WAYS AND MEANS COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A 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, 725 Veterans Memorial Highway, Smithtown, New York on February 24, 2015 at 3:00 p.m.

Members Present:
Legislator Steve Stern - Chairman
Legislator William Spencer - Vice Chair
Legislator Kate Browning
Legislator Robert Calarco
Legislator Robert Trotta

Also in Attendance:
Presiding Officer DuWayne Gregory - 15th Legislative District
George Nolan - Counsel to the Suffolk County Legislature
Sarah Simpson - Assistant County to the Suffolk County Legislature
Jason Richberg - Chief Deputy Clerk of the Suffolk County Legislature
Greg Moran - Aide to Legislator Trotta
Wayne Thompson - Suffolk County Real Estate
Marian Tinari - District Court Judge Appointee
MaryAnn Johnston - ABCO
Don Seubert - MTCA and ABCO
Nerina Sperl - Medford Taxpayers and Civic
Reverend Glenn Diener - Medford Taxpayers
Annette Katta - Suffolk County Resident
George Aceved - Suffolk County Resident
Rick Brand - Newsday
All Other Interested Parties

Minutes Taken By:
Gabrielle Severs - Court Stenographer

Minutes Transcribed By:
Kim Castiglione - Legislative Secretary

(*The meeting was called to order at 3:17 p.m.*)

CHAIRMAN STERN:
Good afternoon, everyone. Welcome to the Committee on Way and Means. I'm going to ask everybody to please rise and join us in the Pledge led by Legislator Browning.

Salutation

Please remain standing and join us in a moment of silence as we keep all of our brave men and women who are fighting for our freedoms overseas in our thoughts and prayers. Thank you.

Moment of Silence

CHAIRMAN STERN:
Again, good afternoon to everyone. Again, thank you for joining us. Before we move to the agenda I do have cards for public portion. Let's see. Okay, so this is public portion. I'll have speakers come up and you have three minutes to address the committee. The first on the list is MaryAnn Johnston. MaryAnn, welcome.

MS. JOHNSTON:
Thank you very much. My name is MaryAnn Johnston. I'm President of the Affiliated Brookhaven Civic Organizations. We're an umbrella group representing approximately 41 groups in Brookhaven Town. Our civics voted unanimously to oppose the siting of any casinos in Brookhaven Town. Furthermore, they have voted a second time to oppose casinos in Long Island, in Nassau, in Suffolk County. We have joined with our neighbors in Nassau County in working hard to protect the quality of life of our residents. We are absolutely appalled that government is looking to make money off the misfortune of our poorest and most vulnerable residents. It is not the appropriate way. It is no more appropriate to make money off this then off drug addiction. This is really a serious issue.

We are asking all of you to vote in favor today of Legislator Calarco's bill, 1117. We believe that this is the right way to go. We have a grassroots group coming together, much as we did with our neighbors in Nassau County. We work collectively with them to help them through their battle with their OTB and we are opposed to this County voting, using taxpayer money to continue to bail out a bankrupt corporation that has not turned a profit since 2008, has used money on taxpayers watch to continue to fund a losing operation. I have characterized funding OTB like chartering the Titanic for a pleasure cruise. It's an absolutely absurd proposition. We should not have people with such fiscal irresponsibility handling our money. When you invest taxpayer money, you need to invest it in things that are going to benefit the people, benefit the people, not rob them. This is the worst possible use of the government looking to balance and plug holes in its budget. I remember Mr. Bellone telling me he was going to do more with less. I have not seen a whole lot of that. And, frankly, this is the worst possible way for us to move forward.

We are supporting our neighbors in Medford. We will do everything we need to do to stop this. Furthermore, you need to know OTB has yet to even file an application with the Gaming Commission. They have no authority to be doing any of this, yet they move forward fully confident that their friends in government will support them all the way down the line. We are asking you to support the people who vote for you and pay your salaries and we are saying very loud and very clear, if this casino gets built, we will remember in November. Thank you.

(Applause)

CHAIRMAN STERN:
Thank you, MaryAnn. Norina Sperl.

MS. SPERL:
Good afternoon, everyone. My name is Norina Sperl and I am here representing the Medford Taxpayers and Civic Association. I'm the Treasurer of the organization and I'm here to tell you that my community absolutely does not want a casino, and I know that you know that and I know that you've heard everything MaryAnn said, so I want to talk a little bit about the problems in rolling out OTB's plan for our community.

They have not put in an application for a gaming license. They have not done the things that they're supposed to do. For a while there the discussion was that they were exempt from everything, and we're learning now through the State, we've had communication with the State Gaming Commission, we're talking to people on every levels of government, and they are not following the procedure that they should be following. So they've gone ahead and they bought a piece of land in my community that they intend to turn into a casino. They put out a plan that's extremely inferior. They came into this room in front of the Long Island Regional -- the Suffolk County Planning Commission with a very incomplete application, a not well thought out plan. They called it a nineteenth century plan for a twenty-first century time. They called it the good, the bad and the ugly. Well, I don't really think there was any good so I shouldn't have put that in there, but they did say that. The good was you get to gamble.

It's been a tough time for my community. Since April I've heard about this in press conferences and press releases from the Supervisor's Office in Brookhaven. I've heard it from the County Exec's Office. I have asked every level of government to meet with us and help us. The only one that responded was Legislator Calarco. We appreciate his bill. I would like to see you support it. I believe that the bill will give us some teeth in the process. It at least tells OTB that they have to get with the host community and figure out what the support is and I guess proclaim the support or get some official -- I guess official statement of support from the community? Is that what you're asking for in the bill? Here it just says that it's establishing the new policy for appointments. I'm hoping it's going to be deeper than that.

LEG. CALARCO:
I think the intention that we try to follow the same policy the State set forth for everybody, and that's the local host community is giving some sort of official support -- statement of support and that certainly should come from, you know, through the community and through the local municipality to say yes, we support this.

MS. SPERL:
Right. Well, we're learning on the State level that they are supposed to be following local ordinances and we have a letter to that effect from the Gaming Commission. So on that level we probably do have some things that we can go to. If we have on the County level where you are telling your OTB appointed officials that you have to roll this out properly to a community and get community support that would help also, and then the town needs to enforce their codes.

So we're standing here as a community with like no representation right now and we've been trying for six months to get something accomplished so that we can be heard and we can stop this project, because we really don't think it's a good project for our community and it's not their A game at all. It's a horrible building. They're putting cesspools in instead of sewers. They're not taking into consideration protection for the community, for the future of our children and our lives here on Long Island. I hope that you support the bill and get it out of committee and into the full Legislature for a vote. Thank you very much.

(Applause)

CHAIRMAN STERN:
Thank you. Reverend Glenn Diener.

REVEREND DIENER:
Good afternoon, ladies and gentlemen. My name is Reverend Glenn Diener. I represent several nondenominational churches throughout Suffolk and Nassau and Brooklyn Counties. On behalf of all Christian churches we denounce any casinos. It's not easy, it's not hard I should say, or difficult to go to Google and Google search the risks associated with gambling. Several years ago I was part of those risks. I was involved in the casino. I lost a lot. I had a room every single day at Mohegan Sun. I used to live with people that would bet $18,000 a hand, okay. It's an addiction, it's a disease. It's something that we do not want for our community. There has to be other answers and I think it's time that we searched out those other answers and find better means of supplying for our community.

The risks associated with gambling is threats of destruction to the family. And I would like to let you know that I'm here in support of Retista Hale, Common Ground Christian Life Church in Gordon Heights. I was on the phone with her this morning. She denounces a casino, that's Bishop Hale. And I could go on and on and on. This is not something that we're going to support. Thank you very much.

(Applause)

CHAIRMAN STERN:
Thank you. Next is -- is it Don Seubert?

MR. SEUBERT:
Good afternoon.

CHAIRMAN STERN:
Good afternoon.

MR. SEUBERT:
I'm Don Seubert, Vice President of the Medford Taxpayers and Civic Association. I am speaking for them. We'd just like to give you a little update. Last night we were at our school board, Patchogue-Medford School Board. It's a large school district with numerous problems and challenges right now in 2015. We have a great bilingual population and so forth. We have a drug addiction. You can take -- check, look on your computer and check over the heroin addiction numbers in our area. They're extremely high. We have so many more challenges that we don't know.

The school board last night passed unanimously a very, very strong resolution against the casino. We're worried about people. We saw some talented people doing wiz the other night at the school district. These are the ones you need to protect. That is your obligation, okay, not any phony dollars that they may or may not put out to save somebody's patronage job. That's not what needs to be done. It was a unanimous vote. It looks like our fire department is completely behind us and they'll be having a vote, and I think somebody is going to the ambulance department tonight, and this other almost a whole community is unanimously against it.

We have a quality of life that it's teetering. We need your help, and I don't know of any community that would like -- again, ask somebody, we've asked before, would like to have a casino in their community, any of the County Legislators. Feel free right now to put up your hand. The last time I did it nobody put up their hand so it can't be a good thing, and you know you're going to have opposition, so why?

I was in Hamburg, New York, where in Delaware North, the same company runs the casino. It was depression. It was horrible to see the people in there. The building was a corrugated -- a pole built building. It's a metal corrugated building. That's all it is. It does nothing for the community. I spoke to the Supervisor of the Town of Hamburg. He let me know eventually -- he was very private and protective of what -- he didn't know who I was, okay, 500 miles away, and what am I doing on his front step going into his office, although I called a couple times, but so scared he probably didn't answer, but the secretary was very nice.

So I got there and he told me, what it does, you go in there and look at it, most people are on three legs. They're all on canes. They're all taking their money and they are taking that out of the community that they live in. They draw from 20 minute ride, and up there you can do 40 or 50 miles, in 20 minutes you're here. You are in the neighborhoods of Hagerman, North Bellport, Medford, Coram, Gordon Heights, Farmingville, Holtsville, Holbrook. That's where you are. That's the money you're taking out of the pocket -- out of the pockets of the church, of the little luncheonettes, the mom and pop stores, all of them, even in all the restaurants. The people don't have the money, but they have a dream and they're there. Ten percent of video lottery terminals are even more addicting than slots. They're more addicting -- notice your kids. Look what they're playing with at home. It's very, very -- it's the most addicting form of gambling. It's the gambling that pays off the big buck dealers in the high stakes Black Jack games. That's the money -- that's where they get their winnings from. They get it from the small guy and that's what we need you to help us and to turn this around. Ask Mr. Bellone to go in there behind the doors and tell him what to do. End it. Cease it. We've had enough. We're a community that's desperate. We need your help and we can't go ahead.

By the way, the Supervisor told me they promised him three and a half percent of the winnings. Three and a half percent. Well, you know what it got down to? One percent. So he got $800,000. And how many more police did he need in that community? He had many, many traffic calls, many accidents. You know, senior citizens aren't the best drivers necessarily, and with kids -- it's a mixture of kids going there and working there. You have 80 year olds -- he told us you'd have the greatest security. Seventy-five, 80 year old people that were security, and who were giving out the drinks? Some young girls, young chicks, 18, 19, 20 years old, some babes, okay? That's what was doing it. And if that's what you want for your County, so be it, but I can't believe that you'd want that. Thank you.

(Applause)

CHAIRMAN STERN:
Thank you. Next is -- is it George? George, help me out. Is it Aceved?

MR. ACEVED:
Deny.

CHAIRMAN STERN:
Okay. Thank you. Next then is Annette Katta.

MS. KATTA:
I have been here before, thank you. Everything that everyone has said, accept the facts are out there, New York Times, Wall Street Journal. There is no -- where is the money? Where is the money that is made from this entity? The right people are not seeing the money. The facts are out there. I never listened to the show 103.9. I have been listening for the last three weeks. John Gomez every day has featured the good, not the good, there's no good, the bad and the ugly. I cannot, I cannot see this happening in my community. I'm there 53 years. They're talking about

blight and needles that can come to my neighborhood. I live in the shadow of La Bonne Vie. I've got drug dealers going through the Fish Thicket. I have no security. My husband doesn't want to leave; I do. I can't. I have to support him. My kids want me to leave. That would be the easy thing. So I'm here and I'm going to battle this. And boy, if we're not heard, we are going to be heard. I will promise you that. Thank you.

(Applause)

CHAIRMAN STERN:
Thank you.

MS. KATTA:
We are having a meeting tomorrow night. We're having Robert Steele there. He's the author of the *The Curse*. It will be 7:30 at the Medford Civic. You know, we have -- there's just so much information out there. As they've said before, if you Google gambling you get nothing good. You get nothing good. And again, I'm going to say how many of you would want this in your neighborhood. Thank you.

CHAIRMAN STERN:
Thank you. I have no other cards. Before we close the Public Portion is there anybody else that would like to address the committee? Seeing none, we'll close the public portion and we will then go to the agenda.

Tabled Resolutions

IR 2084 - Adopting Local Law No. -2014, A Local Law to save taxpayer dollars on County signs and printed publications (Muratore). That, I am advised, has been ***withdrawn***.

The next then Tabled Resolution is ***IR 2157 - Authorizing the Town of East Hampton to utilize a parcel, Suffolk County Tax Map No. 0300-162.00-01.00-010.002, for park and historic preservation purposes (Schneiderman).***

LEG. CALARCO:
Motion.

LEG. BROWNING:
Second.

CHAIRMAN STERN:
Motion by Legislator Calarco. Second by Legislator Browning. Is there anybody from Real Estate? I see Wayne is here.

MR. THOMPSON:
Good afternoon, Wayne Thompson, Suffolk County Real Estate.

CHAIRMAN STERN:
Good afternoon.

MR. THOMPSON:
I believe it was tabled last time because there was concern over the town's commitment to this property being preserved in the nature that they were intending. Since then, and I believe that you have a copy of a resolution from the Town of East Hampton stating their intentions, resolution of the Town, 2015-202, which recommits themselves to preserving this property is because it belongs to a

house that was on it was part of the Montauk Indians, and their intent is to keep it that way and not develop it as open space. The County looks at it as even if they gave it back to us, we would have to do the same thing and that would be more burden on our Parks Department to maintain it and clean it, whatever is necessary. So on behalf of the County, I think it befits us to let them have it and let them use it for the purpose that they have.

CHAIRMAN STERN:
So -- thank you for that. Let me just recap my understanding of it and where we're at. Originally this was property that was transferred to the town for affordable housing purposes.

MR. THOMPSON:
That is correct.

CHAIRMAN STERN:
The town decided that they would -- for one reason or another were not going to entertain the original purpose for affordable housing, but now they want to hold on to that property for purposes of preservation, open space.

MR. THOMPSON:
That is right.

CHAIRMAN STERN:
There is a value attached to that. The value that I have here, if I have it correct, is $6,500. Is that the number?

MR. THOMPSON:
That would have been the taxes the County paid while it was in our inventory.

CHAIRMAN STERN:
So our County investment.

MR. THOMPSON:
Yes.

CHAIRMAN STERN:
How we referred to it. So $6500. So now the town is suggesting that they retain the property for open space purposes. We had indicated that we want assurances that it will, in fact, be held for open space purposes, that they would take over the property, that they would maintain it for all of those purposes going forward. I know that myself and other colleagues had a question about whether or not we'd be able to receive some, if not all, of the investment amount of 6500, but if I'm hearing you correctly, you're suggesting that although I had suggested look, it's not all that much money, why doesn't the town just give us the money.

MR. THOMPSON:
No argument.

CHAIRMAN STERN:
But I guess what you're saying is that there is a flip side, and the flip side is that if we retain it, that it's going to cost us at least that dollar amount going forward, if not more. So the recommendation of the department, then, is to support the resolution and transfer ownership to the town without the corresponding consideration.

MR. THOMPSON:
And personnel in Parks have told me they're not really interested in a piece that's not contiguous with other Park's property, so it becomes an out of the way maintenance problem or whatever, you know, trespass or watching the use for it. It's all the town's problem at this point.

CHAIRMAN STERN:
All right. So our ongoing responsibility and the burden associated with it, including the associated costs, would outweigh an outright transfer for really no consideration.

MR. THOMPSON:
That's true.

CHAIRMAN STERN:
Okay. Thank you. Legislator Trotta.

LEG. TROTTA:
How much property is it?

MR. THOMPSON:
I believe it's a significant parcel. Let me look for the dimensions here -- 1.7 acres.

LEG. TROTTA:
And is there any reason why we're not selling it?

MR. THOMPSON:
Because we would run into the same problem that the town ran into, which was there was some feedback from the town or the local Montauk Indians that it was important to them that it be preserved. So I presumed if we tried to sell it, we'd run into the same problem.

LEG. TROTTA:
Well, then it wouldn't be our -- I mean, I don't know if you know, we're two billion dollars in debt, we have no money, and that, you know, if we have an acre and half somewhere in the Hamptons, that we should at least try to sell it and get some money out of it. Then whoever buys it, it will be their problem.

MR. THOMPSON:
I'm not arguing with you. I hear you. That's what I do, is make money for the County.

LEG. TROTTA:
So in your opinion we should sell it, or at least try to sell it.

MR. THOMPSON:
Well, you know, there are problems with selling it in that it also doesn't meet road frontage. It doesn't get enough road frontage. You'd have to get a variance from the town to build on it.

LEG. TROTTA:
Well, if we sell it, that wouldn't be our problem.

MR. THOMPSON:
No, but it could come back to us if they couldn't get their variance.

CHAIRMAN STERN:
If I may. Those are some of the factors that made this appropriate property transfer to the town for

affordable housing purposes in the first place.

MR. THOMPSON:
Right.

CHAIRMAN STERN:
The fact that it was irregular, the fact that there might not be a ready market, perhaps not for fair market value. It's what made the property transferrable for the original -- the original purpose, otherwise my guess is that it would not have been considered for transfer to the town in the first place.

LEG. TROTTA:
What town is this in?

MR. THOMPSON:
East Hampton.

LEG. TROTTA:
What does 1.6 acres go for in East Hampton?

MR. THOMPSON:
I'm sorry. Say again?

LEG. TROTTA:
What's the approximate value of 1.6 acres in East Hampton?

MR. THOMPSON:
If it was buildable, probably in that area close to $200,000.

LEG. TROTTA:
More than 200,000.

MR. THOMPSON:
And realize that this wasn't our bill, resolution rather. This came in from --

CHAIRMAN STERN:
This is Legislator Schneiderman, right.

LEG. TROTTA:
This is -- you don't want to sell it, do you.

MR. THOMPSON:
You don't want the problems associated with trying to close it or any more feedback you or the local Legislator would get if we did try to sell it.

CHAIRMAN STERN:
There's also an associated issue here. Maybe you can tell us about that. There is historic significance, I see in my notes here, the Suffolk County Historic Trust has determined that the building, the grounds have some historic significance in that it would be likely eligible for National Register of Historic Places, which is an additional factor as to what extent it might be possible for sale.

MR. THOMPSON:
Yeah, that has to do with a structure or part of a structure that was on the property which I'm not that familiar with, the historical part of it going back to the Montauk Indians. But it was my -- the hearsay that I had heard is that the local Montauk Indian representatives had put a kibosh on it when or tried to intercede when the town even considered putting an affordable housing structure on it.

CHAIRMAN STERN:
Legislator Calarco.

LEG. CALARCO:
Thank you, and thank you for the information, Wayne. I think that when we look at this resolution and what we've heard from the town, they've not only sent us a letter from the Supervisor but has now passed a formal resolution saying that they want to take this property and rehab it for the historic preservation purposes, and that the property does, in fact, have some real significance, historic value to it, that we would probably be best served to, at this point in time, divest ourselves of the property, give it to the Town of East Hampton and allow them to make that investment into the property.

The reality is, is if we try to hold on to it and try to sell it we could be looking at a situation where the Montauk Indian Nation comes back and says *Hey, listen, that property has value to us, it is a historic property, we've already been able to start documenting it*. Its historic values tie us up, and certainly I'm not the one that wants to go about destroying some of our important historical significant structures in the County, and this is an opportunity for us to at least find a partner who is willing to pay for it with God knows we have plenty of historic structures that we have in our own inventory that we're not taking care of, can't find the funds for, and this is an opportunity to get us to avoid that issue and allow another municipality who is willing and has partners capable of helping them restore the structures. So I'm supporting this resolution.

LEG. TROTTA:
Well, if I may.

CHAIRMAN STERN:
Legislator Trotta.

LEG. TROTTA:
Have we spoke to any of the neighboring landowners, someone who might want to take it and take it out of government's hands and give us some money for it? Is there someone nearby that borders it that might want it?

MR. THOMPSON:
You mean like an adjacent owner say?

LEG. TROTTA:
Yeah.

MR. THOMPSON:
No, that wouldn't have been pursued because this came up before that. If we were pursuing an auction sale it wouldn't be available for direct sale because of the value initially put on it when it was thought to be possibly buildable with some variances. So we don't generally offer to adjacent owners unless it's a small, unbuildable lot.

LEG. TROTTA:
I think the County should get every penny they can for it and not be just giving it away.

MR. THOMPSON:
No disagreement.

LEG. TROTTA:
I will not be supporting this.

CHAIRMAN STERN:
All right. So IR 2157 is before us. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 2157 is approved. ***(Vote: 5-1-0-0. Opposed - Legislator Trotta. Presiding Officer Gregory is included in the vote).***

What I'm going to ask for my colleagues is I'd like to take IR 1115 out of order. I guess I'll make a motion to take IR 1115 out of order. Second by Legislator Spencer. All in favor? Any opposed? Any abstentions? IR 1115 is before us***. (Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1115 - Confirming the appointment of Marian Tinari as District Court Judge for and of the Third District to fill a vacancy (Co. Exec.). Marian, welcome.

MS. TINARI:
Good afternoon. Thank you everybody.

CHAIRMAN STERN:
Welcome. I know that -- I think all of my colleagues have credentials in front of us, but perhaps you can tell us a little bit about yourself.

MS. TINARI:
I would be delighted to, thank you. I am a lifelong resident of Long Island and I have lived in Huntington since I was a teenager. And fast forward, I went to high school in Huntington and then, you know, college out of state, law school out of state. Returned to New York to work in the City in investment banking for a few years and saw people doing litigation and was fascinated by it, and was very fortunate to be hired by the then Suffolk District Attorney Patrick Henry. Worked in the DA's Office for three years and then was very fortunate to be hired by Judge Michael Mullen, who was my mentor and good friend who did criminal work for 15 years, felony level and actually up to a capital offense. After that I worked for the Surrogate of Suffolk County, John Czygier, for five years, and for the last several years I have been working for District Administrative Judge of Suffolk County, Randall Hinrichs.

I have had exposure to all aspects of the court system having traveled that journey, and am before you now as a possible District Court appointee. And I thank you very much for the opportunity of being here. It's a very short version of the story, but I think you have the rest of the details there and I'm happy to answer any questions about them.

CHAIRMAN STERN:
Thank you. Is there anybody on the committee that does not have Marians's credentials before them? I think everybody has them.

MS. TINARI:
I have extra copies if anybody needs them.

CHAIRMAN STERN:
Which certainly goes into great detail about your background experience, your profession experience, which is impressive not just in the various roles, but the various courts.

MS. TINARI:
Thank you.

CHAIRMAN STERN:
So as you say, you certainly have had the opportunity to see not just so many different issues, but the functioning of our entire court system from the inside at the various levels. Very impressive. Legislator Spencer.

LEG. SPENCER:
Hi, Marian. How are you? I just wanted to go on the record, Marian, you're in my district in Huntington, and you have done fine work for a number of years. Your work is -- your reputation and your work is known throughout town and County, and I'm proud that you are here. I really wanted to go on the record giving you my support and --

MS. TINARI:
I really appreciate that, Dr. Spencer.

LEG. SPENCER:
-- I think that to my colleagues, I think that to have someone with her experience and her background and integrity representing us in our District Court System I think we'll be well served and I plan to cosponsor and support and encourage my colleagues --

MS. TINARI:
Thank you very much, sir.

LEG. SPENCER:
-- to support your resolution confirming you in this position.

MS. TINARI:
Thank you.

CHAIRMAN STERN:
Presiding Officer.

P.O. GREGORY:
Thank you, Mr. Chair. Ms. Tinari, thank you for putting your name forward and being interested. You certainly have an impressive background. I see that you work with various organizations, one of which being the Veterans and Military Affairs and with children and with women, and certainly have -- and foreclosures, I see you are on that committee as well. You certainly have a wide breadth of interest and experience, and I think that's certainly very good and I think, you know, we can certainly use more diversity on our courts. It wouldn't hurt to have another woman on the court and certainly with someone with your background to bring your perspective I think certainly will serve the courts well, so I fully endorse your appointment as well.

MS. TINARI:
Thank you, Mr. Presiding Officer. I really appreciate that.

P.O. GREGORY:
Thank you.

CHAIRMAN STERN:
Okay. Anybody else?

LEG. SPENCER:
Mr. Chair, I'll make a motion to approve.

CHAIRMAN STERN:
Legislator Spencer makes the motion to approve. I'll second. I'll call the vote. All in favor? Any opposed? Any abstention? All in favor? Opposed? Abstentions? ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

MS. TINARI:
Thank you very much, everyone. I really appreciate it. Have a good afternoon.

LEG. SPENCER:
Thank you, Marian. You have a great day. Thank you.

CHAIRMAN STERN:
Marian, since you were here before the committee and made yourself available, I don't think that there should -- Counsel advises that there should be no need for you to come back before the General Session. Of course it will go before the full Legislature at our upcoming General Session, but there is no requirement that you be there. Thank you. Best of luck to you.

MS. TINARI:
Thank you.

CHAIRMAN STERN:
Okay. Let's see. Going back to our agenda still under Tabled Resolutions. ***IR 1026 - Adopting Local Law No. -2015, A Local Law Amending Section 232-2 of the Suffolk County Code regarding tax notices after recording of mortgage satisfactions (Co. Exec.).*** This is in public hearing. It needs to be tabled for a public hearing. So this is now eligible before us. Motion to approve by Legislator Calarco. I'll second. All in favor? Any opposed? Any abstentions? IR 1026 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

Introductory Resolutions

Now going to Introductory Resolutions, ***IR 1030 - Adopting Local Law No. -2015, A Charter Law to strengthen lobbyist registration and reporting requirement (Lindsay).*** This needs to be tabled for a public hearing. I will make a motion to table, second by Legislator Calarco. All in favor? Any opposed? Any abstention? IR 1030 is tabled for public hearing. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1032 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Charles R. Ohrnberger and Cynthia Eagle, his wife (Gregory). Presiding Officer.

P.O. GREGORY:
I would like to make a motion to approve.

CHAIRMAN STERN:
Motion to approve. I'll second.

P.O. GREGORY:
On the motion.

CHAIRMAN STERN:
On the motion.

P.O. GREGORY:
This situation is where these homeowners, their properties actually are on two separate lots. The garage is on a separate parcel and the cesspool and they didn't receive the notices for the tax payment, and this had happened in the past, but it wasn't cleared up under a previous owner. So do, you know, it's $3500, you know, they are going to make restitution, but we have to make some type of agreement that they merge the two parcels, which hadn't been done in the past, so this does not happen in the future.

CHAIRMAN STERN:
So there is a dollar amount that is going to be paid, and then do we know whether or not there are any charges, any other costs associated with it that will come subsequently, or is it going to be limited to just that dollar amount?

MR. THOMPSON:
Well, that would be the full amount, but I don't know if that includes this year's taxes, which if this is just one year then they may have been paying it all along. But either way, whatever they owe in taxes they would have to pay in full, not just a half year. They would have to pay the entire 2014-2015 tax year in order to get a deed for this.

CHAIRMAN STERN:
Okay. So I just wanted to make that clear for the record, because the dollar amount that I see here is $3,550.13. But again, just to be clear, if there are any other additional associated costs, including property taxes that are still due, those would have to be paid as well.

Mr. Clerk, we have a motion and a second?

MR. RICHBERG:
Yes, we do.

CHAIRMAN STERN:
I'll call the vote. All in favor? Any opposed? Any abstentions? IR 1032 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1033 - Authorizing certain technical correction to adopted Resolution No. 1142-2014 (Co. Exec.). I'll make a motion to approve and place an the Consent Calendar.

LEG. SPENCER:
Second.

CHAIRMAN STERN:
Second by Legislator Spencer. All in favor? Any opposed? Any abstention? IR 1033 is approved and placed on the Consent Calendar. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1036 - Authorizing the reconveyance of County-owned real estate pursuant to Section 215, New York State County Law to Shakeela Moughal (SCTM No. 0500-267.00-03.00-008.000)(Stern). I'll make a motion to approve. Second by Legislator

Calarco.

This is also a hardship redemption under Section 215. The payment here is in an amount of $14,580.96. Again, that is the number as of now. That could also include any and all charges that still might be due at the time of closing. This is a property that is in Bay Shore in the Town of Islip. Again, this is a hardship under Section 215. We have a motion and a second. Anybody? All in favor? Any opposed? Any abstention? IR 1036 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1063 - Amending Resolution No. 8-2015, designating two (2) alternating newspapers as official newspapers of the County of Suffolk (Pres. Off.). I'll make a motion to approve and place on the Consent Calendar. This was really just a technical correction. It was an incorrect address, so that has been changed. Second by Legislator Calarco. All in favor? Any opposed? Any abstention? IR 1063 is approved and placed on the Consent Calendar. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1064 - Amending Resolution No. 9-2015, designating two (2) alternating newspapers as official newspapers of the County of Suffolk (Pres. Off.). Same issue. Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1087 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act estate of Elba Bermudez as to ½ interest and Marina M. Martelli, Esq., as administratrix CTA of the estate of William Bermudez as to ½ interest (SCTM No. 0500-135.00-02.00-070.000)(Co. Exec.). I'll make a motion to approve and place on the Consent Calendar.

LEG. CALARCO:
Second.

CHAIRMAN STERN:
Second by Legislator Calarco. This is -- there are fees, taxes, penalties, interest totalling $51,623.88 and that has been paid. So I'll call the vote. All in favor? Any opposed? Any abstention? IR 1087 is approved and placed on the Consent Calendar. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1088 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act William Timothy Wallace and Fathia Zoviyen, his wife (SCTM No. 0904-019.00-02.00-030.000)(Co. Exec.). Everybody good with the same motion? Same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1089 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Zion Gospel Church (SCTM No. 0100-202.00-02.00-038.000)(Co. Exec.). Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1090 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Matti Velenurme, Sole Heir to the estate of Amanda Sipiria and Endel Sipiria (SCTM No. 0400-203.00-02.00-005.000)(Co. Exec.). Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1091 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Robert Schmidt and Joanna Schmidt a/k/a Joan Schmidt (SCTM No. 0400-262.00-02.00-136.000)(Co. Exec.). Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1092 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-959.00-06.00-024.000)(Co. Exec.). Mr. Thompson.

MR. THOMPSON:
The town has given us a resolution requesting this property. It's 1092 we're talking about, right?

CHAIRMAN STERN:
This is 1092, the 72-h.

MR. THOMPSON:
The subject property is in current use as a recharge basin for drainage purposes. So somehow they must have missed a year open when they closed and we're just giving it back to them for what we had to pay to keep it.

CHAIRMAN STERN:
Okay. So that sum, the County investment as we refer to it, is my dollar amount correct, $2,920.38. That's the amount that the Town of Brookhaven is going to be conveying to us.

MR. THOMPSON:
That's right, plus they may have to pay this year's taxes, too.

CHAIRMAN STERN:
All right. Very good. Any other questions for Mr. Thompson? I'll make a motion to approve. Second by Legislator Spencer. All in favor? Any opposed? Any abstention? IR 1092 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1093 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-959.00-06.00-030.000)(Co. Exec.). Motion by Legislator Browning, second by Legislator Calarco. On the motion, Legislator Calarco.

LEG. CALARCO:
Wayne, is this a similar situation? I mean, there's a number of these here from Brookhaven, and I think they're all in the Bellport region.

MR. THOMPSON:
I think these two pieces are even adjacent. Even though they are on different tax map numbers, I think it's part of the same recharge basin.

CHAIRMAN STERN:
Okay. Everybody good on that? I'll call the vote. All in favor? Any opposed? Any abstention? IR 1093 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1094 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-973.90-02.00-008.001 and 008.002)(Co. Exec.). Let's do same motion, same second. Before we go to the vote, Mr. Thompson.

MR. THOMPSON:
Yeah. This is just a 50 by 100 that they have requested. I believe it is in an area that they are trying to build open space areas for. And 50 by 100, we wouldn't build on it, it wouldn't be built anyway. The only thing we would have done with it is maybe offered it to an adjacent owner. So in most cases like this we're happy to get it out of our inventory.

CHAIRMAN STERN:
Okay. And it's going to be used for development rights.

MR. THOMPSON:
No, we stripped those. When we give property to the town, we take the development rights off.

CHAIRMAN STERN:
Right, it's for that purpose, yes.

MR. THOMPSON:
Right.

CHAIRMAN STERN:
Yup, so I'm with you. Okay. I'll call the vote. All in favor? Any opposed? Any abstentions? IR 1094 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1095 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-401.00-02.00-024.000)(Co. Exec.). Same motion, same second. Essentially property for the same purposes.

MR. THOMPSON:
That's true. You're talking about 1095, right?

CHAIRMAN STERN:
Yes.

MR. THOMPSON:
Right.

CHAIRMAN STERN:
All in favor? Any opposed? Any abstentions? IR 1095 is approved.
(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).

IR 1096 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-617.00-03.00-030.001)(Co. Exec.). Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1097 - Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law Town of Brookhaven (SCTM No. 0200-555.00-02.00-037.000)(Co. Exec.). Same motion, same second, same vote. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1098 - Authorizing the sale, pursuant to Local Law No. 16-1976, of real property acquired under Section 46 of the Suffolk County Tax Act Andrew Maisch and Catherine Maisch (SCTM No. 0400-077.00-06.00-023.000)(Co. Exec.). I'll make a motion to approve and place on the Consent Calendar. Second by Legislator Spencer. This is a taxes, penalties,

interests, charges and fees totalling $84,898.79. This amount has been paid.

MR. THOMPSON:
No, it says advanced, right? What you'll find is if it says it's really paid in there, that usually means they have a sale or the bank is refinancing and they will not go forward until they have a resolution saying they are going to get it back.

CHAIRMAN STERN:
Okay. So the restriction is in there.

MR. THOMPSON:
Tell them okay, we'll go with that, but you won't close until we get the money.

CHAIRMAN STERN:
Very good. Okay. Everybody good? We have a motion and a second. All in favor? Any opposed? Any abstentions? IR 1098 is approved and placed on the Consent Calendar. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1110 - Establishing a committee to determine the viability of legal action against drug manufacturers (Calarco). Motion by Legislator Calarco. Second by Legislator Spencer. Legislator Calarco.

LEG. CALARCO:
Quickly on the motion. Earlier in the year, I guess maybe even late last year, we passed a resolution to look at the feasibility of commencing a lawsuit against manufacturers of the opiate based medications. We asked our Law Department if they could look at it. They did that due diligence. They came back and found that they feel we may, in fact, have a potential case with the State under some State actions, but in order to take it to the next step we need to really detail what the fiscal and financial impact to the County has been, both as an insurer and through our own health insurance policy, through Medicaid as well as the other potential impacts on us in terms of rehab, criminal justice costs and those things.

So under the advisement of BRO, instead of trying to hire a consultant to do this, they feel it would be best to try to approach this from an in-house approach since we would be working through all of our different departments as it is to get that financial impact truly detailed. So that's what this resolution does. It will create that committee to take that look. BRO will head it up, and hopefully in a few months time we'll have some hard numbers that we can maybe take into further action with.

CHAIRMAN STERN:
Okay. Everybody good? All right, I'll call the vote. All in favor? Any opposed? Any abstentions? IR 1110 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1114 - Amending Resolution No. 1062-2013, approving list of Real Estate Appraisers as designated by the Division of Real Property Acquisition and Management (Co. Exec.). I'll make a motion to approve. Second by Legislator Spencer. This resolution adds two additional appraisers. Everybody good? All in favor? Any opposed? Any abstentions? IR 1114 is approved. ***(Vote: 6-0-0-0. Presiding Officer Gregory is included in the vote).***

IR 1115 we took care of.

IR 1117 - Establishing a new policy for appointments to the Board of the Suffolk County Off-Track Betting Corporation (Calarco). Motion by Legislator Calarco.

LEG. TROTTA:
I'll second on the motion. I have a question.

CHAIRMAN STERN:
A second by Legislator Trotta.

P.O. GREGORY:
Motion to table.

CHAIRMAN STERN:
Motion to table by the Presiding Officer. I'll second. On the motion, Legislator Trotta.

LEG. TROTTA:
Question for the sponsor here. This doesn't affect -- have any effect on anybody who's currently there?

LEG. CALARCO:
No. What I'm looking to try to accomplish and a brief, I guess, synopsis of what we've been dealing with is that we have a situation here where the State has created this authority for the OTB, both in Nassau and Suffolk Counties, to create a VLD facility with a thousand machines. It has to be done in conjunction with a simulcast theater. It appears that at this point in time everybody seems to be pointing a finger the other way over who has any kind of responsibility of oversight of how or where this thing gets placed.

One of the things that my community has been facing, and it's been the most frustrating thing from my perspective over anything else, is there has been a lack of input and opportunity for the local community to have any say in what's going on here. And for the local -- for the State to say that there is no need for them to go through the local host community, in my opinion, is just not fair to the local residents, be they the Town of Brookhaven at large or more specifically, for the community that I represent in the Medford community. These folks have been very patient and have been thinking all along since the summer that at some point OTB was going to come talk to them and give them a presentation and talk to them and give them the opportunity to be heard and to hear what the problems may be. That has never really happened.

So what this resolution is doing is it's giving us a chance to set a policy from this body saying that we, as a body, think that OTB needs to take into account the local host community and whether or not they do or do not support placement. And I think that's only fair, especially when you look at the State, what they've done in Upstate, New York. So when it comes to all the full scale casinos in Upstate, New York, they have created this application process that's literally probably a hundred pages thick, and one of the very first things they say in that application process is you must have local host support through a resolution from the local host community, and that's what we're asking for here. There should be some local host support from the local community saying yes, we want this to be placed in our community, that we are okay with this coming in, and that is not present in the Medford community and there's been really, as I said, no opportunity for them to get some hearing.

So what this does, at a bare minimum, is a couple of things. First, it says this is the policy that this body is going to have so that our appointees there now and any appointee in the future will know that this is what we think is the appropriate avenue to go. And the other thing it does, is since we don't have Sense Resolutions, since we don't have the ability to communicate to the State directly, and I know that all of my colleagues in Brookhaven have signed a letter in support of -- to the Gaming Commission saying we don't want you to do this without local input. This is another was for us to say to the State of New York you've got a process that you should be following, this is the

policy that we're setting for our board members here in the Suffolk County OTB, and we'd like you to support that process and take the corrective actions and take the proper actions in consideration of this facility's application to the State Gaming Commission, whenever they may make that, to say that there should be local host support.

(Applause)

LEG. TROTTA:
But unfortunately, it does nothing for the sitting members.

LEG. CALARCO:
It gives them a clear direction of what we want them to do. We will see if we have to take it further. We may take it further, but at this point I want to give them the clear direction of what we're saying of what we think they should be doing.

LEG. TROTTA:
What taking it further could we do?

LEG. CALARCO:
We'll cross that bridge when we come to it, Rob.

LEG. TROTTA:
Okay.

CHAIRMAN STERN:
Legislator Spencer.

LEG. SPENCER:
Thank you, Mr. Chair, and I can see, to my colleague, the sponsor of this bill, definitely I think your constituents are very lucky to have you representing them, and I can see the passion that's out there. And I'll go on the record to say that I have serious concerns with casino gambling or lottery terminal gambling as a source of balancing budgets. It just doesn't work that way, it just kind of takes more out of the community.

(Applause)

And I think that on an ethical basis I have a concern. I also think that if you're talking about a community that we have to have input from the local community to make these decisions. So I have a couple of questions and I have given them to the sponsor, but also just to Counsel. And so, George, my question is, as much as I support this, my concern was can we place as a condition of appointment a restriction such as this? Are we -- I mean, how -- was this something that you were able to -- that you had to wrestle with or look up? Are we able to do this? Can this be challenged? Can the State turn around and say you can't make a condition appointing people.

MR. NOLAN:
In terms of the OTB we have basically one thing we do with the OTB, which is appoint the board members, and that's it. The issue, the question of whether or not we can pass a resolution like this saying we're going to follow a policy that we are going to appoint people who do X, Y and Z, I think we can do that. We did it with the Industrial Development Agency a number of years ago in terms of saying we want to appoint people who will support prevailing wage. And there was an Attorney General opinion which said that was kind of like the outer edge of what a local Legislature could do in terms of a public benefit corporation like an IDA or an OTB. So we can pass a resolution like this. I think we have the authority to do it. It's based on an Attorney General opinion which is not the be

all and end all, but it's all we have, so I think the resolution is in order.

LEG. SPENCER:
So with that said, to the sponsor, and my background was I was the Chairman of a Housing Authority and we had a situation where we were going to build senior housing, veterans housing, and we had the community that came out and there were those that said, you know, we don't want more housing and it's too dense, that adamantly opposed it. We had another element of the community that said we need housing for our seniors and veterans that supported it. I had two civic associations that were divided and up in arms and so I'm trying to figure out when we say local support what happens if there's a community divided and how do we decide.

LEG. CALARCO:
Sure. I can appreciate the question. In my mind when I wrote this resolution, and in my definition of local host support, that it specifically is referring to the exact same language that the State uses in their law. And in the State when they talk about local host support it is the town, the village, the city in which the facility is being placed. So in this instance it would go back to the Town of Brookhaven whether or not they would want to pass that resolution. We happen to know in this particular situation with Medford the Town of Brookhaven has already passed a resolution saying no thank, we would prefer not to have this in our town. So that is a policy statement that they have made.

But the thing about -- the starkest difference between what you're illustrating with yourself and your experience with the Housing Authority, is that there was a local process. You were talking about developing a process of building housing that had to go to the local elected officials, the Town of Huntington, for approvals. The Town had to make a decision on whether or not it was appropriate, or the appropriate avenues, whether it was the Town Planning Board, the Town Zoning Board or the Town Board itself. There was a process that's well defined that we've used for everything else, any development in anywhere else of any other kind, whether it's housing or it's a big box store or whatever the case may be. They all go through that local process. There's a local review process for those facilities and in this particular situation they are removing that local review process. So at the bare minimum, there should be at least an opportunity for that local community to say yes or no.

LEG. SPENCER:
Okay, that makes a lot of sense and I can appreciate that. I know that it may not be the case with the current situation, but I'll ask this. So I'm in a situation where I have five villages and they are all within the Town of Huntington. So let's say they wanted to put this thing now in the Village of Northport. The Village of Northport said no go. But the Town of Huntington passed a resolution supporting it. Is there a potential here where now you've got two local municipalities with differing resolution?

LEG. CALARCO:
No. Again, I would follow the State in their policy. So the State specifically says in their policy for Upstate, and again, for me to this, a guy coming from Upstate, what's good for Upstate is good for Long Island, right? So if it's the policy that works for there, it's a policy that could work for here. So what it specifically says in instances of where there is a village involved, and it could be the Village of Patchogue for that matter, the Village has to pass a resolution as well as the Town. They actually ask for both to pass the resolution in support. So in this particular situation that you define, if they wanted to go to the Village of Northport, if the Village of Northport said, *No, thank you* and the Town of Huntington said, *Yes, please*, then it would still be a no thank you.

(Applause)

LEG. SPENCER:
I appreciate that, and again, I don't support this. I don't support doing something against the community's wishes. What I -- the thing that I'm struggling with would be -- I know a lot of times where we appoint these commissions, a lot of times we're putting people in a position, and I'm not saying that of this situation, but we're putting people in a situation as a commissioner where they sometimes have to make tough decisions. Are we politicizing the process by putting constraints on saying as a condition of appointment then we're kind of putting our -- that you have to fulfill this particular wish. How would you respond to that? Are we now politicizing the process?

LEG. CALARCO:
I understand what you're saying, Dr. Spencer. I think that the issue here is that the OTB should have some sort of need to go to the local community, that they shouldn't have cart blanche, and quite honestly you had it then. Had we not be talking about VLTs and just talking about another branch facility, they do have to go through some sort of local process with the town to do that. It's really just asking for some fairness to the community.

You know, I'm not putting something forward that says there shall be no VLTs in Suffolk County, and I know that some of my, you know, some of the residents here today are actually asking for that kind of a policy, and that's not what I'm saying. I'm not saying that, you know, Suffolk OTB is this horrible entity. I think that, you know, they have some challenges and certainly one of them is their communication skills, but what I'm saying is that the local communities have to have a chance to have some input. It's really just that simple. And if nobody else is willing to say that that's the policies there should be, then that's what I would like the Legislature to do.

LEG. SPENCER:
Thanks, I appreciate that, Mr. Majority Leader. To Counsel, one final question. So if someone now is appointed, after we pass this resolution they're appointed, and they go against this particular resolution that we're passing. They break this law, they don't get community support or they interpret it in a different manner, what remedies do we have? Are we saying that they could be terminated, their position can be lost? What happens if someone goes against this and we pass it?

MR. NOLAN:
Well, let's say we establish -- we adopt this resolution and we say this, we want the appointees to the OTB Board to adhere to this particular policy and they don't. Then you'd have to -- nothing would happen automatically. They would have to be -- the next move obviously would be to replace board members. And that would be the remedy if the Legislature adopted this policy, believed in the policy and had somebody not adhere to it, then that would be the option the Legislature would have at that point would be to replace members who didn't follow it.

LEG. SPENCER:
Now, George, do we have guidelines as far as, I know -- and maybe there's a difference when we establish legislative committees, when we look at rules with regards to removing people from boards, as far as attendance and other functions. Is this spelled out in our County Charter that tells us --

MR. NOLAN:
Right. It depends on whether or not somebody is a term appointee, somebody is appointed for a term or not. In the County Charter if you wanted to remove somebody who had a term in the middle of their term, you'd have to do it for cause. They would have to have done something wrong, you know, something, you know, major bad.

LEG. SPENCER:
Is this cause?

MR. NOLAN:
Well, these people serve -- they don't have terms. So really the Legislature can replace them at any time and for any reason.

LEG. SPENCER:
Okay. On the current OTB Board, are there any -- so if we pass this, is the mindset then is that we're going replace board members and put new board members that --

LEG. CALARCO:
What I would like to do is pass this resolution and tell them this is the policy and to follow it and then we'll have to take it. The reality is, is that these board members, I know I never voted for any of these board members, they were all appointed well before my tenure in the Legislature, and so clearly also these board members were appointed long before VLTs were even considered as a viable option in Suffolk County. You know, there was a State law -- the State never allowed that to be the case before, so this is a new particular situation we're dealing with, and so I wanted to give them the opportunity to hear that there is a policy that we would like to have them follow in that particular situation.

LEG. SPENCER:
I keep saying how that's my final question and it brings up more, but I do have a serious concern here, and I'm leaning more towards supporting this. That is we were given six year terms when I was Commissioner in the Housing Authority, which was a Federal agency, and the purpose of that was that our term exceeded any term of any elected that would prevent there from being a political influence from the elected's as far as swaying the direction of the board. And the fact that the OTB, although we haven't exercised that. So now we're saying -- you are telling me, George, that they're open ended, that they could serve for a month and this Legislature says oh, we don't like you, we don't like what you're doing or we don't like your politics, we're going to set you aside and we're going to put someone else on there. It just makes me concerned that we're opening a can of worms here. Is that pretty much what can happen, is that this Legislature can identify someone that we don't like on that board or we don't like their politics? They serve at our pleasure and we can remove them at any time for any reason just because it's an open ended --

MR. NOLAN:
Yeah, pretty much, if ten Legislators want to do it.

LEG. SPENCER:
Okay, I think I've kind of really gone down as many paths -- I do have a genuine interest here. So I will yield, Mr. Chairman. Thank you.

CHAIRMAN STERN:
Thank you, Dr. Spencer. Legislator Browning.

LEG. BROWNING:
Okay, Rob, I will be supporting you in this because, again, you know, when we talk about casinos, and I heard the testimony from many people here about casinos. And like many other issues, casinos are attended by adults who choose to spend their money. It's not my business how someone wants to spend their money. I don't gamble. It's not my thing. I don't support gambling. And again, I've heard many comments -- I've had a lot of constituents in my district call me in support of this because they go to Foxwoods, they go to all these other places, and they want to have this local place. So, you know, it's very difficult that I'm voting against what my constituents want, except for one in the room, but at the same time I think that -- I feel that --

AUDIENCE MEMBER:
Do what the people want.

LEG. BROWNING:
Excuse me. Again, this is an adult choice whether you want to go to a gambling casino or a VLT, and is this a casino or is it a VLT, I don't know what it is.

AUDIENCE MEMBER:
It's more than an adult choice. It's more than that. It's an issue.

LEG. BROWNING:
My concern, and Rob, I think you're right in what you say is what happens here in Suffolk County and what's happening Upstate should be the same, and we're not being treated the same and it's not being looked at the same. I do think there should have been a better community input, a better community outreach. I do Chair the Public Safety Committee, and I do think that some of the concerns that have been brought to the attention of us and the Town of Brookhaven, the fire departments, police issues. You know, I think that's something -- I haven't heard anything with regards to how they're going to handle the public safety issues that could occur around it. Do I think it's going to be Atlantic City? No, I don't. However, I think it's important to look at where the VLTs currently exist and what are the issues that are going on there, if there are any issues, and to address those issues. So I would like OTB to look at this and to start maybe doing a little bit more homework and research and do a little bit more community outreach before they do anything.

So, Rob, I agree. I mean, I do think that the board may have a financial responsibility and decide no matter who we would appoint and make a decision that this is what we're going to do. But I think maybe it would help us to be able to have more input and I think our input on who the board members are would maybe make them think twice about how they're going to decide something. So at this point in time I think this whole idea of what they're doing in Medford needs to be, you know, take a lot of steps back and really look at it. So, Rob, you got my support today.

(Applause)

CHAIRMAN STERN:
Presiding Officer.

P.O. GREGORY:
Thank you, Mr. Chair, and I want to thank Legislator Calarco for his efforts here and certainly understand the frustration that him and his community feel over this issue. You know, no one wants to feel like something is being pushed on their community without input. I think you've certainly done an excellent job in voicing the concerns of the community, but I cannot support this resolution in that it establishes a precedent that there's a litmus test.

I worked for OTB for several years, and I will state that this particular site has been a conversation for years. I worked there -- back there as early as 2004 and this site was mentioned as a possible site, and the discussion had been long ongoing prior to my arrival at OTB. It's always been a function of where does the State, where they want to implement and place VLT parlors, not casinos, but VLT parlors. Suffolk County and Nassau County have been advocating them, I would probably say at least 15 years if not longer. You know, and I cringe when I hear negative comments about OTB because, you know, the people there are ordinary people just trying to support their families and I think there's a big misconception when people say oh, well, they're bankrupt and this, that and the other, and yes they have financial troubles.

AUDIENCE MEMBER:
Are you kidding? They are bankrupt.

P.O. GREGORY:
But it's not for the reasons, at least from my perception of what those statements are made from. It's not from mismanagement. It's from -- I mean, if I told you that you can go out and earn a dollar but I'm going to statutorily by law take ninety cents of that dollar and you are supposed to operate off of that, and you can say well, you're bankrupt, you're mismanaging your operations. And they've been advocated for ten years or more to change the statutory laws. I mean, there are laws on the books that mandate that Suffolk OTB and all the regional OTBs pay racetracks who were -- I mean, the racing industry was a dying industry, and the bailout from New York State Legislature and Senator Bruno, who had a vested interest in horse racing, statutorily put in a scheme where regional OTBs have to pay for racetracks all across the State. And when this idea, it was a new concept, of VDT's came about, those racetracks that were dying, they were the first ones to get them. They were the first ones to get the VLTs. But you know what happened was now they're making millions of dollars, but they still have the OTBs that are struggling now because they have a dying demographic, aging, excuse me, aging demographic. They are still subsidizing these racetracks that are making millions and millions and millions of dollars.

I've gone up to Albany, others have gone up. We've lobbied our State Delegation. And I don't mean it's like a few dollars, it's millions of dollars that OTB pays racetracks that are make twice, three times the amount of money that they're making themselves. It's a ridiculous statutory scheme that no one in the State wants to pay attention to. That's why OTBs are bankrupt, not because of mismanagement, because the State Legislature is saying we're going to take all your money and give it to the Racing Association, the Horseman's Association, to any association there is, and they're dying on the vine, begging for legislative relief and they haven't done it. They haven't done it.

So that's a big misconception that why the OTBs are in the financial situations that they are. If they would give them the regulatory, statutory relief that they requested, they wouldn't be in bankruptcy and they probably wouldn't even be asking for VLTs, because VLTs are exactly -- or their remedy as they see it, if they would just eliminate these statutory schemes. I think if you don't want a VLT parlor lobby your State Legislature. Tell them to do away with these statutory laws.

AUDIENCE MEMBER:
We are.

P.O. GREGORY:
And I can almost guarantee you that Suffolk OTB, and all the OTBs that are even looking at these VDT's would take a different look at it. They would take a different look at it, because the only reason they're looking at them, the only reason when I was there we looked at VLTs was simply because we weren't getting statutorily relief.

So, I mean, again, I understand the frustration that the local community faces, but we also have to look at, you know, we you talk about community input, I mean, there was just a vote, a referendum a few years ago, where Brookhaven supported it two to one. I think this particular community, I think it was like 1100 votes to 500 votes in favor of casinos. So, I mean, how many times do we have to get the community input. I think the community has spoken certainly, and I'm not -- you know, I think OTB itself could have done certainly a better job in reaching out to the community and getting their input and bringing them on board, and I think they have heard the complaints of the community and I know that they've hired some people to do that outreach. I certainly have confidence in the people that they've hired to do that.

Hopefully it's not too late, but I think they're certainly making an effort or it looks like they're making the effort to do that outreach which is very important. So they're not blameless in this process in kind of getting the community uneasy about VLTs, but I haven't heard anyone here today say well, we want VLTs but we just haven't heard from the community either. I mean, they've said we don't want them, but we haven't heard from OTB. So I think if we did -- if OTB did everything that was requested of them I think we'll still have opposition. I haven't heard the opposite here today, and that's where I have a problem. If you don't want something in your community, but you think it's okay to have it in my community, you lose me at that argument every time. I think my community is just as deserving as any other community to have any resource or whatever. You know, I'm not going to take what your community doesn't want. I don't think that's right.

AUDIENCE MEMBER:
It's not a resource.

P.O. GREGORY:
But if you have legitimate concerns you should have a legitimate vehicle to voice those concerns and have people do the outreach to you. And I respect that and I would hope for that, but I think this bill here sets a precedent that we establish a litmus test for appointments, which I don't think is appropriate. I don't think so and I don't think it will get you the result that you want.

AUDIENCE MEMBER:
Give us a chance.

P.O. GREGORY:
So I will not be supporting this. Regretfully I will not be supporting this bill.

AUDIENCE MEMBER:
You should recuse yourself anyway.

MR. NOLAN:
Stop yelling, please.

AUDIENCE MEMBER:
Remember your ethics.

CHAIRMAN STERN:
As a response, yes, Legislator Calarco, and then Legislator Trotta.

LEG. CALARCO:
And I -- listen, I respect the position and the statements of the Presiding Officer. I'm not standing here saying that the employees of OTB are bad people. I recognize they are just people trying to make a living and get by just like everybody else, and I would never, you know, attack them or demonize them. And I do understand that a lot of difficulties that OTB faces in their present operations are a direct result of the State law and the way it operates, and who's to say -- you know, again, I -- and I agree with my colleague, Legislator Browning that, you know, somebody making the decision of whether or not they want to go gamble is their decision as an adult to make, no different than if they want to play the lottery or go to the bingo halls or whatever the case may be. And I understand that that is -- you know, I'm not really saying that that's not something that couldn't happen in Suffolk County. Clearly the law as it's written now, it could. What I'm saying is that there needs to be an opportunity for the community to have an input into the process.

(Applause)

LEG. CALARCO:
It's really as simple as that. And I'm not saying that it should be your community. If your community says no, no thank you, we don't want it either, then so be it. Your community has equal right and should have equal opportunity to make that decision as the Medford community should have that opportunity to make that decision. And the reality is, is that, you know, I've heard people say there's been no, you know, there's really been no big turmoil in Medford like they had in Nassau County. And honestly I give that -- a lot of credit to the community that they just didn't come up with guttural reaction of saying no, no, no, no, no. They said we'll listen to you, we'll let you make your pitch. Make your pitch to us. That pitch never came. Instead action after action after action came to create this facility in Medford without ever having any kind of discussion with the Medford community. And what do you think will happen from that? That breeds distrust. That breeds a situation where you can no longer have any faith in that entity, be it OTB or be this any other kind of development, that they're going to consider the needs of the community and consider how they're going to be impacting the community. And as a result, you're going to get where we are now in this situation. And that is a natural process that is their own making in this situation.

You have to have community input on any kind of project you're talking about. Any other development in the town is going to have to require community input. There's going to be community scoping sessions, there's going to be opportunities, whether it's through the Planning Board, the Zoning Board, the Town Board. There's always some ability to have a community input and some ability for the local community, and in this case, you know, the Home Rules state we gave this zoning authority to the towns for a reason and there needs to be some way for them to have that. And if the State of New York isn't going to say that that's the case, then I think we as the entity, granted we have very little authority here, but at least we can do is say to our board this is the policy that Suffolk County wants to have in place, that we need to allow our local communities to have a say so in the process when we're looking to site a facility, no different than they have a say so when you are looking to site a branch facility of the OTB right now.

(Applause)

AUDIENCE MEMBER:
Thank you.

CHAIRMAN STERN:
Thank you. Legislator Trotta.

LEG. TROTTA:
I just have a question for Legal Counsel. I just want to get this straight. First of all, how many board members are there?

MR. NOLAN:
I think it's three.

LEG. TROTTA:
So we could tomorrow replace those three people with three other people who we choose, if ten of us were to agree.

MR. NOLAN:
You could appoint new people, yes.

LEG. TROTTA:
And then those people appoint the President and Vice President and so on down the line?

MR. NOLAN:
Correct.

LEG. TROTTA:
So we really do have the authority to control this, in essence, because every one of us has a community, everyone represents a community, so I wouldn't want them coming into my community, or anyone sitting at this horseshoe, saying we're putting this in your -- without anything. So I agree with you 100%. I don't know how any Legislator could sit here, and this could happen to anyone. It happens to be happening to you now, but it could be any one of us. So we do have the ability to change this. So I will be supporting this.

(Applause)

CHAIRMAN STERN:
Okay. Anybody else? Your question was answered, Legislator Trotta? You're good? All right. Very good. Legislator Spencer.

LEG. SPENCER:
I think that -- I'm not sure how this body is going to fall on this and I know, again, I know it's a divided board. There is another option that the full body should consider this, and I'm just going to make a motion to discharge without recommendation.

CHAIRMAN STERN:
Okay. So just to recap. Mr. Clerk, there is a motion and a second to approve; there is a motion and a second to table; there is a motion to discharge.

MR. RICHBERG:
That is correct.

CHAIRMAN STERN:
Okay. No second on the discharge. Tabling motion goes first. I'll call the vote on the motion to table. All in favor? Any opposed? Mr. Clerk, you have the opposition to the table?

MR. RICHBERG:
Yes, I do.

CHAIRMAN STERN:
Any abstentions? The tabling motion ***fails***. ***(Vote: 3-3-0-0 - Opposed: Legislators Browning, Calarco and Trotta).*** The motion to approve is before us. It's three-three. Motion to approve is before us. I'll call the vote.

LEG. BROWNING:
Okay. In the event -- because I think what's going to wind up happening here is it's going to be a three-three, which is going to kill the vote. I would not want to see the bill die, and so with that --

AUDIENCE MEMBER:
There's 36,000 people in Brookhaven.

LEG. BROWNING:
I would like to recommend -- I would like to reconsider a tabling motion so that the bill doesn't die, and I think it should continue. We should be able to have continued conversation on this.

CHAIRMAN STERN:
So motion to reconsider the tabling motion.

LEG. SPENCER:
I'm going to make a motion to discharge without recommendation again.

LEG. TROTTA:
I'll second it.

LEG. CALARCO:
As much as I'd like to see this committee move it with an approval, I'll take a discharge motion to get it to the floor.

CHAIRMAN STERN:
There is a motion to discharge without recommendation and a second before us. There is a motion to reconsider the tabling, which was made by someone who was on the prevailing side.

LEG. BROWNING:
I guess I can withdraw my motion. I'll support the discharge.

CHAIRMAN STERN:
You can second.

P.O. GREGORY:
She can't --

LEG. BROWNING:
I can make the motion to reconsider, yes.

CHAIRMAN STERN:
You can make the motion to second. The Presiding Officer makes the motion to second.

LEG. BROWNING:
However, if we have a discharge on the table I'll go with the discharge. I'll withdraw my motion and support the discharge.

CHAIRMAN STERN:
Okay.

LEG. BROWNING:
Do we know what's happening.

MR. RICHBERG:
Can I get a score card, please.

LEG. BROWNING:
We'll tell you when it's over.

CHAIRMAN STERN:
The only item before us then is a motion to discharge without recommendation. I'll call the vote. All in favor? Any opposed?

P.O. GREGORY:
Abstain.

CHAIRMAN STERN:
I'm opposed. Motion to discharge without recommendation is approved. ***(Vote: 4-1-1-0. Opposed: Legislator Stern; Abstention: Presiding Officer Gregory.).*** There being no other business before the committee, we are adjourned.

(*The meeting was adjourned at 4:45 p.m.*)