

**WAYS AND MEANS COMMITTEE**

**of the**

**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Ways and Means Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Wednesday, September 8, 2010.

**MEMBERS PRESENT:**

Legislator Lou D'Amaro - Chairman  
Legislator Jon Cooper - Vice-Chairman  
Legislator Kate Browning  
Legislator John Kennedy  
Legislator Lynne Nowick

**ALSO IN ATTENDANCE:**

George Nolan - Counsel to the Legislature  
Gail Vizzini - Director - Budget Review Office  
Robert Lipp - Deputy Director - Budget Review Office  
Renee Ortiz - Chief Deputy Clerk of the Legislature  
Ben Zwirn - Deputy County Executive  
Pam Greene - Director - Department of Real Estate  
Dennis Brown - County Attorney's Office  
Paul Perillie - Aide to Majority Caucus  
Linda Bay - Aide to Minority Caucus  
Justin Littell - Aide to Legislator D'Amaro  
Dot Kerrigan - AME  
Christine Malafi - County Attorney  
Kara Hahn - Presiding Officer's Office  
All other interested parties

**MINUTES TAKEN BY:**

Donna Catalano- Court Stenographer

(\*THE MEETING WAS CALLED TO ORDER AT 10:18 A.M.\*)

**CHAIRMAN D'AMARO:**

Good morning, Ladies and Gentlemen. Welcome to the Ways and Means Committee of the Suffolk County Legislature. Please rise and join the committee in the Pledge of Allegiance led by Legislator Cooper.

**SALUTATION**

Okay. For the committee's information, there is an Executive Session scheduled for right after the public portion of our meeting this morning. And once again, welcome. If anyone is present who would like to address the committee this morning during the public portion, which is the first portion of the meeting, we ask that you fill out one of these yellow cards and hand it into the Clerk, and we will make sure that you are heard. We did receive one card this morning, going to the agenda, we will go to the public portion now. We received a card from Mr. William Schoolman. Mr. Schoolman, please step up. You have three minutes to address the committee this morning. And welcome to you.

**MR. SCHOOLMAN:**

Good morning. My name is Bill Schoolman. I'm the owner of Hampton Luxury Liner and Classic Coach located in Bohemia. In December, 2009, I brought a lawsuit against the MTA and the State to have the MTA payroll tax found unconstitutional. I retained the most experienced Legislative lawyers in the state, and I borrowed the money to bring this action. I brought the action on behalf all taxpayers, including not-for-profits, and I did so because it is the right thing to do and because enough is enough.

Since bringing my lawsuit, seven other municipalities and school districts have copied my lawsuit word for word and have brought those lawsuits for a very limited purpose. Initially, I thought that those other lawsuits would help ours so I was in favor, sort of the more, the merrier. But I've learned that those secondary lawsuits will actually hurt our lawsuit. Ours is the one that has been brought on behalf of all taxpayers, not just a select few.

A lawsuit on behalf of a municipality allows side deals and for our already political courts to split the baby, find the tax unconstitutional against a select few, but hold it constitutional against the businesses and other taxpayers. This result would be catastrophic for Long Islanders and Suffolk County businesses.

Moreover, the County is legally vulnerable on the issue of standing as it is a subset of the State. Currently, the County of Suffolk has approximately \$3 million in tax at stake versus the hundreds of millions of dollars the businesses and not-for-profits of Suffolk have at stake. Suffolk County bringing its own lawsuit sets up a win-lose for the taxpayers, meaning the municipality could win and the taxpayer lose. Our lawsuit, however, sets up a win-win so that if we win, all taxpayers and the County of Suffolk win.

Thus we are respectfully requesting for the Legislature to support the County Executive's position and support our lawsuit rather than bring on another lawsuit. It's the right thing to do to be on the side of all taxpayers. It helps save Suffolk County taxpayer dollars from the needless legal feed incurred by the County. Even if you think I'm wrong, there are other counties that have brought lawsuits on behalf of all municipalities only. So Suffolk County's interest is still protected, there, the taxpayer is not.

These lawsuits brought by municipalities do not help, they only hurt, and I believe were only brought for short-term, press releases and political gain. Supporting our lawsuit is the right thing to do. And believe me, we need the help. Right now, there's a motion pending for transfer for the venue

to Albany County. Can you believe that? They want folks in Albany who don't even have to pay the tax to decide Long Island's fate. This is outrageous and the case must stay here on Long Island.

**CHAIRMAN D'AMARO:**

Mr. Schoolman, your time has expired. Can you please wrap up your comments?

**MR. SCHOOLMAN:**

Yeah, I only have one more --

**CHAIRMAN D'AMARO:**

Sure.

**MR. SCHOOLMAN:**

We must win this lawsuit because the MTA and all authorities are a failed business model. They may have been intended well when they were conceived, but their time is long gone in this economic climate. Thus, I'm asking for the Legislative Body respectfully to support my lawsuit on behalf on behalf of all taxpayers and help us end the failed authority model in New York State, otherwise we will facing, according to the MTA's legal notice in Newsday a while ago, a 25 roundtrip fare for the bridges and tunnels to cross the rivers. That's 127% increase. This is unacceptable. Thank you.

**CHAIRMAN D'AMARO:**

Thank you, Mr. Schoolman. And before you leave, I want to first thank you for coming down and offering your comments today and also thank you for commencing the lawsuit. That's commenced individually by yourself; is that correct?

**MR. SCHOOLMAN:**

Yes. We did that on December 14th, 2009. And subsequently, there were seven other lawsuits all copying exactly word for word.

**CHAIRMAN D'AMARO:**

Your lawsuit seeks a remedy on behalf of all taxpayers?

**MR. SCHOOLMAN:**

All taxpayers.

**CHAIRMAN D'AMARO:**

It's not specific just to your own business.

**MR. SCHOOLMAN:**

No. Absolutely not. All taxpayers, including not-for-profits, the full \$1.8 billion that that tax was intended to collect.

**CHAIRMAN D'AMARO:**

So I guess the target or the goal of your lawsuit is to nullify the tax or the legislation that enacted the tax. So if you were successful, would that also do away with the County's responsibility to pay that tax?

**MR. SCHOOLMAN:**

Yes, it would. And you describe it correctly, this would completely annul that tax.

**CHAIRMAN D'AMARO:**

Now, you had mentioned that you prefer that the County, Suffolk County, not commence it's own lawsuit, but rather support your lawsuit.

**MR. SCHOOLMAN:**

That's correct.

**CHAIRMAN D'AMARO:**

All right. And I just want to be clear on that. And your reasoning for that is that your suit is brought on behalf of all taxpayers, all municipalities, all jurisdictions as opposed to you believe if there are individual lawsuits from different counties or town or political subdivisions or other groups, you could have a limited decision. Is that your concern?

**MR. SCHOOLMAN:**

Yes. Yes. That would law the judge to, what they say, split the baby. You don't want to have a decision where municipalities don't have to pay the tax, but then other people would then actually have to pay perhaps an even larger burden.

**CHAIRMAN D'AMARO:**

Okay. And you also mentioned that you feel that the County would not have standing in court, standing being the legal term. In other words, the right to sue, so to speak. Why do you think that the County would not have standing whereas you do?

**MR. SCHOOLMAN:**

Well, first of all, I'm not an attorney. And the attorney who did the lawsuit is here, he might be a better one to answer that question. But I can tell what he said. He said that a municipality is considered a subset of the State, and therefore, in a sense, you're suing yourself.

**CHAIRMAN D'AMARO:**

Right. Any questions? All right. Again, I thank you very much for coming down this morning. We appreciate it.

**MR. SCHOOLMAN:**

Thank you very much.

**CHAIRMAN D'AMARO:**

Is there anyone else present this morning who would like to address the committee? For the record, there's no response. We will then turn to our agenda. Section V, which are Tabled Resolution. I'll call the first.

**1335, Directing the Department of Information Technology to provide the services, customizations, and functionalities on the County's web servers to effectuate the creation, implementation, and maintenance of a webpage to serve as a clearing house where Suffolk County Citizens can exchange surplus items. (Losquadro)**

I'm going to offer a motion to table.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Seconded by our Vice-Chair Legislator Cooper. All in favor? Opposed? Motion carries.

**APPROVED (VOTE: 4-0-0-1; Not present - Legis. Kennedy)**

**1372, Directing the County Attorney to determine the feasibility of Suffolk County bringing an action against New York State regarding the MTA payroll tax. (Schneiderman)**

Our County Attorney has joined us this morning. Christine, did you want to offer any comments on

this particular bill?

**MS. MALAFI:**

I believe I've already complied with determining the feasibility. Everybody has my memo. So this resolution I've already complied with.

**CHAIRMAN D'AMARO:**

Yeah, I agree. Legislator Nowick.

**LEG. NOWICK:**

Just got the memo just this second. And I just saw on the first paragraph that it's not the norm for a lesser governmental entity to bring a suit, but then you have some exceptions. Would the County fall under any of these exceptions?

**CHAIRMAN D'AMARO:**

Legislator Nowick, could I make a suggestion. We have a bill pending on the Introductory Resolutions that I think would more -- it would be more appropriate to discuss that memo and that bill together. If you don't mind.

**LEG. NOWICK:**

That's fine.

**CHAIRMAN D'AMARO:**

This bill was the prior bill that just asked -- directing the County Attorney's Office to determine feasibility. And I think that memo is directly responsive to the bill. So I'll offer a motion to table that bill subject to call.

**LEG. COOPER:**

I'll second that motion.

**CHAIRMAN D'AMARO:**

Thank you. The motion has received a second. I'll call the vote. All in favor? Opposed? The motion carries. **TABLED SUBJECT TO CALL (VOTE: 5-0-0-0).**

**1576, Adopting Local Law No. - 2010, a Charter Law creating a program for Public Financing of County Campaigns and the banning of certain donations to curb potential conflicts of interest. (Co. Exec.)**

**LEG. COOPER:**

Motion to table.

**LEG. BROWNING:**

Second.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Cooper, seconded by Legislator Browning. All in favor? Opposed? Abstentions? I vote no. Motion carries. **TABLED (VOTE: 5-1-0-0; Opposed - Legis. D'Amaro).**

**1659, Authorizing the sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of East Hampton) (SCTM No. 0300-058.00-08.00-005.000 et al). (Co. Exec.)**

This bill had been previously discussed here at committee. And the Director of the Department of Real Estate is here. Ms. Greene, would you like to just come up for a moment. This involves three

parcels in the Town of East Hampton, which total in the neighborhood of about a half an acre, I believe. It was sold for \$4700 to the town or transferred down to the town. And we were looking into whether or not it would make more sense to perhaps auction this parcel through the County auction process. Director, can you shed any light on that for us?

**MS. GREENE:**

You summarized the committee's action and directive correctly, Mr. Chairman. At the last committee meeting, your statement was that until of town has another compelling interest or any other information that you would like to see it on the next auction sale. The Division has included it in upcoming booklet. Again, those parcel can be removed, they cannot be added prior to once the auction booklet has been printed.

In a phone call to the Planning Department of East Hampton, all three lots while in the Urban Renewal Zone District are zoned "business", are zoned "B" -- their zoning is "B", which requires a 20,000 square foot minimum to be built on as-of-right. Because there are three parcels, we have listed them all as one property to be auctioned, but we have attached the parameters of Local Law 3 to that pending sale.

**CHAIRMAN D'AMARO:**

Okay. So we can give that auction process a chance to run its course, and then if it's not successful, we can revisit the adjoining -- the 72-h to the town, would be my preference. So I'll offer a motion to table once again.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**. Thank you, Ms. Greene, appreciate it.

**1670, Declaring Yaphank property surplus to County needs and authorizing property sale at public auction. (Kennedy)**

**LEG. KENNEDY:**

Mr. Chair, I'm going to make a motion to table this. This is on the agenda CEQ for the 15th. At that time we should get a SEQRA determination.

**LEG. BROWNING:**

I'll second.

**CHAIRMAN D'AMARO:**

Motion to table by Legislator Kennedy, seconded by Legislator Browning All in favor? Opposed? Motion carries. **TABLED (VOTE: 5-0-0-0)**.

**1688, Adopting Local Law No. -2010, A Local Law mandating compliance with financial disclosure requirements. (Cooper)**

Requires public hearing.

**LEG. COOPER:**

Motion to table.

**CHAIRMAN D'AMARO:**

I'll second. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0)**.

**1746, Extending policy to suspend publication and mailing of newsletters. (Pres. Off.)**

At the request of the sponsor, I'll offer motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**1752, Adopting Local Law No. -2010, A Charter Law to provide notice of appointments to boards and commissions. (Montano)**

**LEG. COOPER:**

I'll make a motion to approve.

**LEG. BROWNING:**

Second.

**CHAIRMAN D'AMARO:**

Motion to approve by Legislator Cooper, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1824, Adopting Local Law No. -2010, A Local Law to clarify residency as a requirement for service on Hispanic Advisory Board. (Cooper)**

**LEG. COOPER:**

That has to be tabled for a public hearing, so I'll make a motion to table.

**CHAIRMAN D'AMARO:**

Thank you. I'll second. All in favor? Opposed? Abstentions? Motion carries, **TABLED (VOTE: 5-0-0-0).**

**1838, Adopting Local Law No. -2010, A Local Law to ensure fairness in the County's disposition of property acquired under the Suffolk County Tax Act. (Schneiderman)**

I'll offer a motion to table.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**INTRODUCTORY RESOLUTIONS**

1848, Locating a police substation in Huntington Station. (Cooper)

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN D'AMARO:**

Motion to approve by Legislator Cooper, I'll seconded the motion. On the motion.

**LEG. COOPER:**

Thanks. I just want to put on the record, unfortunately, last evening there were two more shootings in Huntington Station, including one fatality, a young man was shot in the head and killed. This community is in turmoil. There have been between ten and 12 incidents of street crime; some gang related, some not, over the past several weeks.

There is very broad support in Huntington Station to reopen the police annex that has been closed in 2006. I believe that I have addressed staffing concerns by proposing that this annex be manned by light-duty officers. On any given day, there are about 100 Police Officers that have been assigned to light duty. There's already one Police Officer at a community outreach center in -- which is located in the general vicinity of Jack Abrams, an officer of the Huntington Housing Authority.

I was in discussion several days ago with the head of the Huntington Housing Authority, Dr. Robert Spencer. And told me that they have additional office space, and they would be willing to offer that to the County at no charge. So I believe -- now again, this bill just directs the Division of Real Estate to look for a facility to house the annex, but we are being offered space for free. And if we man them with light-duty officers, perhaps supplementing the one officer that's currently stationed at the outreach center Monday through Friday 9:00 to 4:00 to four basically -- unfortunately, it's the time of day and parts of week that don't have much crime. I'm proposing supplementing those with light-duty officers that would man the annex 24/7.

And I'm also further proposing that the officer on duty 24 hours a day, seven days a week perform live monitoring of the County surveillance cameras that have been put in place. There have already been three County cameras installed. I have a separate resolution that's being laid on the table at our next Legislative meeting that would provide funding for an additional 20 surveillance cameras. So we would have 23 County surveillance cameras that have been positioner on public streets in high-crime areas of Huntington station. As I said, my proposal is that the officer on duty at the annex for the first time do live monitoring of these cameras. So I think that this will deter crime. I think that this will allow officers to respond much more quickly to crime as it does occur in Huntington Station. And I would urge my colleagues to support this resolution. Thank you.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Cooper. Legislator Browning.

**LEG. BROWNING:**

Yeah. I can tell you this was something about five years ago that my constituents in the Mastic Beach area requested was a substation. Back then the County Executive and Commissioner Dormer did not support it. I've spoken to many Police Officers that are on the street, they don't support substations. They would rather be in a car patrolling a neighborhood rather than sitting behind a desk.

I think the problem is, you know, what we're doing is lately because of the shortage of Police Officers, there's always a reaction when things happen. I mean, this weekend, I had two shootings in my district. And, you know, one wound up a fatality. So I know that the problem is that we need more Police Officers. And I don't know if Christine or, you know, Counsel would want to respond, but, you know, I see in a press release from the County Executive that we're going to have 220 cops now. Well, those 220 are not new cops, they're replacing people who have already left. So we're not enhancing the Police Department, we're not bringing in more cops, we're just replacing a shortage that we already have.

My concern is, you know, well, light-duty officers. Some light-duty officers may have a gun on them, some may not. I'm assuming you want one that's able to carry a gun. And I don't know if this is something that should be done in Executive Session or not, but a light-duty officer is sitting in a substation. If something happens -- I mean, my husband is a Police Officer. And if something

happens, they immediately react to a situation. My concern is that light-duty officer who may react to a situation and may wind up getting hurt. So what do we do and what is the County's responsibility there? And I don't know if our Counsel can respond to that or would like to respond to that at this time. I'm looking, and I think an Executive Session would be necessary. So I would like to hear their comments in a situation like that.

Substations all look well and good, but they don't fix the problem. It's about Police Officers on the street and putting more on the street and putting more patrol cars. I mean, the incident that happened in Mastic by the Reservation, now we're going to put two cops in a car. Well, it's a little too late. We already had a shooting. We're responding to incidents that occur. What we need is more cops on the street being proactive instead of this constant reaction. I mean, you have a Police Officer who was sent now to Huntington who has experience in housing. He was in my district helping in my district, but now they've pulled him away and sent him to Huntington to respond to the complaints in Huntington. That's not how to you do things. It's smoke and mirrors. It's a joke as far as I'm concerned. Again, more patrols on the street, a strong police presence deters crime. And right now, the criminals are winning.

**LEG. COOPER:**

If I could just respond. Each district has its own problems and potential solutions. I don't think there's anyone that's fought harder in recent months for the Police Department to hire more cops. And I've gotten beaten up over this by the County Executive, accused of being part of a PBA-Legislative cabal, etcetera, etcetera. I'm not the only Legislator. But I agree with you that we need more cops. And I also agree that the 220 that were proposed in the County Exec's press releases yesterday would just barely, barely keep up with retirements.

That being said, in my district, I believe I would not be advocating this strongly for reopening the police annex if I didn't think it would make a difference. And do not want to pull cops off the street out of sector cars or off food patrol or bike patrol, because we are short staffed, which is exactly why I'm proposing that it be manned with light-duty officers. I know we will be going into Executive Session, but I already spoke with a high-ranking police official off the record who thought this was a great idea. He said his concern was that the PBA wouldn't support it. I then reached out to a top PBA official off the record. He said it was a great idea and said that they would support it.

So I have top police brass saying it's a great idea, the Police Union that will back this, my community that is clamoring for this. This annex would be a brick and mortar police presence manned 24/7 by a real cop. And, yes, it will be light duty, but the majority of light-duty officers on any given day are armed. They know how to provide Emergency Services. We could put -- I think, it's a seven or nine one button, I forget what's it's called -- at the annex. So if someone comes in, reports a crime, first of all, we have a fully trained armed Police Officer there that can provide assistance, but he can also call out immediately for assistance from sector cars in the area.

Further, my proposal is that the officers, while he's behind that desk, this light-duty officer that's behind the desk that he do live monitoring for the first time of surveillance cameras on the street. So hopefully we'll catch crime as it happens much more quickly than occurs right now.

As many folks are aware, if there is a shooting on the street, four out of five times, no one even calls 911. As a matter of fact, when Nassau County Police Department was calibrating their ShotSpotter System, which is this highly advanced acoustic surveillance technology, which I'm also proposing for Suffolk County, and that's another bill I'll be laying on the table for the next meeting, but they explained to me that when they had to calibrate the first system that they put in place, they had to shoot off guns on the street, as I said, to calibrate the accuracy of the system. And it was basically a raging gun battle that took place for I think 15 or 20 minutes. Anyway, the Police Officer in charge told me one interesting thing was not one 911 was call placed, even though there was a gun battle raging for all intents and purposes for 20 minutes. No one called it in, because folks in these communities become so enured to gun violence that it either doesn't even register anymore or they

figure, you know, it's just another shooting, it's not going to make a difference, why bother calling 911.

So in this case, we would have live monitoring of the surveillance cameras. And further, the surveillance cameras that are already in place, the three that the County installed, the other 20 the County would be installing can be programmed, so instead of panning back and forth, if a shot goes off, it will stop panning, it will automatically zoom in on the source of the gun shot, blow that up full screen on the monitor, and that imagine could even be relayed to all the sector cars in the area if they're given laptops. So when they arrive on the scene, they know what they are going to be encountering.

So again, I would ask for the support of all my colleagues. There's funding available for the substation if and when the location is determined, but that will be a later decision for us. Right now, all we're doing is directing Real Estate Management to find an appropriate facility to house the substation. Actually, taking the next step will be another vote, Kate, so I'm hoping that you'll at least allow me to move forward with this so Real Property Management can find a potential location for the police annex, then you'll have another bite at the apple and we can debate whether it actually makes sense for Huntington Station. But again, my constituents are clamoring for this, they're begging for this. They were last week, but now once word hits the street that we had two more shootings last evening along with one young man that was shot in the head and murdered before the eyes of his father, I must say, who was also shot, an innocent kid, I'm hoping that we'll take some action today. Thank you.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Cooper. Legislator Nowick.

**LEG. NOWICK:**

Jon, I will support this, because it is your district and you know what your district needs, and if it was mine, I would expect the same. But be in relation to the shooting, with the spot -- what did you call those?

**LEG. COOPER:**

ShotSpotter.

**LEG. NOWICK:**

ShotSpotters. Last night, was it? Was the shooter located and arrested or did they get away?

**LEG. COOPER:**

Right now, no, has not been arrested yet. ShotSpotter right now is in use in Nassau County.

**LEG. NOWICK:**

Not in use yet.

**LEG. COOPER:**

Just in a nut shell, I happen to be good friends with the Nassau County Police Commissioner, and I was another -- his name is Larry Mulvey -- and I was having breakfast with Larry a couple of months ago. Anything and I said, Larry, "Is there anything you're doing in Nassau County to fight crime that we're not doing in Suffolk County but we should be doing?" The first thing Commissioner Mulvey said was, "ShotSpotter." And I had heard about it, but he elaborated on it. I've since had a number of conversations and a three hour meeting.

**LEG. NOWICK:**

You just answered my question.

**LEG. COOPER:**

But it's basically highly advanced microphones that would be put in -- you put in about 20 microphones in a square mile area, and they can pick up a sound of a gun shot. And by the way, they can differentiate between gun shots or a car backfiring or a firecracker. And within three to four seconds after a gunshot going off, it relays the exact location within two to three yards to all the sector cars in the area.

**LEG. NOWICK:**

So that location would then go to your substation, the substation would send out to the sector car, and the sector car would pick up the shooter, so to speak?

**LEG. COOPER:**

Or it could go right to -- yes. It could go to the substation or it could also be routed directly to the sector cars. But I'm proposing in the short term, because ShotSpotter would not be until next year or maybe even the following year, hopefully 2011, but what I'm proposing is the surveillance cameras that are already in place and the 20 additional surveillance cameras that we'll be installing, which are going to be going into the hot spots, the high-crime areas of the Station. Those video images could be relayed to the sector cars.

**LEG. NOWICK:**

One more question, but you don't have to go into detail, long detail about it, but these shootings that you have, is it mostly gang related?

**LEG. COOPER:**

A lot is. I don't know the exact numbers. Last time I had checked into this and I had the 2nd Precinct run numbers going back a year, it was about 50/50 or maybe 60% gang related, 40% non-gang related. I don't know about the shootings last night. I understand that they were gang related, but they're not all. I'd say the majority are probably gang related, but not all street crime in the Station is gang related.

**LEG. NOWICK:**

Thank you, Jon.

**LEG. COOPER:**

You're welcome.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Nowick. Legislator Browning.

**LEG. BROWNING:**

You know, the ShotSpotter, absolutely, I think it's a great idea. When you are talking about a community not responding to gun shots anymore, the North Bellport -- I hate to say North Bellport, because it's really not North Bellport -- but, however, they have told me the same thing. They have gotten to the point where with the shots going off, they don't call anymore. I'm sure the crime stats are much lower in the 5th Precinct because they don't call. They've gotten to the point where they think nobody is listening to them anymore.

You know, the cameras in street, we put cameras down in Mastic Beach. It has made a tremendous difference. We didn't need a substation to put a computer in. It was linked up to the 7th Precinct. They can go on their computers at the 7th Precinct and monitor what's going on in Mastic Beach on Neighborhood Road.

So, you know, like I said, this is something that I know the County Executive and Commissioner Dormer did not support back then. I continue to support getting more cops on the street. I respect what you are doing for your community because I know you are working hard for them, as do I for my constituents. But the bottom line is getting more Police Officers on the street so that

they are not being reactive and they're being proactive. And the Police presence will definitely deter Police activity like that. The crime -- it does deter. So, you know, I have to be consistent. I want to support more cops on the street, but not a substation with a light-duty officer who could potentially wind up getting hurt some day.

**CHAIRMAN D'AMARO:**

All right. Just to add my two cents. I'm going to support this bill offered by my colleague from Huntington. I do also represent a small portion of Huntington Station as well. And this proposed substation as described by the sponsor, Legislator Cooper, I think is a lot different than what has been done in the past. In the past, we had a substation in Huntington Station. My primary objection to that substations was that it was staffed six hours per week.

What Legislator Cooper is proposing is something very, very different. It is a substation that would be staffed not only 24/7, but also the Officer or whomever it turns out to be; light-duty officer, Police Officer -- and that discussion can be had at a later date -- the Officers monitoring the cameras, I think, is a home run for this community, because you would have a visible presence in this community, a Police presence. At the same time, that Officers who may be, in fact, sitting behind a desk in a substation is not only accessible to walk-ins, but also, in effect, on electronic patrol, if you will, throughout this hot spot in the area of Huntington Station.

So I'm going to support this bill. I think that this substation as described by the sponsor is much different than what's been done in the past. But I also do agree with Legislator Browning, that it's about patrols, it's about having the cops on the beat, in the street doing the undercover work. And we're doing all of that, we need to do more, of course. I agree with Legislator Browning about the extra patrols. I've always supported more Police through our budget process. So I think the time has come where if we properly staff the substation, I think need to do both, and that's why I'm going to support this bill.

**P.O. LINDSAY:**

Could I just comment.

**CHAIRMAN D'AMARO:**

Yes. Our Presiding Officer has joined us. Legislator Lindsay.

**P.O. LINDSAY:**

For years and years I've been very consistent about supporting any kind of electronic monitoring as an assistance to the Police Department. Probably eight years ago, I was the first one to bring up the red light camera idea. And certainly this SpotShotter (sic) is a wonderful idea, surveillance cameras, I'd even like us to use speed cameras and put more cops on patrol in crime areas, which is something that we would need help from the State in doing.

But whether we're talking about light-duty Police Officers, I know when I had a bill in about two months ago when the County Executive was talking about civilianizing another 50 positions about trying to use light-duty officers in appropriate positions, and I was told that there was not any available. So I don't know where suddenly they're becoming available. But what it all boils down to is we don't have enough cops on the street. It's as simple as that.

And we keep jerking around and talking about more people on patrol and civilianization and we reorganize this and we reorganize that. I think the one thing that's very, very apparent this summer, because we have -- we don't have just a hot spot in Huntington Station, we have it all over Suffolk County. And the reason for it is we don't have enough cops. When we don't have enough cops on the street, the bad guys take over. And that's what's happening to us now.

I know the County Executive is having a press conference this morning announcing new Police classes, which, by the way, most of it we funded last year, so it's nothing new. But in order to do

that, we have to sell a nursing home or layoff 500 people. Something is wrong with that equation, I'm sorry. There is something wrong with that equation when you pit senior care against public safety. There's got to be a better way to do that. When we get the budget, I'm committed to look at a better way. But there's something wrong with that equation; in order to get our streets safer we have to sell our nursing home. That's wrong.

**CHAIRMAN D'AMARO:**

Okay. Thank you, Mr. Presiding Officer. There is a motion pending which has received a second on Resolution 1848-2010. I'll call the vote. All in favor? Opposed?

**LEG. BROWNING:**

Opposed.

**CHAIRMAN D'AMARO:**

Abstentions? One in opposition. The motion carries. **APPROVED (VOTE: 4-1-0-0; Opposed - Legis. Browning).**

**LEG. COOPER:**

Thank you.

**CHAIRMAN D'AMARO:**

**1850, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Gina D'Andraia and Taran A. And Robert A. Muhlenforth (SCTM No. 0200-799.00-01.00-075.000). (Co. Exec.)**

This is a 40 by 100 lot in Ronkonkoma which appraised for \$3000 and sold to two adjacent homeowners for \$1500 each. I'll offer a motion to approve, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1851, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Cherry Weinstein (SCTM Nos. 0100-058.00-01.00-037.000 and 0100-056.00-03.00-060.000). (Co. Exec.)**

Motion to approve and place on the Consent Calendar, seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

**1852, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Pinson A. Dodier (SCTM No. 0200-811.00-02.00-019.000). (Co. Exec.)**

Same motion, same second, without objection, same vote. **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

**1855, Sale of County-owned real estate pursuant to Local Law No. 13-1976 Virginia A. Kraye (SCTM No. 0500-288.00-02.00-042.000). (Co. Exec.)**

This is an irregular shaped parcel in Bay Shore which sold to an adjoining owner for \$1500. I'll offer a motion to approve.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries.

**APPROVED (VOTE: 5-0-0-0).**

**1856, Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Michael Zillmann and Kerry Zillmann, his wife (SCTM No. 0100-017.00-01.00-095.001). (Co. Exec.)**

I make a motion to approve and place on the Consent Calendar, seconded by Legislator Nowick. All in favor? Opposed? Abstentions? **APPROVED** and placed on the **CONSENT CALENDAR (VOTE: 5-0-0-0).**

**1859, Authorizing the extension of the lease of premises located at 240 Meeting House Lane, Southampton, NY for use by the Department of Health Services. (Co. Exec.)**

This went through the Space Management Steering Committee. It is for the Department of Health Services Administrative Building, 4700 square feet. It's a lease extension expiring in December of 2011 with three one-year extensions. I'm going to offer a motion to approve.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Thank you. There's a second by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1865, To enhance the Department of Consumer Affairs Website. (Montano)**

This would allow consumers to search for licensed contractors by name, not only by license number or phone number. We had a few questions about this. I think Mr. McElligott is here, the Commissioner of the Department. Step up for a moment. Thank you for joining us this morning.

**COMMISSIONER MCELLIGOTT:**

Good morning.

**CHAIRMAN D'AMARO:**

Did you familiarize yourself with this bill?

**COMMISSIONER MCELLIGOTT:**

Yes.

**CHAIRMAN D'AMARO:**

The question I had was just whether or not this is already being done or is this an add on that we can use? Do you have any position on it?

**COMMISSIONER MCELLIGOTT:**

The current situation we have right now is that our website allows consumers to search for -- to confirm a license by phone number or license number. My understanding is that when our consumer -- when our computer system was created, the idea was there were two or three different competing issues. One was accuracy and fairness to both; accuracy for the consumer and fairness for the licensee, meaning we didn't -- we wanted to -- the license number is the most accurate way to check for whether somebody is or is not licensed.

And also the system didn't want to be reporting somebody wasn't licensed if somebody used, for example, Lou and John "and" as opposed to an ampersand. And our computer system responded they weren't licensed, that would have been unfair to the licensee, when, in fact, there was a valid license. So right now, I've reviewed Legislator Montano's resolution. It's something that I've

related to Information Technology. We are looking at it. We are going to be making a trip to Nassau County. Nassau County has a website that does do exactly what Legislator Montano's resolution suggests. We're looking into it in terms of whether or not our system is going to be able to do exactly what Legislator Montano's resolution wants it to do. It would be an improvement. The only question becomes whether or not -- whether it's feasible and what the cost is going to be.

**CHAIRMAN D'AMARO:**

Okay. So the competing interests are the right to know whether or not there are complaints pending versus fairness to the licensee to make sure that you're, in fact, looking at the right information.

But I think there are search engines or ways to search on computers now where similar names might pop up to give consumer as much information to discern whether or not they have, in fact, the right contractor if they search by name. And I guess that's what you have to look at what they're doing in Nassau County, because you don't want to denigrate the accuracy of the search, because then you could unfairly penalize the licensee. So that would be something your department would be willing to look into.

**COMMISSIONER MCELLIGOTT:**

Of course. Our goal is to have the most accurate information to the consumer as quickly and as easily as possible, that's clear. The information right now might not be available by computer, but the information is available to the consumer by telephone from my office.

**CHAIRMAN D'AMARO:**

Okay. Mr. Presiding Officer, did you have a question.

**P.O. LINDSAY:**

Probably more for Gary if he could come forward. Fifteen years ago, I was on the Occupational Licensing Board, and I know at that time we had printouts of license by name, by number, by license holder. I don't understand, maybe you can explain to me, Gary. Is this a difficult task to just resort this if we have all the information in the computer?

**DIRECTOR QUINN:**

I took a look at the application process for, I guess, a businessowner to get a license from Suffolk County. And provided that all that information was entered into the system at one point in time -- I haven't validated that yet -- any of those fields can be searched upon. So there's the owner of the business, there's the town that they're in, the address that they're located at if it's consistent. So, therefore, if you received a quotation from a businessowner, you wanted to check to see if they were licensed, you could look at his quotation or his business card, you could put those fields into the system, and provided they were up-to-date, they could come back and say, "Yes, they are." So I don't see any problem doing this provided that the data is already in the system. If it's not in there, then on a going forward basis, we would capture it, and as people renewed their licenses, we would put it in.

**P.O. LINDSAY:**

It was in the system. I don't know if it disappeared.

**DIRECTOR QUINN:**

I haven't had a chance to go through all of it, but I don't see any problem going forward with this. If there was other things -- I wanted to actually talk to Mr. Montano. If there's other things that Nassau County was doing beyond capturing just searching by name or business name that he thought Nassau County was doing better than us, we would certainly look to put that in also. It does need some updating.

**P.O. LINDSAY:**

Thank you.

**CHAIRMAN D'AMARO:**

Okay. Was there a motion offered on this bill?

**MS ORTIZ:**

No.

**LEG. BROWNING:**

I'll make a motion.

**LEG. COOPER:**

I'll second the motion.

**CHAIRMAN D'AMARO:**

Okay. Motion by Legislator Browning to approve. There is a second by Legislator Cooper. I'll call the vote. All in favor? Opposed? Abstentions? Motion carries. **APPROVED (VOTE: 5-0-0-0).**

**1867, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-847.00-02.00-015.000). (Co. Exec.)**

A 50 by 100 lot being sold to the Town of Brookhaven for \$1718 for open space purposes. And I believe the resolution would prohibit any future development. I believe this is one of the lots that may have been subject to my Local Law 3 had it still been in effect in the Town of Brookhaven, so I'm not going to support this particular bill. Are there any motions?

**LEG. BROWNING:**

Motion.

**CHAIRMAN D'AMARO:**

Motion by Legislator Browning to approve.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper. All in favor? Opposed? I'm opposed. Abstentions? Motion carries. **APPROVED (VOTE: 4-1-0-0; Opposed - Legis. D'Amaro).**

**1868, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law - Town of Brookhaven (SCTM No. 0200-959.00-03.00-019.000). (Co. Exec.)**

Three lots being sold to the Town of Brookhaven for \$3536 for open space purposes, again, with the development rights being stripped from the property. It's a 75 by 100. Are there any motions?

**LEG. BROWNING:**

Motion.

**LEG. COOPER:**

Second.

**CHAIRMAN D'AMARO:**

Motion by Legislator Browning to approve, seconded by Legislator Cooper. All in favor? Opposed? Note my opposition. Abstentions? Motion carries. **APPROVED (VOTE: 4-1-0-0; Legis. D'Amaro).**

**1875, Directing the County Attorney to bring an action against New York State regarding the MTA payroll tax. (Romaine).**

**P.O. LINDSAY:**

Could I ask a question? Sure, Bill.

**P.O. LINDSAY:**

Maybe the County Attorney could answer this. I read in the paper this morning that the Executive directed the County Executive -- the County Attorney to do this already.

**CHAIRMAN D'AMARO:**

I believe to submit a supporting brief, but not to actually join the suit. But Ms. Malafi is here. Would you like to address that?

**P.O. LINDSAY:**

The bill says to bring an action. Is a supporting brief -- would that be considered an action?

**MS. MALAFI:**

It would not be bringing a lawsuit. And I would like to discuss this in Executive Session, it's attorney-client matters.

**P.O. LINDSAY:**

My point is this is redundant, because the Executive has already taken the step.

**CHAIRMAN D'AMARO:**

No. You could submit a brief in support of a pending lawsuit, or you can bring your own. I believe what the County Executive is proposing to do is submit a supporting brief. This bill would have the County itself commence a lawsuit as a plaintiff. Those are two different things. But I do agree with the Executive Session request for discussion. And during Executive Session, if we feel it's more appropriate to go back on the record, we could also do that as well. But I think we should at least start in the Executive Session.

**P.O. LINDSAY:**

Again, I don't mean to pierce the Executive Session. I'm just looking at the bill and the bill says, "Resolved that the Department of Law hereby is authorized, empowered and directed to either intervene in pending lawsuits brought against the MTA and the State of New York." Would that be considered a supporting brief?

**MS. MALAFI:**

No. Intervening or commencing an action means you become a plaintiff. So it would be -- County of Suffolk would be named in the lawsuit to do either one of the things in the resolution.

**P.O. LINDSAY:**

It goes on, "or commence a separate action."

**MS. MALAFI:**

It would have us be named a party.

**CHAIRMAN D'AMARO:**

All right. And as our Counsel, you're requesting to speak in Executive Session.

**MS. MALAFI:**

Yes.

**CHAIRMAN D'AMARO:**

About this bill.

**MS. MALAFI:**

Yes. It's giving you legal advice, which is the subject of Executive Session not open session.

**LEG. COOPER:**

Well, pending Executive Session, I will make a motion to table IR 1875.

**LEG. BROWNING:**

I'll second that.

**CHAIRMAN D'AMARO:**

We have an Executive Session scheduled for the end of the meeting anyway, so why don't we just skip over this now and hold that motion in abeyance?

**1876, Directing the Department of Information Technology to determine the feasibility of establishing an electronic neighborhood watch in Huntington Station. (D'Amaro)**

This is a bill that I am sponsoring that would seek to hook up the business improvement district cameras located within Huntington Station to some electronic monitoring similar to what Legislator Cooper is proposing. I have a meeting coming up with the business improvement district representatives, in fact, later today. So I'm going to offer a motion to table at this time.

**LEG. BROWNING:**

I'll second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Browning. All in favor? Opposed? Abstentions? Motion carries.  
**TABLED (VOTE: 5-0-0-0).**

**1883, Adopting Local law No. -2010, A Local Law declaring as surplus and authorizing the execution of a contract for the sale of ~255 acres in Yaphank to Legacy Village Real Estate Group, LLC for mixed use development. (Co. Exec.)**

This requires a public hearing. I'll offer motion to table, seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. **TABLED (VOTE: 5-0-0-0).**

**PM 19, Authorizing the Clerk of the Legislature to dispose of old records. (Pres. Off.)**

I'll offer a motion to approve.

**LEG. COOPER:**

I'll second.

**CHAIRMAN D'AMARO:**

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries.  
**APPROVED (VOTE: 5-0-0-0).**

That concludes the public portion. I'll offer a motion to convene into Executive Session.

**LEG. COOPER:**

Just before we do so, I wanted to correct for the record, I just received -- this is after the fact, but I received a press release from the 2nd Precinct, and there were actually four individuals that were

shot in my district last night, not two, one fatally.

**CHAIRMAN D'AMARO:**

Thank you, Legislator Cooper. I'll offer a motion to convene into Executive Session, seconded by Legislator Cooper. All in favor? Opposed? Abstentions? Motion carries. We will be back on the record shortly. Thank you.

**(\*AN EXECUTIVE SESSION WAS HELD FROM 11:11 A.M. UNTIL 12:26 P.M.\*)**

**CHAIRMAN D'AMARO:**

Okay. We're back on the record. We have completed the agenda except for one resolution that we skipped over pending a discussion in Executive Session. That discussion had taken place. So going back to the agenda, the resolution was number 1875-2010, **Directing the County Attorney to bring an action against New York State regarding the MTA payroll tax. (Romaine)**

To the Clerk, were there any motions previously made?

**MR. LAUBE:**

As of right now, you have nothing on the record.

**CHAIRMAN D'AMARO:**

Nothing on the record. Thank you, Mr. Clerk.

**LEG. KENNEDY:**

Mr. Chairman.

**CHAIRMAN D'AMARO:**

Legislator Kennedy.

**LEG. KENNEDY:**

We were advised extensively in Executive Session regarding this matter, and each and every one of us have heard many, many people in our districts. I think all of us as a body have expressed many, many times our outrage at the impacts. That notwithstanding, we spoke about some very specific additional pieces of information we've asked the County Attorney to solicit.

I'm going to make a motion to discharge without recommendation. The information that we are asking for from the County Attorney, I think is kind of critical to for me personally in the way I might ultimately vote on this matter. I am opposed vehemently opposed to it, yet it's got many legal impediments associated with it. I think some of that information is going to be critical. So I'll offer a motion to discharge without recommendation. I believe and I hope that we will have some of that response by the time we convene on September 16th. And that may be able to help us with the ultimate voting.

**CHAIRMAN D'AMARO:**

Legislator Kennedy, I'm going to second your motion. I think there's a dynamic process going on here, I agree with you, based on discussion we've in Executive Session with the County Attorney. This would merely bring the resolution itself, as we know, to the full floor of the Legislature. And if there is further Executive Sessions that are required in order to have further discussion and if there's inquiries being made by the County Attorney, certainly discharging the bill today would provide sufficient time for that to take place. So I'm going to second your motion.

**LEG. BROWNING:**

I believe Christine could answer this question. So if we choose not to move forward with the lawsuit and all the other municipalities continue with their lawsuit and they win, do we lose out because we didn't do it or will we benefit from their lawsuit?

**MS. MALAFI:**

We would not lose out, we would benefit from that lawsuit.

**LEG. BROWNING:**

And we would save time, resources and money if we did not do it.

**MS. MALAFI:**

Yes.

**CHAIRMAN D'AMARO:**

Any other questions? Okay. There is a motion pending to discharge the resolution without recommendation to the full Legislature, it's received a second. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries.

**DISCHARGED WITHOUT RECOMMENDATION (VOTE: 5-0-0-0).**

There is no further business before the committee. Thank you, everyone for your patience in waiting. Motion to adjourn, seconded by Legislator Cooper. All in favor? Opposed? Abstentions? We are adjourned.

(\*THE MEETING WAS ADJOURNED AT 12:29 P.M.\*)

{ } DENOTES BEING SPELLED PHONETICALLY