make the cut, because ••

P.O. LINDSAY:

We didn't know what we were buying.

MS. KATZ:

Exactly, and ••

P.O. LINDSAY:

We're still waiting for a decision from the State.

MS. KATZ:

Right.

COMMISSIONER GARFINKLE:

Well, the budget ••

P.O. LINDSAY:

You know, so it •• you can't put something in the Capital Budget unless •• unless you have an idea of what you're buying.

MS. KATZ:

Absolutely.

P.O. LINDSAY:

But my question is, so we have to buy this machinery this year?

COMMISSIONER GARFINKLE:

Right now, there is no certified machine in New York State.

P.O. LINDSAY:

I know that. The Justice Department has notified New York State they're •• that there's the strong likelihood of the •• actually, the impossibility to be in compliance and they've threatened a lawsuit. From what I understand, it's opened up negotiations with the intent, at least, or the belief that the federal government is looking to enter into a consent decree with New York State. What those •• that consent decree would be, what requirements will be placed upon New York State are unknown at this time. There's a possibility that there would be no agreement. I mean, it's just a theoretical possibility. It's highly unlikely. You're talking hundreds •• hundreds of millions of dollars in lost revenues to the State if they don't •• if they're not in HAVA compliance or if they're not entering into a consent decree. So I think the conventional wisdom is something will be worked out between the federal government and us and New York State.

CHAIRMAN D'AMARO:

But the point •• but the point there is what ••

P.O. LINDSAY:

Can I ask a question? Go ahead. You go ahead.

LEG. LINDSAY:

I'm not done, though ••

CHAIRMAN D'AMARO:

I'm sorry, go right ahead.

P.O. LINDSAY:

•• because I had some other questions, but ••

COMMISSIONER GARFINKLE:

So I'm just giving this background. So going back several years, as Commissioners, we put in budgetary requests in the Capital Budget in the event that we were required to buy machines. There was no reimbursement or insufficient reimbursement, just to alert the Legislature as a possibility, so that it wouldn't be sprung upon them or you.

P.O. LINDSAY:

I'm not •• I'm not denying that you put in a request, but ••

COMMISSIONER GARFINKLE:

But that's why it was put in.

P.O. LINDSAY:

But the request doesn't do us any good until we know what we're buying.

COMMISSIONER GARFINKLE:

And that's •• I agree with you.

P.O. LINDSAY:

The Capital Budget is a planning document. You can't just put in "X" number of dollars. It has to be for a specific item or specific project.

COMMISSIONER GARFINKLE:

Well, I think we had a •• we had a realistic assumption as to the range of costs, and we were never pushing for the actual money, it was done as a •• it was really done as a tool for the Legislature in their budget process that,

at some time during the year, it might become necessary under the law to get those kinds of revenues.

P.O. LINDSAY:

Yeah, but you're missing the point. The money wasn't put in the budget because we didn't have any specific recommendation. So what I'm saying to you is if this •• if the recommendations come down tomorrow, we will be expected to comply with those recommendations this year, which means that we're going to have to find the money from another project.

MS. KATZ:

Legislator Lindsay, if I might interrupt. If, theoretically, the list were to come out tomorrow, which is earlier than we expect, we have been notified by the State of New York, if they put out a list now, they would be in compliance, and there is at least 14 million dollars earmarked that is going to come to Suffolk from the HAVA money ••

P.O. LINDSAY:

Okay.

MS. KATZ:

•• to cover the cost of those machines.

P.O. LINDSAY:

So it isn't ••

MS. KATZ:

So we will not be coming into the next Ways and Means Committee and saying, "Write us a 12 million dollar check."

P.O. LINDSAY:

Okay. But •• so it's for direct purchase, it isn't a reimbursement?

COMMISSIONER GARFINKLE:

It's a pass-through.

MS. KATZ:

Right.

COMMISSIONER GARFINKLE:

It may come to Suffolk County to pay the vendor. I'm not sure about the procedure, but at the very most, it would be a pass-through to Suffolk County.

P.O. LINDSAY:

Okay. Well, that clarifies ••

MS. KATZ:

Right.

P.O. LINDSAY:

•• something for me, because I •• you know, I was a little bit perturbed about that.

MS. KATZ:

Of course.

P.O. LINDSAY:

And I'm sure we're all frustrated with the lack of action and direction that we're getting from State BOE. Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Thank you, Mr. Presiding Officer. We have a few other Legislators with questions. I just wanted to ask one very briefly myself. Just to kind of bring us back to the purpose of why we're here today, we're being asked to review a memorializing resolution from this body that would support State legislation that seems, when I read it through, seems to, you know, pick the optical scanner method over the other method, the DRE. But my question to you is can this entire process of certification and ultimately compliance with the federal law and requirements, and can that all take place without this State legislation ever being passed?

MS. KATZ:

Absolutely, because before the State legislation was even put in, the process

began. As I said, they have this public comment period that has been ongoing. They have their rules and regulations. Once they're enacted, they will be putting out a document where manufacturers can now say, "We meet the criteria, we would like to be considered as a certified machine." That will be ongoing if this legislation never existed.

CHAIRMAN D'AMARO:

All right. And if the legislation were passed, would it, in effect, take away the discretion of the County Commissions •• County Board of Elections to determine which machines ultimately to implement in that county?

MS. KATZ:

Yes. If the State, not this memorializing resolution, but if the State ••

CHAIRMAN D'AMARO:

If the State.

MS. KATZ:

•• and the Assembly and the Senate ••

CHAIRMAN D'AMARO:

Right.

MS. KATZ:

•• pass this bill and mandates that New York State goes with optical scanners, they would have to, if they met the criteria.

CHAIRMAN D'AMARO:

Now, are we right now, I guess, as Legislator Lindsay has pointed out, the Presiding Officer, are we in danger of losing federal funding due to this time line?

MS. KATZ:

The State is in danger of losing federal funding. We know it, they know it.

CHAIRMAN D'AMARO:

What is the last date for compliance?

MS. KATZ:

It's all •• in many ways it's theoretical, because it has to do with how long a manufacturer would take, who ••

CHAIRMAN D'AMARO:

Well under the federal law, though, what ••

MS. KATZ:

•• which manufacturer is chosen.

CHAIRMAN D'AMARO:

Where does the fed ••

MS. KATZ:

Well, it has to be for the November election, and then you would work back.

CHAIRMAN D'AMARO:

Is it the primary or the ••

MS. KATZ:

Well, it's September.

CHAIRMAN D'AMARO:

September.

MS. KATZ:

If there's a federal primary, right.

CHAIRMAN D'AMARO:

So the clock is ticking.

MS. KATZ:

And then you would work backwards.

CHAIRMAN D'AMARO:

Right.

MS. KATZ:

But, of course, depending upon which machine is chosen. And now that the State decided each County would pick their own, for instance, what if Suffolk County, Nassau, New York City and Westchester looks at the list and picks the same manufacturer?

CHAIRMAN D'AMARO:

Right.

MS. KATZ:

Well, that manufacturer is under the gun to produce whether it's scanners or electronic. Many, many machines in a short amount of time, and New York State Board of Elections understands that because it's taken so long, they have this problem just in terms of physically being able to produce machines, and that's why they're in consultation with the federal government.

CHAIRMAN D'AMARO:

Does the bill we're being asked to support through the memorializing resolution, does the State law address the timing issue? Is that one of the prime motivations behind this Assembly and Senate bill now, or is it more to do about a statewide standard and that ••

MS. KATZ:

Well, they can certainly speak for themselves. I'm sure that they would say that if the State passed this bill it would move up the process. But in reality it will not, because the State would still have to certify the machines.

CHAIRMAN D'AMARO:

So the ••

MS. KATZ:

That doesn't change.

CHAIRMAN D'AMARO:

So the issue, if this body decided to support the State legislation, and even if the State legislation were passed tomorrow, it doesn't necessarily mean that we would come into compliance or undo the risk of losing compliance with the HAVA law.

MS. KATZ:

No, because, briefly, the other piece of compliance that is not •• has not been covered, because it isn't relevant to this memorializing resolution, but HAVA says that New York State has to have a statewide data base of voters. For instance, we can look up any voter at the Suffolk County Board of Elections by going on our computer, but not in New York State. The State is so far behind in that process that it was supposed to be online and going this past January 1st. And they have just formed a committee to write an RFP to get a company to help us build a statewide data base.

CHAIRMAN D'AMARO:

All right. So ••

MS. KATZ:

So the truth is, even if we could pick a machine tomorrow, the issue of HAVA compliance is ongoing.

CHAIRMAN D'AMARO:

So just to get it clear in my own mind, then, support for the memorializing resolution, which, in effect, is support for the State legislation, in your opinion, is not something that would expedite compliance with the federal requirements under HAVA?

MS. KATZ:

No, because they still have that other component of compliance.

CHAIRMAN D'AMARO:

Thank you. Okay. A couple of other questions. First, I have Legislator Stern.

LEG. STERN:

Thank you, Mr. Chairman. Thank you, Commissioner Katz, Commissioner

Garfinkle for being here. Good to see you. Understanding that ultimately the decision-making authority or discretion lies with the •• with the Board of Elections, could you tell me, ultimately, when it's time to go through that certification process, do you have any idea what that process might look like, who's going to be involved? Will there be members of some board, of some decision-making commission who will help the Commissioners make that determination ultimately as to what technology you choose? Will there be some people from outside the Board of Elections as a part of that process? Do you see how that would go?

MS. KATZ:

Well, when the State certifies, they have their own criteria and we will get a list. Once each local county gets a list, then they can have input county by county, depending upon how they run it, from either the public, the elected officials or anyone else. It's really left up to the Commissioners.

And, as Legislator Lindsay was pointing out, this is •• Bob and I have been here for several years now on various parts of the issues, and we have always, although the Legislature cannot compel us legally to do anything in this regard, we have always gone along as best we can with the Legislature's wishes. For instance, when Legislator Dave Bishop put in his resolution, because he felt very strongly, and this was several years ago, that even on the electronic machines there should be a paper trail, we were, as Suffolk always is, we were ahead of everyone else in New York. The Legislature passed that bill, and we voluntarily complied. Commissioner Garfinkle and I said, "We understand how strongly you feel about it." As it happens, we agreed. And we are giving you our commitment that any machine we would pick would have, if it were electronic, would have a paper trail in the machine. Subsequently, New York State caught up with us. But I think we have a long history of working together on these issues, and, obviously, that would continue.

CHAIRMAN D'AMARO:

All right. Thank you. Legislator Mystal.

LEG. MYSTAL:

Thank you, Commissioner Katz. Thank you, Commissioner Garfinkle. Thank

you for being here. I have one question in my mind, going back to the previous discussion that we've had about optical scanners. Have they been able to resolve in the optical scanners blind people voting independently in optical scanners?

COMMISSIONER GARFINKLE:

They have certain pads that sight-impaired people can use. One of the comments and one of the things we would be evaluating is when you have a complicated ballot, a long ballot, to what degree are they still valid? There were commentaries in some trade publications that's very nonpartisan, like the Election •• I forget the name of the publication. It just came out, in fact, a few days ago that said, well, they had very good success for them in some small counties I think out in the west. The concern was and the evaluation was would they be •• would they be as good in a very big ballot such as we often have in New York State, or where you have multilingual ballots. So these are the things that we're going to be looking into. It is possible that it could be. The answer is it's possible, we just don't know at this point. It's been done in other jurisdictions. I don't •• it doesn't appear that they've been sued by people challenging the handicapped accessibility. So there's a presumption that it can be done, but it's one of the things we're going to have to look into.

LEG. MYSTAL:

Okay.

MS. KATZ:

Theoretically, no company could get on the certified list for the State if they don't meet the very stringent criteria, and that's really what we're waiting for.

LEG. MYSTAL:

Theoretically.

MS. KATZ:

Right.

CHAIRMAN D'AMARO:

All right. Next ••

LEG. MYSTAL:

I think that's the operative word right there, "theoretically".

CHAIRMAN D'AMARO:

Okay. Legislator Montano, please.

MR. MONTANO:

Actually •• good morning, Commissioner Garfinkle, Commissioner Katz. Actually, I think you just answered the question I had written here with respect to handicapped accessibility and compliance with ADA, and you say that's something that is being looked at. You're not quite sure how it's going to be implemented at this point, but it is one of the considerations. So what you're saying, I gather, is that whatever we do will, in fact, deal with that issue and make sure that we are in compliance; is that accurate?

MS. KATZ:

It's a HAVA requirement, it's not an option.

LEG. MONTANO:

Gotcha. Thank you.

CHAIRMAN D'AMARO:

All right. And Legislator Kennedy, please.

LEG. KENNEDY:

Thank you, Mr. Chair. Thank you, Commissioners, for being here. I guess this is my first opportunity to go ahead and hear about the issue in the depth we've had the opportunity to talk about it today. Obviously, it's something that, you know, poses a lot of concern across the board as far as selection and maintenance. We've talked, as a matter of fact, about the storage and the other requirements that are going to be necessary. It seems that any time a new technology is implemented or accepted, the tough decisions aren't over with just selecting the particular methodology, it's the implementation of that methodology that oftentimes poses as much of a challenge.

That being said, I continue to hear about the State Board of Elections certification process. You referenced the technological staff that you have there at the Board, and, as a matter of fact, I commend you. I know your website and your reporting, and everything like that, is light years ahead of many other counties, which brings me to what degree of reliance can you have on that technology or equipment that's presented to you as certified by the State. What is the certification saying? Is it saying that they've looked at these software that have contrasted between proprietary and off the shelf? Does it have the resiliency necessary? Has the equipment been real •time tested? Has there been •• can we rely or will it be incumbent on you to go ahead and externally verify what's being put forward?

[SUBSTITUTION OF STENOGRAPHER • ALISON MAHONEY]

COMMISSIONER KATZ:

I know that time is of the essence here. If you would like to review, and we would certainly be glad to come back at another time, but the draft document that we passed out lists all of the State requirements for hardware, for software, right, the one with the draft on it.

LEG. KENNEDY:

And it actually goes into the level of detail as far as what they will use for certification purposes?

COMMISSIONER KATZ:

It has vendor standards. It has a great deal of detail and ••

LEG. KENNEDY:

Good. I'll read it and then I'll pick the phone up to you and have the conversation.

MS. KATZ:

Yes. And, certainly, we'd be glad to either speak to you individually or at another meeting.

CHAIRMAN D'AMARO:

And I believe that flows from the federal legislation as well, the certification criteria, if I'm not mistaken.

LEG. KENNEDY:

Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Are there any other questions? Is there anyone else present who would like to address this particular issue? Sir, you're more than welcome to come up and have your three minutes.

MR. SNYDER:

Thank you. My name is Roger Snyder. I'm the Chairman of the Green Party in Suffolk County. I'll just be real brief. I'm not going to speak on the specific systems. My concern is that this Legislature exhibit a lot of oversight over the choice of the systems.

I don't feel that the Board of Elections is the •• this decision is too important to be left to just appointed Commissioners of the Board of Elections. As the Green Party and as third of the populous of New York State, we are not represented at the Board of Elections, and don't think that their track record is necessarily good on making such political decisions, which this will be. The importance of this decision is one in integrity, it's one of trust. We need a system that can be verifiable. And, clearly, as elected officials, you should understand that the government works on the trust of the people. If the people cannot trust that the decisions are made that brings them a voting system that they can trust, then the government derives no power.

What Legislator Stern spoke of I would think is a good idea, that the Board of Elections, if they're going to make the decision, set up an independent board to hear from •• recommendations from a wide variety of people from the Legislature, from the people, from people who are neither Democrats nor Republicans. All these people should have input on what the system should be. Having input would allow there to be trust in the system •• in the decision, and trust in what is chosen, and what you need is trust in what we're doing to elect our officials, because without your being elected with

trust from the people, the government cannot govern. Thank you.

[Applause]

CHAIRMAN D'AMARO:

Thank you, sir. I appreciate your comments. Okay. There's no one else who wishes to address the Committee on this particular issue. I would like to thank all the representatives here today of the League of Women Voters, as well as the Long Island Progressive Coalition, and all the other speakers, and certainly our Commissioners of the Board of Elections, Commissioner Katz and Commissioner Garfinkle. Thank you.

COMMISSIONER KATZ:

Thank you, Mr. Chairman. All right, the next individual requesting to address the committee this morning is Penny Wells•LaValle; please step up.

DIRECTOR WELLS•LAVALLE:

Good morning, Mr. Chairman. Good morning, Members of the Committee. Thank you for three minutes of your time this morning.

I am Suffolk County Real Property Tax Service Agency's Director. We •• as many of you know, you use our tax maps •• we prepare and maintain parcel data on over 585,000 parcels; we're required by law to prepare and maintain tax maps. Part of the law requires us to maintain the names of reputed owners and the history on that parcel back to at least five years. The •• I'm here to support, testify and support of Resolution IR 1053 which is a Local Law to facilitate the recording of deeds conveyed from the County to redeeming applicant owners.

The ultimate goal of this legislation is to promulgate a more efficient database of ownership in real property for those purposes of tax map maintenance, for ad valorem purposes, and also to eventually help the taxpayer. The impact of an unrecorded transfer in the County can best be visualized by just giving you a really succinct track of what happens once the County Treasurer takes or prepares a tax deed. From the tax deed it goes into Real Property for verification and we put that tax deed in the name of Suffolk County. If the property is redeemed, if the taxpayer comes in,

pays its taxes and all the ancillary costs, a resolution is created for the parcel whereby the Director of the Division of Real Estate executes and delivers a quick claim to the redeeming owner. Now, this quick claim deed is verified by Real Property and it goes •• the names of the owners are put in a pending file in our database. That pending file or that quick claim ownership is in our pending file until that document is recorded and receives a significant catalog number otherwise known as a liber and a page. This holding pattern affects the ownership search by any individual, government or private company or title company.

I've stated before that there's a •• we have approximately 700 of these unrecorded deeds on file in Real Property dating back to about 1980. They're held indefinitely until a document is recorded. Periodically my staff checks the County Clerk's system to see that the document has been recorded, it's extremely time consuming but I believe it's due diligence on our part.

In addition, if the redemption of the property is not completed for some reason, Real Property is not notified to remove it from the certification pending list that we have. In the likely event that the person who redeems that property, sells that property with a recorded deed out of the County, it causes the County to still be listed as the fee owner in our database, therefore causing another title problem between the County and the new owner. So this parcel is flagged, we have mechanisms where we _flag clouds on title and skips and title__. If a document continues to be unrecorded, the title issue perpetrates compounding the matter.

So in conclusion, adding a recording procedure, it's administration, or I believe it's administrative procedure to the redemption process will help make our Real Property database more efficient. Thank you.

CHAIRMAN D'AMARO:

Thank you, Ms. LaValle.

LEG. ROMAINE:

Two quick questions, if I may?

CHAIRMAN D'AMARO:

Yes, Legislator Romaine, please.

LEG. ROMAINE:

Thank you, Mr. Chairman. Ms. LaValle, Penny, how •• if this legislation passes, is it your intention to go back and record all of these deeds from 1980 forward? Will you do that, will you record every unrecorded deed that the County has transferred back to redeemers; will you record every single deed?

DIRECTOR WELLS • LAVALLE:

No, we watch •• as I've stated, we go back, Ed •• Legislator Romaine, sorry •• and check and see if that document is recorded. I think we have to move forward with a process, that's ••

LEG. ROMAINE:

So this would be from a date forward, then.

DIRECTOR WELLS • LAVALLE:

Date forward.

LEG. ROMAINE:

You would not go back •• so those 700 deeds that are still outstanding would still be outstanding.

DIRECTOR WELLS • LAVALLE:

They're in a holding patter until my staff, performing due diligence, goes in and finds the liber and page in the system.

LEG. ROMAINE:

So this legislation would not cure the problem for the 700 outstanding deeds.

DIRECTOR WELLS • LAVALLE:

When those documents are recorded, we clarify and change the ownership on those deeds when that happens.

LEG. ROMAINE:

My second question ••

DIRECTOR WELLS • LAVALLE:

Might you have a suggestion?

LEG. ROMAINE:

No.

DIRECTOR WELLS • LAVALLE:

Okay.

LEG. ROMAINE:

But my second question deals with how many property transfers do you think occur in Suffolk County where deeds are not filed in a timely fashion? What percentage of deeds where transactions take place from one property owner to another property owner would you guesstimate are not recorded in a timely fashion in Suffolk County?

DIRECTOR WELLS • LAVALLE:

Well, maybe I can •• I don't know the answer to that question, perhaps the Division of Real Estate can •• has some idea. But what •• perhaps more importantly is that I give you some scenarios. If that property remains, if the redeeming property owner does not record that property and the property remains in Suffolk County, they'll come in •• if you're the redeeming taxpayer, I'm a contractor, I do some work for you, you don't pay me, I want to put a lien on your property. I go into Real Property and we show the County as the ownership, the reputed owner, that presents a problem.

Also, we're responsible for providing, as I had stated, the ownership to the assessors and vicariously the tax receiver so that the tax bills can go out to the proper individual. If that redeeming owner does not bring that deed into •• unrecorded deed into the assessor's office, they're not aware of any changes; the tax bill goes to the County and starts that circle all over. The taxpayer says, "I didn't get a tax bill, so now I'm not making my tax

payment." So it continues. It's more to an administrative roll right now to move forward and to clean data to provide better ownership files.

LEG. ROMAINE:

Thank you.

DIRECTOR WELLS • LAVALLE:

Thank you.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. Legislator Montano please.

LEG. KENNEDY:

Lou? I'm sorry, Mr. Chair, I have a quick question.

CHAIRMAN D'AMARO:

Yeah, Legislator Kennedy, I had a list and ••

LEG. KENNEDY:

Sorry.

CHAIRMAN D'AMARO:

That's all right.

LEG. MONTANO:

I would generally yield but your questions are never quick.
Good morning. How are you?

DIRECTOR WELLS • LAVALLE:

Good morning.

LEG. MONTANO:

I just want to be clear I understand this; there are 700 quick claim deeds sitting in a box that were never recorded since 1980; is that what we're saying?

DIRECTOR WELLS • LAVALLE:

Approximately.

LEG. MONTANO:

Interesting.

LEG. ROMAINE:

They're not going to be even under this legislation.

LEG. MONTANO:

All right, I'll follow up on that. They're not going to be under this legislation and my question is why would they not be recorded?

DIRECTOR WELLS • LAVALLE:

Well, you would need a mechanism to •• you would •• in this legislation the redeeming property taxpayer authorizes the County to ••

LEG. MONTANO:

Prospectively.

DIRECTOR WELLS • LAVALLE:

Yeah. I don't think that •• I'm not an attorney.

LEG. MONTANO:

Well, I am, so go ahead.

DIRECTOR WELLS • LAVALLE:

•• but that we have the authority to just take those documents, send them down to the Clerk's Office and who would indeed pay for that recording fee.

LEG. MONTANO:

Right, I understand that. Okay.

DIRECTOR WELLS • LAVALLE:

So, you know, we're moving forward. We want to say here's an opportunity to help everyone. Because a lot of time those taxpayers who fall short of paying their taxes are vulnerable, they say, "I've redeemed my property,

why do I have to record it again? Because I was original owner." Even though the Division of Real Estate does an excellent job and saying, "You know, you should really record this, you know, a notice that you're owner."

LEG. MONTANO:

Penny, quick question though. Of the 17 •• 700, I'm assuming that at least the taxes are being paid on those properties irrespective of whether or not the quick claim deed has been recorded; am I accurate in that?

DIRECTOR WELLS • LAVALLE:

I can check. I would imagine at this point, since 1980 the proper address and ownership, because they've taken that deed into the assessor's office and say, "Hey, I've gotten my taxes."

LEG. MONTANO:

And one last point. Similar to the mechanics lien that you indicated, if somebody redeemed their property, didn't file the deed and then somehow ultimately at some point wound up on Social Services, don't we •• don't we file a lien against property that people have if they apply for Social Services?

DIRECTOR WELLS • LAVALLE:

If they ••

LEG. MONTANO:

If they apply for Social Services and they have real property, don't we generally put a lien against their property? If you would know that.

DIRECTOR WELLS • LAVALLE:

I'm not sure what the Social Services procedure is.

LEG. MONTANO:

I believe that's the case. Now, if the recipient •• if someone falls on hard times and they go into Social Services and there's no recorded deed, yet we provide the service, social services, how do, in fact, put a lien if there's no •• you follow what I'm saying? We're going in that same circle.

DIRECTOR WELLS • LAVALLE:

Right. Social Services may require that they have that quick claim deed before them for a reference.

LEG. MONTANO:

They should.

DIRECTOR WELLS • LAVALLE:

I don't know what their process is.

LEG. MONTANO:

And, you know, sometimes if it's not disclosed. But what I guess I'm getting at is the point that I'm surprised that we haven't been requiring that they record the deeds, and I think it is necessary that we record all the deeds in the future so we have proper records. Now, are we going to charge the person that's redeeming the property for the recording fees and things like that under this bill?

DIRECTOR WELLS • LAVALLE:

Yes, in the bill, that's right.

LEG. MONTANO:

Okay, thank you. John?

CHAIRMAN D'AMARO:

All right, Legislator Kennedy, please.

LEG. KENNEDY:

No thank you.

CHAIRMAN D'AMARO:

No? Okay, thank you very much. I appreciate your time.

DIRECTOR WELLS • LAVALLE:

Thank you.

CHAIRMAN D'AMARO:

Okay, the next request to address the committee is from Bill Jones •• Bill Jones, please step up •• who is also a former member of this body of the Legislature. Mr. Jones, welcome.

MR. JONES:

Good morning. Thank you very much, Mr. Chairman. Congratulations to all the newly elected Legislators and I wish you all the best for the rest of •• remaining of the year.

I can say certainly that one of the things that hasn't changed since I was here on the Legislature is that the Ways & Means Committee always takes a long, long time to get through its business, and that's primarily because a lot of the requests, just such as the election thing, the election discussion, you know, the devil is always in the details, and that's true with a lease as well.

And the other thing that I want to mention at the beginnings is that I'm also the former Deputy Commissioner of the Department of Social Services for five and a half years, so I am intimately involved. And that's what brings me here today because I have a particular interest in ensuring that the work space that the employees of the department go in to are ones that are going to be, you know, well done, adequate and also available for the future. And I'm very proud of my record at the department in that we built a 125,000 square foot building for Family & Children Services which is on Vets Highway. I was intimately involved in the Coram DSS Center and Health Center as well as the renovation of the Riverhead Center. And if you've ever been to any of those buildings, I don't know if any of the new members have had a chance yet, but I think that the proof is in the pudding, that the details that I required while doing a lease has helped to enable and ensure that the department and the County got the most for its money and also the best work space possible for its employees and the public that it served as well.

So I come here really with a lot of background and expertise in leases and I really am here to offer my services to the Legislature, especially the newer Legislators who may have not been through the lease process here in the County because it is a long and cumbersome process. In fact, the lease that

you have before you started approximately four years ago and now it's just become before you in '06. And the process starts out with a Space Allocation Request going from the department to the Department of Public Works and that's how we began the process as well.

I'm just going to sit hit some highlights of some issues because I know my time is limited. The first issue is the lack of exhibits for this lease. I have a copy that was gotten at the Legislature after the lease was submitted. You cannot possibly evaluate the responsibilities of the landlord without it and all exhibits should be included along with the proposed build•out. In here there's a charge of \$5 and something for the build•out of the building by the landlord. Without Exhibit A here, which tells specifically everything that that landlord is required to provide, you cannot really tell exactly what the County is getting. In addition, you have other exhibits in here that are mentioned such as the responsibilities of the custodial, a company that ends up cleaning the building, that is not present as well, so it's really important that that be present.

A couple of questions that I think would be wise to ask is was there an updated SAR from three years ago that matches the layout? For example, when we did the SAR originally, it was the intention of the department to move a standalone unit called the Case Management Unit into this new building in order to consolidate some activities; I don't know whether the 53,000 square feet includes the Case Management or whether it's strictly Public Assistance, Medicaid as well as some of the other •• HEAP unit is another •• ancillary units that are currently located at the Smithtown site. Does the 50,000 square feet total also include the methadone clinic that is a part of this space as well; that's not clear within •• in this particular lease.

The department's original request was for 43,000 square feet plus the ability to expand by 10,000 square feet. Assuming that you subtract the methadone clinic and maybe some other units that are going to be in here, you end up with DSS having approximately 43,000 square feet, however no room for expansion. One of the major units that's going to be occupying this particular building is the Medicaid Unit and I am here to tell you, and I don't think it comes as any surprise, one of the units that's clearly going to

grow over the next 20 years is the Medicaid Unit as it has continued to grow, both while I was there and to this date. If the number of people that are included, which I can't tell because I had no plans available to see exactly how many people would fit into this building ultimately, I can't tell whether or not the size is adequate so I can't really make a recommendation with regard to that for you. And again, with no site plan included, you can't tell what the parking lot layout is like. And so therefore, I would request that you seek and ask for all of those exhibits.

The lease overall looks okay to me. I mean, the dollars seem in line, etcetera, etcetera. I have specific items here •• I know my time is running out. I have specific issues right here that I could outline within the lease that is presented. There is a holdover clause that speaks to 200% of the lease if the County remains in the building at the end of lease. I think that I would certainly question that along with a few other things, but I realize my time is running out. But I would be happy at any time to really offer any other insights that I might be able to ensure that the lease •• you're about to spend close to \$40 million over 20 years on this lease. And while it seems at times that a construction project in DPW for four million gets more attention sometimes than leases, I remind you that the County is still spending a tremendous amount of money on this project and I really hope that as in the other buildings, and I hope some of you have seen them, in the other buildings that we have built for our employees. And if you knew what the deplorable conditions were like that they were in ••

CHAIRMAN D'AMARO:

All right. Mr. Jones, if you could conclude I would appreciate that.

MR. JONES:

Okay. But I also understand, Mr. Chairman, that the conditions that the employees are in right now on Motor Parkway are as well deplorable, but they have been there that way for probably at least ten years.

CHAIRMAN D'AMARO:

All right. Thank you very much. Legislator Kennedy had a question.

LEG. KENNEDY:

Thank you, Mr. Chair. As a matter of fact, this building lies in my district and I know that there are several folks who are here to go ahead and speak about this issue.

I have tried to go ahead and get information on the build•out with this building from various departments and I know DPW is here as well. But ex•Legislator, ex•Deputy Commissioner Jones I think has some information that might be relevant and pertinent here. In your experience, when you took care of some of the other building projects on behalf of DPW, did you have anything that was comparable to this as far as size and what was your experience when it came to build•out?

MR. JONES:

Yeah. Well, we built, again, 125,000 square feet which is twice as big as this building on Veterans Highway, the Family and Children Services Building, a four•story, brick office building which is •• when you go into it, if you haven't been there, I think you're going to be amazed. After it was finished people said it was the finest government building in all Suffolk County; I believe that, I don't think that's hyperbole. The new Coram Center is •• and health center is 40,000 square feet, 20,000 for DSS and approximately 20,000 for the Health Department.

And I might add, by the way, that there is room for expansion. One of the things that we required was to find a site that allowed expansion, and that particular site allows up to 10,000 square feet of expansion. So over the next 20 years of this lease, should it be necessary, if the Health Department decides that they want to place some additional services for the people that they serve or we want to do additional services for the people that we serve, there is space on that property to add on up to 10,000 square feet and continue operations.

I might add as a perfect example of what happens in the past is that the Health side was built and apparently there wasn't enough room for the Public Health Nurses, and I know that there was a long discussion about that, I don't know where the Public Health Nurses ended up, whether they're in the Coram Health Center or not, but I can tell you that part of the problem that I see is that what happens is we build too small and from the day that we move in the building is too small because we haven't allocated

enough space for the existing conditions and, you know, two months afterwards we're already looking for additional space. So I encourage the committee to seriously consider the size of the building and the layout and to take some time with just going over these important issues, because I can tell you, again, Medicaid is a primary tenant in this new building and Medicaid, the program and the number of people that it's going to take to administer, are going to continue to grow.

LEG. KENNEDY:

Again, your comments I think are pertinent and cogent and they resonate with us from a planning perspective and it's valuable to have some of your insight and input here. But I guess I'll go back to, if I can •• and it is the same question I'm going to be asking some of the other folks in the audience here •• in your opinion or in your experience, \$5.40 a square foot over 54,000 square feet translates to \$6 million over a 20 year time period. I've been in County government for 20 years and I don't think I ever saw a building that had \$6 million worth of improvements or what have you with it. So my question to you is just in your experience, when you took something that was basically a skin, just steel and shell, and had to have it outfitted interiorly for whatever department specs were, did that kind of fall in the neighborhood of what your experiences were?

MR. JONES:

Yes, it did, Legislator Kennedy.

LEG. KENNEDY:

There you go. Okay, good. Thank you.

LEG. ROMAINE:

Mr. Acting Chairman?

ACTING CHAIR MYSTAL:

Legislator Romaine?

LEG. ROMAINE:

Yeah, I know we're short for time so just a very quick comment. Having been a long time employee of this County, I would simply say the best thing

that this Legislature could do is formulate a committee to investigate the working conditions and the conditions of all buildings that County employees work under and report back to this Legislature within a fixed period of time.

There are many buildings that have substandard situations; I worked in one of them for 16 years. And we ask our employees day in and day out to work under these conditions and we're a government, we're held to •• or should be held to a higher standard certainly than the private sector and it's something that this Legislature should be aware of. I'm sure AME has anecdotal information from all their members about the various buildings and their conditions in this County and I think we would behoove ourselves to appoint an independent commission to look at the conditions, the space allocations, the physical conditions. I mean, I would have vents like that vent that was never cleaned, would be dirty, when I would complain they would come and paint it over; I mean •• and that was for 16 years.

So I've got to tell you, we really should take a look at this, the conditions, what we're asking our workers to work under. That would probably be the best thing that we could do for the workers of Suffolk County this year. Thank you.

MR. JONES:

Mr. Chairman, may I make a comment with respect to that?

CHAIRMAN D'AMARO:

If you can keep it to 30 seconds or less, I'd appreciate it. We have a very long agenda and an executive session coming and we're very much behind schedule.

MR. JONES:

Okay. I have the luxury of not being a Legislator anymore, nor an employee of the County, so therefore I can say while Legislator Romaine's idea is a great one and it sorely needs to be done, part of the problem is the lack of staffing at DPW that creates this problem. What the County requires the Department of Public Works to do in terms of capital projects throughout the entire County is really substantial. And while it has always been my experience while working with them that they were, like many departments,

always shorthanded, so any commission that would put together and would require the department to go out and seek that kind of information about all of the buildings in the County could •• you know, I would take that into consideration as well. But it's a great idea because certainly our employees in some instances are, you know, not working in adequate work spaces.

CHAIRMAN D'AMARO:

Okay, thank you. Thank you very much for your testimony.

MR. JONES:

Thank you.

CHAIRMAN D'AMARO:

The next card is offered by Diane Terzulli.

UNKNOWN AUDIENCE MEMBER:

She had to leave.

CHAIRMAN D'AMARO:

I'm sorry?

UNKNOWN AUDIENCE MEMBER:

She had to leave.

CHAIRMAN D'AMARO:

She had to leave? Okay, we'll skip to the next. The next card has been submitted by Sandy Sullivan from AME.

MS. FELICE:

Legislator D'Amaro, my name is Cheryl Felice, I'm President of AME and Sandy submitted the card on behalf of AME. I have a card in as well, so I will just take her card.

CHAIRMAN D'AMARO:

You were next, so.

MS. FELICE:

Okay, great.

CHAIRMAN D'AMARO:

Welcome.

MS. FELICE:

Great. And I would also ask, considering the Health and Human Services Committee running behind schedule because of the necessary length of AME's presentation, Legislator Mystal be considered to be taken out of order since we did invite case workers to spend their lunch hour with us as well as a portion of their day on their own time in order to deliver to you the impact of the problems that are happening over at CPS right now. I would ask that request that we take my presentation out of order at your committee so that those workers who are gathering here right now can get back to work protecting the children of Suffolk County.

LEG. MYSTAL:

A quick answer for you. Don't think I can take you out of order, I can put you right after the Commissioner, because the Commissioner is going to come in to do a presentation. Right after Commissioner DeMarzo's presentation, you would be.

MS. FELICE:

Whatever your pleasure is, but just keep in mind that we did ask the workers to join us today, and a number of them are with us. We did have a couple of workers from 1140 Motor Parkway with us today who also had to get back to work. But I'm here to speak in favor of Resolution No. 1122, authorizing the lease of premises located at 200 Wireless Boulevard in Hauppauge, and this is to replace a DSS center located in CI right now at 1140 Motor Parkway. 11 Motor Parkway is probably one of the worst buildings in Suffolk County. We have nearly 300 workers over there that have administer to 80 clients a day. We originally needed up to 300 parking spaces, were giving 200, we're giving another 30, and our members at risk through their health and safety are forced to park on Motor Parkway, are forced to park in makeshift parking spots, and that parking lot nothing but a disaster. It is complete risk to their health and safety. The building is a sick

building syndrome as the Commissioner's report will attest to and something that we have witnessed over the years. So we strongly encourage you to support 1122.

I also •• I'm a bit disappointed in former Legislator Jones' appearance here to do and surprised that had he is not advocating for the workers since he did have a track record of enhancing the working conditions for the workers in the various building as he indicated. However, in his comments about the proposed site being too small, Mr. Jones was very much a part of redesigning the Riverhead Center at the Millbrook facility, and that lobby has already been cited by the Riverhead fire marshals and the Suffolk County fire marshals as being too small. So where he did have a hand in designing that building from start to finish, there were still problems with that building yet, because the needs are ever increasing in the DSS centers.

So we can plan and plan and plan, and still there will be some hitches that we will have to overcome, but they should be done nonetheless. This process, we're going to new facility from 1140 Motor Parkway, is in the works for four years now. And it's been months and years of work from various agencies in the County Attorney's Office, Real Property and DSS alone. That is imperative why we pass this resolution today and that it go to the full Legislature on the 7th. I have no more statements other than I urge your support of 1122 on behalf of the workers and the clients.

CHAIRMAN D'AMARO:

Very good. Thank you very much for your testimony.

LEG. ROMAINE:

May I ask a quick question.

CHAIRMAN D'AMARO:

Yes. Legislator Romaine had a question.

LEG. ROMAINE:

A quick question Cheryl. Do you have in AME headquarters list of, I would say, complaints or inquiries that you received from your members about substandard conditions in buildings that the County owns and lease that is

they work in?

MS. FELICE:

My Health and Safety Officer Jim McNaught is here with us today and has recently put a list together of a number of buildings that we are out looking at, and we can get whatever information that you want. We also suggested a number of years ago that the County put the office of the •• the Safety Officer under the Division of Labor Relations, because that is a condition of employment, and that's where that particular individual needs to be under the control of Labor Relations so that when we have deplorable conditions and conditions that you name that need to be cited, you can go directly to the County Executive Branch and the Office of Labor Relations to make sure that the enforcement of the various OSHA codes, the various PESH codes are taken into consideration and extended from that arm of government.

LEG. ROMAINE:

Could I ask you then to do two things? One, contact my office, and I will draft legislation to accomplish that my fellow Legislators could consider with myself on moving that safety officer.

MS. FELICE:

Sure.

LEG. ROMAINE:

And the second is I would ask the Chairman at some meeting in the future, maybe you May or June meeting or July meeting, whatever, would be convenient for you for to make a presentation on your findings that your investigation of the building codes violation and other safety hazards and sick building syndromes that might exist within spaces that the County leases or owns that the workers are working in. I think that would be a good presentation for us to hear about those conditions.

MS. FELICE:

I'll do one better. I will put together a slide show presentation of the picture we already have on file and the ones that well receive this week.

LEG. ROMAINE:

That would be extremely beneficial, I think, for the committee to at least be aware of some of the situations that exist in County owned or County leased buildings. I appreciate that. And if the Chairman would consider that at his leisure, I would appreciate that too. Thank you.

MS. FELICE:

You're welcome.

CHAIRMAN D'AMARO:

Okay. Ms. Felice, thank you very much.

MS. FELICE:

Thank you very much Legislator D'Amaro.

CHAIRMAN D'AMARO:

All right. The next card and the last card has been submitted by Howard Kipnes.

LEG. KENNEDY:

Kipnes.

CHAIRMAN D'AMARO:

Kipnes?

MR. KIPNES:

Yes.

CHAIRMAN D'AMARO:

Sir, thank you. Mr. Kipnes is here.

MR. KIPNES:

Thank you, Mr. Chairman. Howard Kipnes, K•i•p•n•e•s. I'm here today as a representative of the Hauppauge Industrial Association, a lifetime, longtime member of the board and also a company owner in the industrial park, regarding Resolution 1122.

As you may know or may not know, the Hauppauge Industrial Park is the

largest park on the East Coast with over 1600 companies and 55,000 employees. It is a major economic engine for Long Island. And the HIA is actively involved and invested in connectivity, traffic, sewage upgrades and related growth and economic welfare of the park. The park is comprised almost entirely of commercial and industrial businesses. We have some concerns and questions about this possible 20 year lease at 200 Wireless Boulevard for the Department of Social Services and Health Services to help establish a large 53,000 square foot client center and clinic for several reasons.

It is establishing a public service delivery facility such as the proposed center compatible within this commercial zone. Public service delivery states routinely have much a higher traffic flow than the commercial and industrial sites that we see within the park. At this time, we're already experiencing some tremendous traffic growth. In fact, the Town of Smithtown and Suffolk County are in the process of undertaking a traffic study for the area. Will the center create an unusually high increase in traffic? This needs to be studied before you move forward.

Public transportation, is the location easily accessible for patients arriving by public transportation? If you are not aware, Wireless Boulevard is not a main corridor. Public transportation to the secondary roads is very limited. The roads within the park have no sidewalk, no streetlight, no crosswalks. Will this create a dangerous situation for volumes of people who will be walking along the roads to gain access to the facility? Will the center be open evenings and weekends? Bus routes routinely do not service the park on these off hours as businesses and their major clients are closed. We also have concerns about emergency services. As an outpatient facility, will it be assumed that at times medical emergencies will occur that require patients to be transported to area hospitals? The industrial park is served by Central Islip•Hauppauge Volunteer Ambulance Cops, which is one of, if not the, busiest volunteer corps in the County. They currently are dealing with a tremendous burden of day time calls because of the huge daytime population within the park. Will establishing this facility place an undue increased burden on this organization?

The health and safety of the patients, the staff of the facility and the entire

community at large must be considered before moving this forward. We also seriously wonder if creating a facility which is out of the theme of the typical industrial commercial base would be a deterrent to attracting new companies. I am, therefore, requesting at this time that you table this resolution until further evaluation of the issues we have •• I have brought to you before are evaluated. Thank you.

CHAIRMAN D'AMARO:

Thank you, sir. Legislator Kennedy.

LEG. KENNEDY:

Mr. Kipnes, I want to thank you for coming out to go ahead and raise some of those concerns. Have you had any opportunity to go ahead and engage with any dialogue with the balance of the board as far as, you know, what the further concerns are that the HIA have?

MR. KIPNES:

Well, as you are aware, we just found this out in the eleventh hour. Several of the members of the board •• you know, we did discuss this, and that's what why I'm here today, because there was a consensus that in the very least this be tabled so we can gather more information to be brought back to you. And certainly as the information is brought to us, we will bring it to the board.

LEG. KENNEDY:

When do you anticipate that the board will be meeting?

MR. KIPNES:

We meet the last Tuesday of every month.

LEG. KENNEDY:

So it would be the end of February before you had an opportunity. Is there any opportunity where you might have an Executive Committee that could convene or a couple of members would have an opportunity to review or provide input even to my office?

MR. KIPNES:

Since I'm not on the Executive Committee at this time, I can't speak to their scheduled meetings, but certainly, I mean, the door is also open and if somewhat of an urgent need arose, we would certainly respond, you know, as best we could.

LEG. KENNEDY:

Okay. I'd ask you to explore that if you could, please, with your colleagues.

MR. KIPNES:

I'll report that back to the office.

CHAIRMAN D'AMARO:

Yes, Legislator Stern.

LEG. STERN:

Mr. Kipnes? Sorry to yank you back. You had said that there were studies that indicate that there might be a higher rate of traffic in the park that might result from this type of facility. Are you aware of any study

MR. KIPNES:

What I said was type of facility or even retail, okay, that traffic flow in and out of parking lots is much greater, all right, than typical industrial use where employees come in at 9:00, you know, leave at 5:00. I can speak very candidly. My office is located right across the street from Department of Probation, and the traffic flow and the pedestrian traffic in front of 395 Oser is exponentially larger than you would find in the rest of the streets in the park.

LEG. STERN:

And that's something that also I wanted to follow up on, because there's really several buildings within the park that are Social Services agencies in nature. Has that been the overall experience from other business owners elsewhere the park?

MR. KIPNES:

Again, being directly across from 395 Oser, it's not the traffic flow in and out, and that facility is not common or in line with other private businesses

on the street.

LEG. STERN:

Have there been any formal complaints or issues raised to the Hauppauge Industrial Association by business owners within the park about problems that they may be experiencing elsewhere?

MR. KIPNES:

Speaking from personal experience, because we've had some issues with people visiting the Department Probation, parking in my park lot. The people inside the facility have always been receptive to listening to us when problems arose, okay, in trying to manage it at best we could, but it does happen, and that's unique probably for that department. But, again, the concern is, and you can see it at night, people trying to get to the bus in the dark, there's no streetlights, there's no sidewalks for them to walk on. It's not typical with the scheme of the overall park.

LEG. STERN:

Thank you.

MR. KIPNES:

Okay.

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

CHAIRMAN D'AMARO:

All right. Thank you, sir. That concludes •• is there anyone else present who would like to address the committee at this time during our public portion? Okay. For the record, there's no response to that question, so I'd like to move on the agenda to the next •• to the next item on our agenda, which would be tabled resolutions.

TABLED RESOLUTIONS

And I'd like to call, then, the first resolution, which is ***Number 1017 concerning sale of County•owned real estate pursuant to Local Law 13•1976, Izydore Gottlieb and Anna Gottlieb, (his wife (SCTM No.***

0200 • 163.00 • 03.00 • 002.000). This is a resolution that was previously tabled and introduced by the County Executive. Is there any motion on this resolution?

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

To?

LEG. MYSTAL:

Motion to approve.

LEG. ROMAINE:

Second.

MR. MONTANO:

Is this an adjacent property?

CHAIRMAN D'AMARO:

This was tabled from •• remember, this is the 50 by 100, remember that?

MR. MONTANO:

Oh, it's 50 by 100?

CHAIRMAN D'AMARO:

Yeah.

MR. MONTANO:

Is that the one I have the appraisal on?

CHAIRMAN D'AMARO:

Right. All right. There's a motion on the floor made by Legislator Mystal to ••

LEG. MYSTAL:

Approve.

CHAIRMAN D'AMARO:

•• to approve the resolution, seconded by Legislator Romaine. On the motion?

MR. MONTANO:

A quick question, Mr. Chairman.

CHAIRMAN D'AMARO:

Yes, please.

MR. MONTANO:

I know we're running late, I'm not going to belabor this ••

LEG. MYSTAL:

Put your mike on.

CHAIRMAN D'AMARO:

Yeah, the mike.

MR. MONTANO:

I'm just trying to see if this is the one I have the appraisal for. The \$2,000 property?

MS. ZIELENSKI:

Yes.

LEG. MONTANO:

Okay. Just so I •• I'm not going to belabor this. I'm looking at the appraisal. The average lot in that area is two •• 40,000 square feet; am I correct? And the properties go from 300 to \$500,000. This parcel was 50 by 100?

MS. ZIELENSKI:

Yes.

LEG. MONTANO:

If you multiply the square footage here to get an average lot, what turns out is that an average lot, at the price we're selling, if we sold this as a lot, it would be 16,000 per lot; is that accurate, based on the square footage here of what we're selling this property?

MS. ZIELENSKI:

Based on the square footage, that may be the case. However, this is an undersized lot, not average lot. The lots on both sides ••

LEG. MONTANO:

It's 50 by 100. It's not an average lot for that area.

MS. ZIELENSKI:

No.

MR. MONTANO:

Okay.

MS. ZIELENSKI:

The lots on both sides of it are larger.

LEG. MONTANO:

We're really pressed for time. We'll take these issues at another meeting. I'm going to abstain on this, Lou. Go ahead, Mr. Chairman.

CHAIRMAN D'AMARO:

All right. Thank you. I just want to note for the record that I did receive on this resolution a memo authored by Wayne R. Thompson, the Auction Direct Sales Supervisor, pointing out the several reasons why this legislation should hopefully move today. Is there any other comment.

LEG. MONTANO:

I have that memo.

CHAIRMAN D'AMARO:

You have that memo.

LEG. MONTANO:

Yes, I do.

CHAIRMAN D'AMARO:

All right.

MR. MONTANO:

And I have the appraisal.

CHAIRMAN D'AMARO:

Okay. I just wanted to be sure. All right. There is a motion then on this resolution to approve, as I stated. All in favor? Any opposed? Any abstentions?

LEG. MONTANO:

Abstention.

CHAIRMAN D'AMARO:

One abstention for the record. The resolution passes. **(Vote: 5•0•1•0)**

Next is ***Resolution Number 1053 • Adopting a Local Law to facilitate the recording of deeds conveyed from the County to redeeming applicant or owners.***

LEG. MONTANO:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve. Is there a second?

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. All in favor?

LEG. KENNEDY:

Mr. Chair, on the motion.

CHAIRMAN D'AMARO:

Oh, I'm sorry. Go ahead, please, Legislator Kennedy.

LEG. KENNEDY:

And I'll make it real quick. As a matter of fact, I stated my concerns the last time this bill was tabled. Counsel and I have had an opportunity to go ahead and have some discussion. I've done some research, he's done some research. At the end of the day, I'm still of the opinion that this law imposes a burden beyond the authority that we as a County have, notwithstanding the outcome that the Director from Real Property has articulated, which is a positive one. However, I think that it is again an indication of us imposing an additional requirement beyond what we have the capacity to actually go ahead and do. Some of the other issues that she's raised, also, there are alternative remedies, and she and I have had discussions about this as well as far as attempting to correspond. Also, furnishing the information to the Assessors, vis•a•vis the Real Property RP52•17's that are executed at the time that the deed is done. I do not see this as something that's in our capacity or something that resonates as a positive step for us. That notwithstanding, I'll oppose the measure.

CHAIRMAN D'AMARO:

All right. Anyone else on the motion? All in favor?

MR. MONTANO:

Aye.

CHAIRMAN D'AMARO:

Aye. Any opposed? Legislator Kennedy. Any abstentions?

LEG. ROMAINE:

No.

CHAIRMAN D'AMARO:

Oh, excuse me. Two opposed, four in favor. Resolution passes.
(Vote: 4•2•0•0; Opposed: Legs. Kennedy and Romaine)

CHAIRMAN D'AMARO:

Okay. Next is ***Resolution 1063 • Adopting a Local Law, a Charter Law to transfer the print shop from the County Department of Human Resources, Civil Service and Personnel to County Department of Public Works***, introduced by the County Executive. Is there a motion?

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve. Is there a second?

LEG. STERN:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Stern. On the motion? All in favor? Any opposed? Abstentions? Resolution is approved. **(Vote: 6•0•0•0)**

Next is ***1064 • Adopting a Local Law, a Charter Law creating a County Department of Information Technology***, introduced again by the County Executive.

MR. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano, I'll second the motion. On the motion, any comment? Legislator Romaine?

LEG. ROMAINE:

Yes. Just some very quick comments that I've outlined in writing in the past. I'm a cosponsor on this resolution with the County Executive. I believe we need a Department of Information Technology, but I've clearly

stated in the past that I hope this is more than new wine •• I mean, old wine in new bottles, in the sense that putting people together doesn't make a department, other things make a department.

And I would hope, and I know we're short on time now, so I would ask the Chairman to invite the new Head of our Information Technology Department back to have some discussion in the future, and I'll name the issues that I have a concern with. We do not have enough network bandwidth in this County. It's far too small currently to move digital images across, and it's not even efficient enough to run a telephone system.

The second concern I have is we need to upgrade the County network to allow the general public a single point of access to all forms data, information requests, etcetera. It's important that we have a single point of access also for interdepartmental information, and we don't have that now and that's so critical.

The other thing is the current IT structure of this County, and everyone should know this around this horseshoe, is controlled and managed by Verizon and other vendors. This is not a good thing. The County should control and manage its own infrastructure and not depend on outside vendors.

Finally •• well, not finally, but there's a whole list of things, but this County has tremendous dependence currently on an outdated main frame architecture and Legacy computer systems that just don't work in the modern world that we live in today. I've urged that we retire these systems and integrate our data on an enterprise level to provide a single point of access to allow for synergies in redundant data. This is an issue that even as County Clerk I put capital project after capital project forward on.

And I just hope, lastly, that we staff this. And someone just came to me with information that the County •• I won't say County Executive, because I don't want to lay it on his doorstep, but the current administration has discouraged Capital Program investments from this new department from going forward this year and next year. And I don't know that that's true or not, but I'd like to have an opportunity to probe that information at a later

date.

These are concerns I have and they go to the heart of the matter of information technology in this County. I support the County Executive's call for a department, but only if it's going to be meaningful, and only if we're going to get the progress that we so desperately need. We are so far behind other counties of our size. Thank you, Mr. Chairman.

CHAIRMAN D'AMARO:

Thank you, Legislator Romaine. Legislator Mystal.

LEG. MYSTAL:

Legislator Romaine, I fully agree with you, and then you will like to ask that the County implement a lot of stuff. As a conservative Republican, I would like for you to do one thing for me. Put a price tag on all those things you are asking for. I want the taxpayers to know how much money we would have to spend to implement all these programs, because I know we have program for the Information Technology, program for the Health Department, program for DSS, program for •• you know, different program. When you ask this question, I would like for you also to ask for whoever you're asking the information about to put a price tag on how much money and how much taxes we will have to raise to implement this program. And if you think we can find other ways to fund them, where we will cut •• how many employees we will cut or other programs we will cut to fund them. That's what I would ask.

LEG. ROMAINE:

A quick response. Quick response to this, and I've seen it in my office, and most people who dealt with the County Clerk's Office has seen it, you have an initial capital cost. Those are long•term costs. What you begin to see when you implement, and I'm sure Sharon can speak to this even greater than I can, when you implement information technology changes, you see a tremendous increase in productivity and a long•term reduction in costs of that factor. So, yes, I'm absolutely interested to see an expert come along, independent and nonpartisan, from outside this County to do an evaluation of our systems and talk about what the cost would be to bring us up to the standard that most large counties in this nation have, and the productivity

savings involved, and the benefit to the general public and the general operation of government. I am very interested in seeing that issue, and I would be happy to support any independent study, because this is a large expenditure. And we have a debate that we want to have on this. Where do we want to be in five, ten, fifteen and twenty years from now?

LEG. MYSTAL:

You said briefly.

LEG. ROMAINE:

That's it. That's the end of it.

MR. ZWIRN:

In the Ways and Means Committee, right here.

LEG. MYSTAL:

Okay, Ways and •• okay, go ahead.

CHAIRMAN D'AMARO:

You know, it just seems to me that the reason why we're going through this entire process is to meet those stated goals that Legislator Romaine is, in fact, reminding of us here today and that's why I fully support and intend to •• I fully support and intend to vote for this particular resolution. Mr. Zwirn, did you want to add something?

MR. ZWIRN:

No. My only comment is if Legislator Romaine wasn't a cosponsor, can we imagine?

LEG. KENNEDY:

Mr. Chair, I just want to add one other ••

CHAIRMAN D'AMARO:

Legislator Kennedy.

LEG. KENNEDY:

•• item here, too, as far as a request from our new Director. Similar to the

County Clerk and even before that time, I've dealt with the state of technology here in the County or the lack thereof. And most recently I had an opportunity to just work on something that was a relatively small project, but I think kind of lays out the dire need for some overall plan to be put in place, and that was paperless PCR. Actually, people from the Health Department, the good input from the County Exec's Office, as far as support, all of the players who know how to do the service were brought together and collaborated. The questions went to the technology and none of us have the knowledge necessary to make the good decisions in order to get good technology. Unfortunately, throughout this County it has gone on and on and on that there has been decision by default. So while we have a Steering Committee that vets projects that are brought forward, my thinking is, is that it's more important to proactively set a format throughout the County as far as operating systems, vis•a•vis _UNIX_ or NT, as far as protocol into departments, and a unified IT entity that provides the technological consulting, so that any department, be it Clerk, Probation or elsewhere, can do the job we set out to do.

CHAIRMAN D'AMARO:

All right. Thank you, Legislator Kennedy. There is a motion pending on the floor. If there's no other comment, all in favor? Any opposed? Abstentions? And the resolution is approved.

INTRODUCTORY RESOLUTIONS

Okay. Moving on to the next item in the agenda is the Introductory Resolutions. We'll start with Number 1068, which is a Charter Law creating a County Department of Environment and Energy. I'd just note for the Committee's information, there is a corrected copy of this resolution and that is dated January 30th, 2006. Please make sure you have that corrected copy. Is there a motion on this resolution?

LEG. MONTANO:

Motion to table. There's hearing on that first.

CHAIRMAN D'AMARO:

Yes. Motion by Legislator Montano to table for public hearing, I'll second the

motion. On the motion? All in favor? Any opposed? Abstentions? And that motion carries and the resolutions is tabled.

MR. MONTANO:

For public hearing.

CHAIRMAN D'AMARO:

For public hearing, right. **(Tabled for Public Hearing • Vote: 6•0•0•0)**
for public hearing right.

Next on the calendar is ***Number 1069 • A Charter Law to create a consolidated Department of Audit and Financial Management,*** introduced at the request of the County Executive. This also requires a public hearing. I'll offer a motion to table in contemplation of the public hearing. Is there a second?

LEG. MYSTAL:

Second.

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. All in favor? Opposed? Abstentions? And that resolution •• that motion carries and the resolution is tabled. **(Tabled for Public Hearing • Vote: 6•0•0•0)**

Next is ***Number 1070 • Adopting a Local Law, a Charter Law to promote honest budgeting and efficient operation of government,*** introduced at the request of Legislator Romaine. Is there a motion?

LEG. ROMAINE:

Motion to approve.

LEG. MYSTAL:

Table?

MR. NOLAN:

It has to be tabled.

LEG. MYSTAL:

It has to be tabled.

LEG. ROMAINE:

Sorry.

CHAIRMAN D'AMARO:

I'm sorry. Vice•Chair Mystal offers a motion to table.

MR. MONTANO:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Montano. On the motion? All in favor? Any opposed? Abstentions? Resolution is tabled. **(Tabled for Public Hearing • Vote: 6•0•0•0)**

Next is Number 1088 • Authorizing the issuance of a certificate of abandonment of the interest of the County of Suffolk in property designated as Town of Riverhead Suffolk County Tax Map No. 0600 • 148.00•02.00•005.001 k/n/a 009.001, pursuant to Section 40•D of the Suffolk County Tax Act, introduced at the request of the County Executive. Is there a motion on this resolution?

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal, I'll second.

LEG. MONTANO:

Explanation.

LEG. MYSTAL:

Explanation.

CHAIRMAN D'AMARO:

Explanation, Ms. Zielenski.

MS. ZIELENSKI:

Yes. This was a request •• is my mike on?

CHAIRMAN D'AMARO:

Was this where there was parkland and then it was taken by tax deed subsequent to the condemnation?

MS. ZIELENSKI:

Yes, sir.

CHAIRMAN D'AMARO:

Yeah. This is really a correction just to undue the subsequent action or take ••

MS. ZIELENSKI:

Yes. It was requested by the Treasurer.

CHAIRMAN D'AMARO:

All right. All in favor of the motion? Any opposed? Abstentions?

MS. BURKHARDT:

On the Consent Calendar.

CHAIRMAN D'AMARO:

And the motion is to place on the Consent Calendar. Thank you. All right. So that is approved and to be placed on the Consent Calendar. **(Vote: 6•0•0•0)**

Next is ***Number 1099 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Raymond Rudden (0500•246.00•02.00•030.000).***

Motion?

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve, I'll second, and to place on the Consent Calendar as well. On the motion? Legislator Montano?

LEG. MONTANO:

Yes. What is this again?

MS. ZIELENSKI:

This is an as-of-right redemption.

LEG. MONTANO:

Okay.

CHAIRMAN D'AMARO:

Okay. All in favor? Any opposed? Abstentions? Motion carries. Resolution is approved and placed on the Consent Calendar. **(Vote: 6•0•0•0)**

Next is ***Number 1100 • Authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Raymond J. Rudden (0500•246.00•02.00•030.000).***

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano, I'll second. On the motion? And to place on the Consent Calendar as well. All in favor, please say aye. Any opposed? Abstentions? And the motion carries and the resolution is placed on the Consent Calendar. **(Vote: 6•0•0•0)**

Next is ***Resolution Number 1101 • Authorizing the sale, pursuant to Local Law Section 16•1976, of real property acquired under Section***

46 of the Suffolk County Tax Act, Perween Syed and Nasim A Syed, as husband and wife (0200•153.00•06.00•019.000), introduced by the County Executive. I'll offer a motion to approve and place on the Consent Calendar.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Vice•Chair Mystal. On the motion? All in favor? Opposed? Abstentions? Motion carries. **(Vote: 6•0•0•0)**

Resolution 1102 is next on the agenda, authorizing the sale, pursuant to Local Law 16•1976, of real property acquired under Section 46 of the Suffolk County Tax Act Edward Vaughan, Jr. (0200•206.00•03.00•006.002), introduced by the County Executive. I'll offer a motion to approve and place on the Consent Calendar.

LEG. MYSTAL:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Mystal. On the motion, all in favor? Opposed? Abstentions? Motion carries. Resolution is on the Consent Calendar. **(Vote: 6•0•0•0)**

Next is **1103 • Sale of County•owned real estate, pursuant to Local Law 13•1976 John A. Malinowski, Jr. and Natividad ••**

LEG. MYSTAL:

Natividad.

CHAIRMAN D'AMARO:

Natividad, thank you, Legislator Mystal, **Malinowski, his wife (SCTM No. 0900•151.00•02.00•040.000), his wife.** And this is offered again by the County Executive. Is there a motion?

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to approve, I'll second. On the motion?

LEG. MONTANO:

Quick question.

CHAIRMAN D'AMARO:

Legislator Montano.

MR. MONTANO:

What's the size of the plot?

MS. ZIELENSKI:

It's an irregular piece that's 35x198x33x187.

MR. MONTANO:

Okay.

CHAIRMAN D'AMARO:

Any other questions? Okay. On the motion, all favor? Any opposed? Abstentions?

LEG. MONTANO:

Abstention.

CHAIRMAN D'AMARO:

Legislator Montano abstains. The motion carries, and the resolution will be placed on the Consent Calendar. **(Vote: 5•0•1•0)**

Next on the agenda is **1114 • Adopting a Local Law to authorize County registry for domestic partners**). Needs to be tabled for resolution •• for public hearing, rather, excuse me. I will offer a motion to table ••

LEG. MYSTAL:

Second.

LEG. D'AMARO:

•• pending public hearing, seconded by Vice•Chair Mystal. All in favor? Any opposed? Abstentions? And that motion carries. **(Tabled for Public Hearing • Vote: 6•0•0•0)**

Next is ***Resolution 1116 • Sale of County•owned real estate, pursuant to Section 72•h of the General Municipal Law (Town of Riverhead) (SCTM No. 0600•084.00•01.00•002.068)***, introduced by the County Executive. Is there a motion?

LEG. MYSTAL:

Motion.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal, seconded by Legislator Montano. On the motion? All in favor? Opposed? Abstentions? And that was also a motion to place on the Consent Calendar. **(Vote: 6•0•0•0)**

*Okay, the next is **Resolution No. 1122 • Authorizing the lease of premises located at 200 Wireless Boulevard in Hauppauge, New York, for use by the Department of Social Services and the Department of Health Services.*** Is there a motion.

LEG. KENNEDY:

Mr. Chairman, I'm going the make a motion to table for one cycle.

CHAIRMAN D'AMARO:

Motion by Legislator Kennedy to table. Is there a second to that motion?

LEG. ROMAINE:

Second.

CHAIRMAN D'AMARO:

Seconded by Legislator Romaine. All in favor?

LEG. MYSTAL:

Opposed.

CHAIRMAN D'AMARO:

Any opposed?

LEG. MONTANO:

Opposed.

CHAIRMAN D'AMARO:

I oppose.

LEG. STERN:

Opposed.

CHAIRMAN D'AMARO:

Okay. Abstentions? There are four in opposition of the motion to approve (table), the motion fails.

LEG. MYSTAL:

Motion to approve.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to approve, I'll second.

LEG. KENNEDY:

Mr. Chairman, on the motion. My reason for asking to tabling for one cycle certainly has nothing to do with the condition that the employees work in now. I know very well what it's like to go ahead and work in some of the despicable buildings that this County maintains going all the way back to Jetson Lane in 1986 when I started, I was in the Dennison Building when it was riddled with asbestos, and I worked the last ten years out in the County Center, which was analogous to a garbage heap. So I certainly do not diminish or down play the significance of what we as a County has once again decided to allow our County employees relegated to.

However, I have heard about the multiple year planning process associated lease. Unfortunately, I, as a Legislator, was not made aware of or cognizant of this lease until the filing of the resolution at the last General Meeting. So perhaps maybe the resolution needs to go to amending the space selection process that will involve the local Legislators so that they have the opportunity to go ahead and at least engage in some meaningful dialogue.

I also would point out that in my office yesterday, I received 40 pages of exhibits that were not attached to the original resolution and that the public hearing for this was held the day before without the benefit have those exhibits. So I don't think it's unreasonable to ask for one tabling cycle to vet a 100 page lease that contemplates the expenditure of \$40 million without moving head long. Having said that, that's my reason for request have tabling.

MR. ZWIRN:

Mr. Chair.

CHAIRMAN D'AMARO:

Thank you, Legislator Kennedy. Legislator Mystal.

LEG. MYSTAL:

To answer Legislator Kennedy's assertion. We are just approving it in the committee, and you still have another bite at the apple at the regular meeting where we could possibly, you know, table it. You know, stuff happens.

LEG. KENNEDY:

Yes, stuff does happen. And I appreciate that, you know, we're drowning in reality, Legislator. Thank you.

CHAIRMAN D'AMARO:

Okay. Mr. Zwirn, please, go ahead.

MR. ZWIRN:

Mr. Chairman, of course we'd like to see this get to the full Legislature for a vote, but we are prepared today. Representatives from the County

Attorney's Office who negotiated the lease, representatives from Social Services and Public Works are all here today. And I understand we've been here a longtime. And the landlord is here as well. I mean, so we're prepared to answer any questions that any Legislator might have. We're also prepared to do that again before the General Meeting on Tuesday.

LEG. KENNEDY:

Mr. Chairman, I have a number of questions that I've tried to go ahead and get resolved over the last couple of days including the price of the build•out, the number of clientele we could expect coming in and out of the methadone center, some of what's involved in that. But in deference to the fact that we're now pushing onto 1:00, I don't necessarily want to monopolize the time of the committee. However, I'm placed in somewhat have a dilemma here, because I believe that some of that is pertinent and cogent to the decision making that's going forward here. Certainly with some of the concerns that we heard from the Trade Association as well.

So, again, I guess, you know, I'll reiterate. My request for tabling is based on nothing other than trying to go ahead and go through the informational process.

CHAIRMAN D'AMARO:

Okay. Legislator Mystal.

LEG. MYSTAL:

I'm just saying •• I do thank you, Legislator Kennedy, in terms of us we're running very, very, very, late. We have two committees ahead to address the public. My thing is very simple, is that we do have the General Meeting on Tuesday, and is it possible that the same people who are here on Tuesday, and this question can be answered when we have a little bit more time? I don't •• because, you know, it is 12:30, and we were supposed to start at 11:30. And I appreciate your kindness.

LEG. KENNEDY:

I'll make all the efforts to go ahead and reach out and have my questions answered that. However, what I would ask back in return of my colleagues, and I know we have a motion on the floor, then what I'd request is, is that

we entertain at least a motion to discharge without recommendation, since there is so much pertinent cogent additional information.

LEG. MYSTAL:

I don't think it makes any difference whether we discharge.

CHAIRMAN D'AMARO:

We do have that motion pending, so why don't we go ahead if everyone is prepared to do so, and I certainly am. Legislator Romaine, did you have something to add?

LEG. ROMAINE:

Could I amend that motion to a motion •• could I amend that motion to a motion to discharge without recommendation? You said there was a motion pending.

LEG. MYSTAL:

There's a motion pending to approve.

CHAIRMAN D'AMARO:

All right. Is there a second on the motion to amend the motion?

LEG. MONTANO:

If I may.

LEG. KENNEDY:

I'll second the motion or in the alternative, I'll make a motion to discharge without recommendation.

LEG. MYSTAL:

Procedurally, we can't do that.

CHAIRMAN D'AMARO:

Right. Okay. There is a motion pending, which has been seconded, to approve this resolution, and I will call that question now. All in favor, aye?

CHAIRMAN D'AMARO:

Opposed?

LEG. ROMAINE:

Opposed.

LEG. KENNEDY:

I'll abstain.

CHAIRMAN D'AMARO:

Opposed, Legislators Kennedy and Romaine. Motion carries, 4•2.

It's **APPROVED (VOTE: 4•1•1•0 Opposed: Legislator Romaine • Abstentions: Legislator Kennedy).**

Next item on the calendar is ***1141 • Authorizing the acceptance of an assignment of lease premises located at 45 West Suffolk Avenue, Central Islip, NY, for use by the Department of Health Services.***

LEG. MONTANO:

Motion.

CHAIRMAN D'AMARO:

Motion by Legislator Montano to approve, seconded by •• seconded by Vice •Chair Mystal.

MR. MONTANO:

On the motion.

CHAIRMAN D'AMARO:

On the motion, Legislator Montano.

MR. MONTANO:

Yeah. I want to approve this. Would you just, Counsel, give a brief explanation, very brief, because we're running out of time. And I want to make a statement you can do it also very.

MS. BRADDISH:

Basia Braddish, County Attorney's Office. This is a situation where the rent was being paid through a pass-through, and South Side Hospital was actually renting the premises. They requested or expressed their desire not to continue to be the tenant on the lease, and indicated to the County at the end of last year that they were not going to exercise the option to extend the lease, and that they would be out of the premises by the end of December, if some other arrangement wasn't agreed to. So, effectively, it's not really a dollar change, it's just we're going to be the tenant of record as opposed to South Side.

LEG. MONTANO:

I just want to state, nothing to do with you, but for the record, I'm the Legislator in that district, this is something this health center is very important to the residents of my district, and I would have liked to have been in the loop sooner. And I hope in the future, you know, you'll reach out and let us know what's going on, so that we're aware before we take a vote. Thank you. I'm done.

CHAIRMAN D'AMARO:

Thank you. Then, if there is no other comment on the motion, all in favor? Any opposed? An abstentions? And that motion carries. **(Vote: 6•0•0•0)**

All right. Next on the agenda is ***Number 1144 • Adopting a Local Law to encourage and facilitate participation by minority group members and women with respect to Suffolk County contracts.***

LEG. MYSTAL:

Motion ••

CHAIRMAN D'AMARO:

Motion to ••

MR. MONTANO:

Second.

LEG. MYSTAL:

•• to approve.

CHAIRMAN D'AMARO:

Motion to table.

LEG. MYSTAL:

We have a public hearing?

CHAIRMAN D'AMARO:

For public hearing.

LEG. MYSTAL:

Okay.

CHAIRMAN D'AMARO:

Motion by Vice•Chair Mystal to table in contemplation of public hearing, seconded by Legislator Montano. All in favor of the motion? Any opposed? Abstentions? And that motion carries. The resolution is tabled for public hearing. **(Tabled for Public Hearing • Vote: 6•0•0•0)**

Next, moving to the next portion of the agenda would be Memorializing Resolutions. I know for the record that ML001 has been withdrawn. So moving to ***Resolution Number 002 • Memorializing Resolution in support of a secure, transparent and economical voting system for New York State***, introduced at the request of Legislator Jon Cooper. Is there a motion?

LEG. MYSTAL:

I'm making a motion to table.

LEG. MONTANO:

Second.

CHAIRMAN D'AMARO:

Motion by Legislator Mystal to table the resolution, seconded by Legislator

Montano. On the motion?

LEG. MYSTAL:

We've talked about it ad nauseam.

CHAIRMAN D'AMARO:

All in favor? Any opposed? Abstentions? And that resolution is **tabled**.

(Vote: 6•0•0•0)

All right. That leads us to the •• conclude the public portion. We now have to adjourn into executive session. Legislator Mystal will offer a motion. Go ahead.

LEG. MYSTAL:

Motion to go into executive session. I want to say something to the people who are waiting for the Health and Human Services Committee. We're going to try to see if we can postpone the •• or do something as we did with Executive Committee, so we can start the Health and Human Services Committee right away, so we are going to take five minutes to see what's happening and then we'll be back here with the Health and Human Services Committee. So relax, take your shoes off, bring a pillow and a blanket, sit and be happy.

CHAIRMAN D'AMARO:

Okay. All right. And a couple of points. There is a motion, first of all, by Legislator Mystal to move into session, I will second that. I want to note that the executive session is going to take place in the Presiding Officer's conference room for the purposes of this executive session. Only Legislators, please, and the County Attorney representatives, as well as Legislative Counsel may be present. And just also note that this session is expected to last up to at least one hour, at least one hour. All right. Thank you. And we'll now move into executive •• all in favor of the motion? Any opposed? Abstentions? We'll now move into executive session.

[EXECUTIVE SESSION WAS HELD FROM 12:35 P.M. TO 12:50 P.M.]

[THE MEETING WAS ADJOURNED AT 12:50 P.M.]