SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

TWELFTH DAY

AUGUST 22, 2006

MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA AUDITORIUM

VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK

MINUTES TAKEN BY DONNA CATALANO and DIANA KRAUS, COURT STENOGRAPHERS

(*THE MEETING WAS CALLED TO ORDER AT 4:15 P.M.*)

P.O. LINDSAY:

Could all Legislators report to the horseshoe, please. Mr. Clerk, would you call the role, please.

MR. LAUBE:

Yes. Good evening, Mr. Chairman.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

Here.

LEG. BROWNING:

(Not present).

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

(Not present).

LEG. EDDINGTON:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:
Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

(Not present).

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

(Not present).

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

D.P.O. VILORIA•FISHER:

Here.

P.O. LINDSAY:

Here.

MR. LAUBE:

12.

P.O. LINDSAY:

Would everyone rise? I'm calling on Legislator Eddington to say the Pledge.

SALUTATION

P.O. LINDSAY:

Before everyone sits down, I'd like a moment of silence. We will not have another meeting •• well, unless something different happens, but until after the September 11th Memorial, the five year anniversary of the tragedy. And I would like a moment of silence tonight to remember all the men and women who gave up lives and all the rescue workers that gave up their health to that tragedy. And also to remember our young people that are today, tonight in

harm's way.

MOMENT OF SILENCE

P.O. LINDSAY:

Have a seat. It's my pleasure now to introduce Legislator Montano for the purpose of introducing visiting clergy.

LEG. MONTANO:

Thank you, Mr. Presiding Officer. I would like to present Rabbi Rhonda Nebel, Rabbi of the Temple Beth Chai of the Hauppauge. She was ordained as a Rabbi in 1990. Shalom and welcome to you, Rabbi Nebel, for accepting our invitation of offering this word of prayer to this assembly.

As a Rabbi, she has participated in the congregation services in Connecticut for ten years from 1990 to 2000, three years from, 2000 to 2003, in Massachusetts. In 2003, she was called to serve as a Rabbi to the congregation of Temple Beth Chai of Hauppauge. Rabbi Rhonda does counseling in her study with people in the important work of helping them with their problems, their Judaism and their spiritual, emotional well being. Thank you very much for coming, Rabbi.

Rabbi NEBEL:

Thank you very much. Oh, Lord, Lord of great and infinite power, flame of light of which we are but sparks, may we open ourselves to your power that

it may flow through us and build us up. Lord, make us worthy to channel your power and to use us for good. And Dear Lord, we also ask for your strength so that this Legislative body may be fortified by this, that they may go forward bravely and righteously in their duties. And may these people of good will meet in spirit of cooperation inspired by a sense of the sacred.

From the place where wisdom, will and word are one, let wisdom flow to guide their thoughts and deeds, and let all words of power be used in love. As the profit Micah says, you have been told what the Lord requires of you, to act just, to love kindness and to walk humbly with your God. May we make God's purpose our own. And may our trust in you, oh, Lord, lead us to gladness and joy, success and peace. And let us all say Amen.

AMEN SAID IN UNISON

P.O. LINDSAY:

Next I'd like to call on Legislator Alden for the purpose of a proclamation.

LEG. ALDEN:
I'd also like the Chairman of the Public Safety Committee to join me up here, Jack Eddington. Too often we take for granted even some of the people that •• they're really police officers, although they are sworn officers, but our Probation Department ends up •• it's not just a nine to five type of job, and it's not something where it's just routine. And we have been privileged to a couple of times now to actually offer thanks and also to recognize some of the above and beyond call of duty type of situations.

I'm just proud to have Steve Larsen here today. And some his officers, fellow officers, have joined him. I'm proud to join with Jack Eddington and honor

Steve, because he didn't take it lightly, his duty. And where he could have just filed a report and maybe a little bit of a later on type of situation where they would have picked up this perpetrator, he continued the pursuit, put himself in jeopardy, captured the ••I'm going to call him a suspect, right? You have to call them a suspect at that point. Captured the suspect and actually made the man conform to justice.

So for that, going beyond the call of duty and putting yourself in jeopardy. And actually, it is above and beyond what you're supposed to be doing and what you get paid for. But thank you for keeping us safe here.

APPLAUSE

MR. LARSEN:

Thank you.

LEG. EDDINGTON:

I just want to add on behalf of the whole Public Safety that you represent the best of Suffolk County, and we want to thank you very, very much.

MR. LARSEN:

Thank you.

APPLAUSE

P.O. LINDSAY:

Okay. I realize that we have a standing•room only crowd tonight. I'm about to start the public portion. Just a few things, if you have a cell phones on you, please turn it on the silent mode or shut it off. The second thing in public portion is you are limited to three minutes of testimony. Please do not go over that amount. We'll remind you when hit three minutes. If you can what you have to say in less than three minutes, it would greatly be appreciated. First up is Kenneth Harkin, and to follow him is Peter Driscoll deck.

MR. HARKIN:

Good evening, ladies and gentlemen. Thank you for giving me a couple of minutes of you time. My name is Kenneth Harkin, I'm a resident of Shirley in the County of Suffolk. I'm here to oppose IR 1738•2006, closure of the Yaphank Suffolk County Trap and Skeet Range in Yaphank. I learned to shoot trap on that range 20 years ago. I bought my house in Shirley in 2000, learned of the closing of the range and anxiously awaited its reopening. The whole time I knew there was a plan to bring it about, so anyone who says otherwise is unfortunately misinformed. I feel for anyone who may feel that they were tricked or for some reason they didn't know that this range was going to reopen. But it very easy to find out the whole time that there was a plan in place for it. We are sportsmen on Long Island, we have every right to have a place to practice, the same as people who play golf or softball. The cost to close this range and open new one is enormous. I don't see it as a good use of my tax dollars. I actively endorse and hope that you folks will also oppose IR 1738•2006. Thank you very much.

P.O. LINDSAY:

Thank you.

APPLAUSE

P.O. LINDSAY:

Peter Driscoll and on deck is Stuart Libster.

MR. DRISCOLL:

Good afternoon, ladies and gentlemen. My name is Pete Driscoll, and I'm Hampton Bays, New York. We have been looking at this issue for several years now. And to reverse all the good faith efforts that have been extended by the County Office and the Parks Department after several years would be sadly disingenuous and would send the wrong message to our public in terms of relying on our Legislators.

Thousands of hours and tons of money have been spent since the closure of is this faculty. The Parks Commissioner, the County Exec and other Legislators of great integrity objectively evaluated all sides of the situation, Including looking at issues such as noise, public safety, environmental and even loss of revenues. The issues of fairness was looked at very closely for both sides and was carefully weighed by all concerned. And the final decision was obviously in favor of reopening the park, the shooting facility.

There is no other viable or alternative location that could open •• be opened economically or feasibly in any other way. I'm here today to ask you folks to vote down resolution. It's unfair and in appropriate. Thank you very much.

APPLAUSE

P.O. LINDSAY:

Thank you, Mr. Driscoll. Mr. Libster and Scott Alexander is on deck.

MR. LIBSTER:

Thank you very much for giving me the opportunity to speak. My name is Stuart Libster. I've shot at the Yaphank Range for years. I'm also a New York State Hunter Safety Education Instructor, I'm an NRA training counselor. I have used the range to teach the safe handling of firearms and the safe application of hunting and firearms used in hunting for the past 15 years at the range. I'm opposed to the range closing. Thank you.

APPLAUSE

P.O. LINDSAY:

Thank you for your brevity, Mr. Libster. Scott Alexander, and Edward F. Kaspshak is on deck.

MR. ALEXANDER:

Thank you for giving me the opportunity to address you all this evening in reference to Resolution 1738•2006, closure of the Trap and Skeet Range.

I've been a resident of the County since 1988. I've been shooting at that range since 1977. And I ask you all to consider keeping it open, keeping it open for all the residents of the County to practice. And since its reopening, I've been there every week with three generations of family shooting together as a group. So I would ask you to please think about this, not only for the past, the present, but for the future generations to practice this sport that we all need. Thank you.

APPLAUSE

P.O. LINDSAY:

Thank you very much, Mr. Alexander. Mr. Kaspshak, and on deck is Margaret Bianculli.

MR. KASPSHAK:

My name is Edward Kapshak, I'm a Bay Shore resident. I also •• my family owns over ten acres in Shirley. I've been going out there since 1953. I'm a handicapped person. I brought this up at the Parks Town Meeting. This range is the only range that's accessible for handicapped people; they have golf carts, which the other ranges on the Island do not have. It's the only sporting clay range.

When I heard they wanted to close it, I had all kinds of other ideas about how to approach this, and then I said go at it where it's shootable to me. If the range closes, I have but one option, and that's to contact the ACLU under the Americans Disabilities Act and sue the County to have it reopened. I've been contacted by a number of attorneys from the ACLU. The problem being is

they won't take any action unless the range closes. I really hope I don't have to go this route, because there is a lot of handicapped shooters out there. They might not be able to get here for this, but they do support it. And a lot of other handicapped people do support it. Thank you very much.

APPLAUSE

P.O. LINDSAY:

Thank you, Mr. Kaspshak. Margaret. On deck is Bill Raab.

MS. BIANCULLI:

I'm here to talk about New York Traffic Law Title 7, Article 27, Section 1157. Every •• our County •• everything the County Executive and the Legislature is doing has been great for community in Farmingville with regards to the contractors, the criminal contractors, the criminal landlords. However, every time we come to any, any official to give them a law that would hit the crux of our problem, they refuse to give us remedy. This Traffic Law we presented to the County Attorney •• is the County Attorney here today?

P.O. LINDSAY:

She is here.

MS. BIANCULLI:

There she is over there. And the letter you sent back to us was quite offensive to me. It was the same old fig leaf that our elected officials use to dance around what they termed targeting the illegal aliens in our

community. I submit to you that this Traffic Law would go very, very far in creating a more safe community for the residents who are there legally, as well as for the men who put there feet on the curb, their feet in the road. And when I'm driving in and out of CVS and Commerce Bank as well as my friends with the fear •• I wouldn't have the fear about running over their feet, or them talking to each other and backing up into my car.

So as long as you think of the problem in Farmingville as an immigration problem, you can hide yourself behind the fig leaf of the federal jurisdiction. However, the immigration status of the people who are soliciting on our roads for work, masses, hundreds, you should have seen it this morning, hundreds, not 20, hundreds, soliciting on your roads for work, their immigration status is irrelevant to the remedy. Their advocates will say otherwise.

I'm a citizen, you are a citizen. We pay taxes here, we have the right to a safe community no matter what our ethnicity is. And the remedy is everything that you guys are doing. You'll hit the criminal contractors and the criminal landlords, they're citizens, they have no advocates, except the lawyers that they have to pay off of the backs and the banks that they've been earning their money from, right or wrong, legal or illegal, but you'll hit them. But you will not dare touch the people on our streets. Use this Traffic and Safety Law to go that next step to make our streets safer. Everyone whether in the community illegal or whether we're in the community as citizens, we resent •• that letter was reminiscent to what the Town of Brookhaven did to us years ago. And it's weak, it is very, very weak. It's a Traffic Law meant for solicitation. And the answer that our attorney gave •• County Attorney is that my tax dollars are helping her •• is that the three minutes?

P.O. LINDSAY:

Yes.

MS. BIANCULLI:

All I wanted to say is her answer was that it was not meant for this purpose. Well, the 14th Amendment was not meant for babies, it was meant for •• to help the slaves. However, it's used for that purpose. This law was meant for soliciting on the roads, not just prostitution, any soliciting on the roads to keep those vendors off. And we expect it to be used. I thank you very much. I thank you for this forum.

P.O. LINDSAY:

Bill Raab and Anthony Sabatino is on deck.

MR. RAAB:

Good afternoon. I'm Bill Raab, and as you know, I don't dance around anything, I'll get right to the point. The Suffolk County Trap and Skeet Range has been open now, there's been no problems. All the allegations that have been brought up have all been addresses, even when they brought up again and it cost the County more money to prove that they weren't there.

This thing is done and over with. I have a great deal of trouble with 1738 as far as closing the range. If it was that much of a problem and you want to spend the taxpayers' money, about 15, $17 million of it, get another range that's easily assessable, turn•key, and, yes, then we can close this one. Until

that happens, not to any one of you, but as a body, I don't believe you. And I know that it won't happen unless we have another range built. So individually I know you can all get it done, but I wouldn't believe that it would be ready. Once it's ready, yeah, then if you want to close it, fine and spend more of our tax dollars. But the range is not a problem where it is. People moved to the nuisance. In deference to everyone else who wants to speak, I'll keep this short. This resolution is a bad idea at a bad time, and I can't see any reason to support it. Thank you.

P.O. LINDSAY:

Thank you, Mr. Raab. Anthony Sabatino and on deck is Robert Tuerlings.

MR. SABATINO:

Thank you. My name is Anthony Sabatino, and I'm here to ask a question. Why would the County Legislature want to close something that is so vital and important to our community? This is a Trap and Skeet Range, it's not a hunting field. It's a sport. It's a sport that can be used and is participated by everybody; young, old, weak, strong, tall, short. It's a facility that brings people together.

I will give an invitation to anybody here that opposes this facility to come there on Sunday, try the sport •• I will bring my equipment •• and see how nice of a sport it is. Everybody on this facility are perfect gentlemen and ladies. My wife comes with me. People here have young children. You know how hard it is when they reach the age of 15 for a parents to find some type of activity that you can share with your children. Well, my daughters comedown with me, my daughter's fiance, who just came back from Iraq, he comes down with me, my wife comes down with me. It's a family sport. That's all I wanted to ask. I am opposed to closing this. Please, make the

right choice. Thank you.

P.O. LINDSAY:

Thank you, Mr. Sabatino. Robert Tuerlings and James Kelly is on deck.

MR. TUERLINGS:

Good afternoon. My name is Bob Tuerlings, I'm the Executive Vice•President for the Association of Municipal Employees. I'm here to ask to support Resolution 2025 for verifying the documentation of some of the workers that are throughout Suffolk County. I sympathize with the plight of the undocumented worker, I think it's something that has to be addressed at a different time and a different day, but it can't be done on the back of County workers. What's going to happen is the undocumented worker obviously is going to have an advantage because the employer doesn't have to pay Social Security and the compensation taxes that everybody else does. So I'd just like you to consider supporting the 2025 resolution.

And quickly just to change subjects, I don't want to take up too much time. I would like you to support Resolution 1808 and not support 2031. These are the resolutions that concern County Road 39 on the East End. I believe the Department of Public Works can and has the manpower to be able to direct traffic in those traffic•type conditions. I think if you contract it out to an outside agency, you're going to lose the control of being able to have this workforce as needed. My example would be on a rainy day when traffic was bad, you'd be able to send the workers home. If you contract it out, you wouldn't be able to do it. I believe the work could be spread out between the three different zones in the Department of Public Works. And I think you'd have more control, because their hours would cut down on the cost of contracting out. So again, I'm asking for support of 2025, support of 1808

and against 2031. Very quickly, I hope that covers all the bases. Thanks a lot.

P.O. LINDSAY:

Thank you, Mr. Tuerling. James Kelly And Lou Giordano is on deck.

MR. KELLY:

Good afternoon, ladies and gentlemen. My name is Jim Kelly. I'm a board member of SAFE, the Sportsmen Association for Firearms Education. As you probably guessed, I am adamantly opposed to Bill 1738. When you go through this bill, I mean, it's filled with so many errors and innuendos and mistakes here it's unbelievable. First one, it says that the range was closed in 2001. That's not true. We've already had somebody from County Legal that say it takes set of legal determinations to close it, so therefore, this range, the operations of this range was suspended.

Secondly, in one of the whereases, the whereas that follows that, it says that this is an environmentally sensitive area and that the lead is an issue. We've had four different studies. It doesn't matter whether you take the one done by the County or the one done by the NRA or the one done by the vendor, they all come to the same conclusion, the lead is not a problem. We also know Commissioner Foley said that this is one the best vendors that we've ever had in Suffolk County, that the man is always cooperative and he is always looking to help out.

I think just to •• rather than go on with a lot of other things, I'm going to make my remarks •• just going to shorten it up here. Last night we had a

board meeting of SAFE, and we were talking about people who drove by the range at various different times; Sunday, Wednesday, Thursday, Friday, etcetera. Well, you know what? People have driven by the range and driven by that road in front of the range at the entrance, all right, and they've driven with their car windows down, no radio on, and you can barely here any pop from the range. So most of the time you don't hear anything. So when these people say it's like a war zone or something like that, believe me, I don't believe them, because too many other people don't hear anything. Well, with that, ladies and gentlemen, I think that's enough. Thank you.

P.O. LINDSAY:

Thank you Mr. Kelly for your brevity. Lou Giordana and Alan Cohen is on deck.

MR. GIORDANO:

Hello. My name is Lou Giordano. I'm the Vice•President of SAFE. The sportsmen are opposed to this legislation because you shut down a shooting facility that complies with all the environmental laws set down by the state. It will cost the Suffolk County taxpayers millions to close this range. Over the last couple of years, there's been many votes by members of this legislation to open •• excuse me •• to fund this range, to fund the studies. And all the studies have come back positive. I see no reason to shut this, reverse all this time and work and lose this money just for a few people who seemed to have purchased houses in the area under false pretenses. Thank you.

P.O. LINDSAY:

Thank you, Mr. Giordano. Alan Cohen and Michael Farwell is on deck.

MR. COHEN:

Hello. My name is Alan Cohen. As most of the speakers so far have said, I oppose the closing of the Suffolk Trap and Skeet. I can certainly sympathize with neighbors who aren't happy with it being there. I live on a block with a school, and I know how annoying it can be. But the school was there when we brought our house, I have no one to complain to, and I have no right to ask them to leave. The range has been there long enough.

I've heard over and over and over at all the various meetings that the residents have been saying that the town or the Parks Department or the County said that the range was closed indefinitely and that they were lied to. Well, in my dictionary, indefinitely and permanently don't mean the same thing. It was closed indefinitely for five years, not forever. If it was closed forever, it would have been definite and they would have said so. They say indefinitely because they thought that meant forever and ever. It wasn't true. They jumped to that conclusion. It's unfortunate, but I don't believe that they have the right to claim that we don't belong there because of it.

I have yet heard any resident in any of the hearings that I've attended say that they were told it would never open. They said indefinitely over and over and over. And if they assumed that that meant forever, I'm sorry, but it was indefinite. Now we know the definite date. It reopened, I was there. And I think that it should stay open. Thank you.

P.O. LINDSAY:

Thank you, Mr. Cohen. Michael Farwell And Roger Clark is on deck. Micheal Farwell. Is there a Micheal Farwell in the audience? Going once. Okay.

Roger Clark.

MR. CLARK:

My name is Roger Clark. I'm a lifelong resident of Suffolk County. I came here after reading numerous articles in the newspaper regarding the continued assault of the opening and operation of the Suffolk County Trap and Skeet Range. The County has taken four plus years to put together a comprehensive RFP to find a vendor.

During that time, there were numerous environmental studies by both the County and the current vendor. The results were all studies were positive for reopening the range and would have no negative affect on the environment. If I am correct, I understand to date, the County shall have laid out $300,000 or more in this reopening, not to mention what the vendor has invested. You must not exclude the high probability of legal action on the part of the current vendor if the facility is forced to close. The facility will bring people who will spend money, buy goods and services, including homes that will increase tax revenue for the County and benefit the local surrounding business establishments.

Since the range is in the district of the Legislator who is adamant about closing the facility, I questions one's political motives. Win, lose or draw on this issue, it still returns a political hay day for the Legislator Browning come election time. It's time for her to stop this assault. It's also time for the Legislative body to put an end to this political football and reject 1738 and get on with the more important County business. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Clark. Heather Kleiger. Heather Kleiger and Al Scherback. Do we have Heather Kleiger? No. Going once, going twice, Heather Kleiger. Al Sherback and on deck is John Cushman.

MR. SHERBACK:

Good morning, County Legislators •• afternoon. My name is Al Sherback. All right. I'm a resident of Suffolk County. My wife and I have lived out here since 1990. I am an avid hunter and fisherman. And I also have a Green Card, and I also use the County for camping. So I would definitely be considered an end user of the Suffolk County Parks Department.

Basically, I'm here to oppose Resolution 1738. I ask that the Legislative body here dissolve that resolution. And I'd like to state that the Suffolk County Range is good for residents that live in the surrounding area Mastic, Shirley and Yaphank. It's a place that I've met friends at, I practice skeet and trap there. When I duck hunt, this helps with my aim. It's also a local place, easy to get to, all right? It's also a revenue source, because I'm aware of the professional competitions of trap and skeet that go on there. It also benefits the shops and the restaurants in the vicinity during these meets.

The range has been there for about, I believe, like, 80 years, long before many of the homes were built in the surrounding area. If I had to buy home and it had a noise issue, I would not buy a home around a racetrack or a gun range, all right? I e•mailed Legislator Kate Browning on this, and she sent back that, well, we have a Correction Officer that's lives in the area, he has trouble sleeping at night •• during the day. Well, my father was a New York City Police Officer, and when we moved to Long Island, he did not go to a range or •• a gun range or a racetrack to buy a house, all right?

So my question is this. Why would you buy a house in an area like that that had the potential to have a range in use there full time, seven days a week? All right? The house would probably cost you a little less money because it would be impediment if you had a problem with the range. Now, to remove that range out of the area would then be a windfall When you go to sell the house. So this here to me is more than an ulterior motive for people trying to close the range that live in the area, since I've been and the noise that comes •• or emits from the range is not loud enough to disturb anyone living in the area. Again, I ask the Legislature dissolve Resolution 1738. Thank you.

P.O. LINDSAY:

Thank you Mr. Sherback. John Cushman and on deck is James Iannacone.

MR. CUSHMAN:

Thank you for allowing us to speak before you today. My name is John Cushman, I'm the President the SAFE, Sportsman Association for Firearms Education. We have about a thousand members, 700 in Suffolk County and about 300 in Nassau. I'm here to tell you unanimously we are opposed to the closing of this range. There's no justification for it. We have gone through, and unfortunately for some people, I happen to have been here on the day original bill was put in to close the range. It wanted to close the range, and it was completely and soundly rejected. Every obligation, every objection placed before the Legislature was met, and all of these issues have been resolved.

Here are my issues •• not my, but the sportsmen's issues. This bill has two bad parts, specifically bad parts; one is the closure of the range, the second is the cancellation of a contract. Then you want to create a committee to

look for another facility. We said five years ago when this whole issue started that we had no objection to the County looking for another place that would be more amenable. We are still not opposed to it. We are opposed to you throwing me out of my house before the next house is built. In real life, that doesn't work. I don't move into a new house until it's completely built, then I'll be glad to vacate the existing one. That is basically what we have asked for all along.

If you found a better facility more suited, and if you think it's appropriate to spend millions of dollars to bring it up to same level as this County range, okay. Then if you think you want to spend another five to eight million dollars cleaning up this existing range to bring it to the level so that it can be designated parkland, again, I don't think that's a wise use of my tax dollars, but if that's the wisdom of the majority, I would go along with that. My issue is the range should not be closed, the contract should not invalidated or cancelled. And if you really want to go look for another facility, be my guest and do it.

There's millions of dollars at stake and thousands of sportsman who are looking for a single legitimate lawful place to go shooting. There are no similar types of shooting facilities in Nassau County, New York City, and we have hundreds if not thousand of people who come out. I've raised these issues before with most of the Legislators who have sat here. There are some new faces, so the benefit is when people come out and use this facility, many times they bring family, you buy gas out here, you go to a restaurant out here, wives have a tendency to go shopping out here while the guys are having a good day at the range. All of this generates revenue to Suffolk County that was not generated and eases the tax burden on our residents, myself included. I think that's a good thing. I think there's nothing wrong with keeping a legitimate facility open for the general public, for all of us.

We do a lot of educational activities at the range at the same time. So those are all goods issues why this should be. We are opposed to 1738 as written, and we ask that you reject this bill. We've been fighting it •• fighting it •• we've been debating it for over five years. I'm trying to say to you today things that I have not said before because it becomes so redundant saying the same things over and over. I'll stand for any questions if anybody has them.

P.O. LINDSAY:

There's no questions allowed during the public portion, Mr. Cushman. Thank you for your remarks.

MR. CUSHMAN:

Thank you for your time.

P.O. LINDSAY:

James Iannacone.

MR. IANNACONE:

Hi. My name is James Iannacone. I'm a resident of Islip Terrace. And I won't be redundant either. Please don't close the Trap and Skeet Range. I learned to shoot there. It's needed by thousands of people in this County.

P.O. LINDSAY:

Thank you very much. Pat Voges and Marilyn Cohen is on deck.

MR. VOGES:

Good afternoon, Legislators, Chairman, thank you for the opportunity to talk. Most of you know me. I usually stand up here representing the Nassau •Suffolk Landscape Gardener's Association or my role as Board of Directors of the Long Island Farm Bureau. Today, I'm standing here as a rifle, pistol and shotgun NRA instructor, a sportsman education instructor for the last 25 years. Okay. Pesticides and guns, boy, aren't I politically correct? I have been shooting at the range for many, many, many years, and all I can say, please leave it open. Thank you for your time.

P.O. LINDSAY:

Thank you, Mr. Voges for your brevity. Marilyn Cohen and on deck is Rabbi Moss.

MS. COHEN:

Good afternoon. Unlike most of the speakers today, I did not grow up as a shooter, I was scared of guns as a kid. Brought into it in my adult life, and it's fun, it's actually a fun activity. I also •• if you're looking at my card, you can see my address is not a Suffolk County address, I am one of the dreaded Nassau County people. But I come here to this range, because until I found out about it, in order to do five•stand shooting, I went up to area in Monticello, which even though is a long drive for me, it's a lot shorter than going up to Monticello.

It's a very nice facility, and for the ladies, it's clean and bright, and it's very •• it's a nice place to shoot. The people are helpful. It also has been mentioned is a financial boom to the County, because when I'm out here, it's such a long schlep back home that I do eat out here and spend money out here. And I would really hate to see it closed. Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Cohen. After Rabbi Moss is Michelle Santantonio. Both to Rabbi Moss and Michelle, I'd like to just point out that 2027 that you are speaking on, there's a public hearing on that that will •• the public hearings will start at 5:30. You are more than welcome to speak under the public portion on anything and everything.

RABBI MOSS:

Thank you. Good afternoon, everyone. It's good to see you again today. I come before you as Chair of the County's Human Rights Commission, Co •Chair of the County's Anti Bias Task Force and Chair of the Islip Town Anti Bias Task Force. I and the commission support Introductory Resolution 2027, which will bring the enforcement of discrimination in housing back to Suffolk County.

As you know, segregation still thrives in so many of our County's communities and discrimination in housing still exist. This bill, therefore, and its passage, are so very important. I want to thank the County Executive and Legislators Montano and Mystal who worked on formation of this bill. And I thank the Legislature in advance for passing it.

No piece of legislation, however, is perfect. I am, however, confident in the staff of the commission as well as its members that they will ensure that this local will be implemented effectively and aggressively. Let me say that the County Executive is in the process of filling two vacancies on the commission's staff, and I hope that more positions will be budgeted and then filled so that the anticipated increase in cases can be effectively met.

Upon careful consideration of the resolution of the bill, the commission was concerned that there was no protection mentioned in the bill for transgender individuals. I have been assured by the County Attorney that case law does include transgender under the protected category of sex. But the members of this community would still want to see their specific inclusion in the bill.

I'm also aware of the criticism that the bill leaves open the opportunity for the commission through its Executive Director to not hear a complaint, but rather turn it over to the State Division of Human Rights. It is the consensus of the commission members that this section of the resolution could use further discussion or should surely be reviewed periodically after the passage of this bill.

However, I come before you today to ensure you that this will never be seen as opportunity to arbitrarily turn away cases. Our mission as a commission has always been and will remain to act in the best interest of victims of discrimination. I am thoroughly confident that the establishment of internal rules and procedures, enabling its implementation will allow some of the bill's disputed sections to be ironed out as Suffolk County takes this important step in combating discrimination in housing. This is a historic moment for Long Island when both Counties will finally have local laws enabling the Human Rights Commissions to enforce fair housing. We urge you to pass this bill. Thank you.

P.O. LINDSAY:

Thank you, Rabbi Moss, for your comments and your service to this County. Michelle Santantonio. Michelle Santantonio. One last time, Michelle. Okay. John Hachman and on deck is Kristen Hachman.

MR. Hachman:

Good afternoon and thank you for allowing me the opportunity to speak with you today. My name is John Hachman. I am currently a Nassau County resident and will be purchasing a new home and moving to Suffolk County this coming Friday. I am shocked that this matter is once again being debated before the Suffolk County Legislature. Suffolk County Trap, Skeet and Sporting Clays is an important public access facility that should not be closed because of a minority number of people who oppose shooting sports.

As a father, I enjoy being able to spend time with wife and two children. My son Max is 17 years old and my daughter Kristen is 14. Both children are avid sporting clay shooters. My wife Susan is also a shooter. As most parents are aware, teenagers tend to drift off and spend less time with family while spending more time with friends. I am happy to say that sporting clay shooting is one activity that all of us enjoy and look forward to doing as a family.

If Suffolk County Trap and Skeet Sporting Clays is closed it would be detrimental to my family. Traveling to Upstate, New York or to other out of state shooting facilities is extremely expensive and time consuming. Not only does the gas and tolls add up but other things like meals at fast food restaurants and wear and tear on my car, all of these things take a toll on the

family budget.

Since Suffolk County Trap and Skeet has reopened, my family has been able to shoot more often at less expense, and we have enjoyed the benefits of being together as a family. We have also spent more of our hard earned dollars in Suffolk County and less money in other areas like Upstate, New York. Suffolk County Trap, Skeet and Sporting Clays is beneficial to Suffolk County. I urge you to vote against Resolution 1738 and to once and for all out this matter to rest and allow the sportsmen of Suffolk and Nassau Counties a safe and legal facility to spend valuable time with their families and friends. Thank you.

P.O. LINDSAY:

Thank you, Mr. Hachman. Kristen Hachman.

MS. HACHMAN:

Good afternoon. My name is Kristen Hachman. I'm a 14 year old female shot gun shooter. Although I have not been shooting for much more than two years, I can truly say that shooting has become my favorite sport. I have learned the safe and proper use of shot guns by my father, my Uncle Ron and also by attending a New York State approved hunter safety course. I have a course completion certificate that was awarded to me after passing the written and practical test that were given during this hunter safety course.

My brother Max is 17 years old and is a pretty good shot gun shooter. My mother and father also shoot. Almost every time we go shooting, we go with

my Uncle Ron. He is very good and is teaching all of us to be better shooters. Shooting has become a family function that each of us looks forward to doing. We are limited to the number of sporting clay outings that we can go to, because it is expensive and very time consuming because of the long distance we had to travel. The only public sporting clay ranges around are in Upstate, New York and in other states like Connecticut and New Jersey.

Thankfully, we now have a sporting clay range on Long Island that is open to the public. We usually try to shoot together as a family Upstate, New York once a month. Unfortunately, when you do something only once a month, it's difficult to become very good at it. I was very excited when my father told me that there was a public sporting clay range opening on Long Island, because it would give me the opportunity to practice more often.

I was lucky enough to be the first •• to be on the first squad out on opening day back in July at the Suffolk County range. I broke 47 targets out of 100 on opening day. My father said that was a good score for a relatively new shooter. In just five weeks that they've been open, I've shoot there three times already. Not as much as I would have had liked to, but I was away in Florida for three weeks visiting my cousins. It is very important to me personally that the Suffolk County Range is allowed to remain so that I can continue to practice shooting sporting clays and hopefully some day, I will become a top notch female shooter who can represent Long Island with one of the national shooting teams. Please do not allow the Suffolk County Range to be closed. This range is as much needed as any other public playground, fishing pier or golf course. Thank you.

APPLAUSE

P.O. LINDSAY:

Thank you. Robert Studen and on deck Keith Battcher. I might ask though, as •• you know, when you're down with your remarks, if you have your statement in writing, if you could hand it to Clerk. It would really help us a lot. All right. Robert Studen. Come to the mike.

MR. STUDEN:

Sorry for my tardiness. My name is Robert Studen. I'm a resident of Nassau County, and I've been a resident for that county for many years. I come out to shoot trap and skeet out in the Suffolk trap club, and I have been coming out here since 1985. I'd like to see the range reopened or stay opened. I know all the issues have been resolved. I'd really like to see you Legislators do the proper thing and vote against this closing. Thank you very much.

P.O. LINDSAY:

Thank you very much. Keith Battcher and George Marshall is on deck.

MR. BATTCHER:

Good afternoon. Thank you for the time to speak in front of you. I'm commenting on the Legislation 1738, the closing of the Trap and Skeet Range in Yaphank. I've been shooting out there for a number of years, since I was a young teenagers. I enjoy it very much. My family has been going out there as well, and I hope I can spend more time with my future family and my nieces and nephew to shoot there. So I'm asking and requesting that you oppose 1738 and the closing of the range. That's all I have to say at this moment.

P.O. LINDSAY:

Thank you very much. George Marshall and we have John Barchers, Jr. on deck.

MR. MARSHALL:

Good afternoon. My name is George Marshall. I'm a resident of Port Jefferson and have been a Suffolk County resident for over 30 years. I'm here to oppose 1738. I feel that the range is an important recreational facility for Suffolk County sportsmen, particularly as it's the only public access sporting clays course available. Thank you very much.

APPLAUSE

P.O. LINDSAY:

Thank you, Mr. Marshall. John Barchers and on deck is William Werner.

MR. BARCHERS:

Good afternoon. Thank you very much for affording me the opportunity to speak here. I'll make this short and sweet. I'm very opposed to the closing of Suffolk County Trap and Skeet Range. Thank you.

P.O. LINDSAY:

Thank you very much. William Werner and then on deck is Scott Natowski.

MR. WEPNER:

Good afternoon. The name is Wepner. Thank you very much. I'm a Nassau County resident, and I'm opposed to 1738. Thank you.

P.O. LINDSAY:

Thank you very much, Mr. Wepner. Scott Natowski and then on deck is Joseph Kessler. Is there a Scott Natowski? Scott Natowski? Sounds anything like that? Anybody in the audience by the name of Scott? Not hearing anybody, we will pass. Joseph Kessler and on deck is Thomas Voltz.

MR. KESSLER:

Hi. My name is Joseph C. Kessler. I reside in Baldwin, Nassau County. I'm a four year veteran of the United States Marine Corps and three year veteran of the United States Air Force, Air National Guard. And I'm here voice my vote, to reject that bill 1738•2006. I believe servicemen have a right to practice their sport without traveling Upstate three hours or more to another state. And I appreciate your support to keep the Suffolk County Trap and Skeet open. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Kessler. Thomas Voltz and on deck is Lieutenant Bob Donahoe.

MR. VOLTZ:

How are you doing? I'm Tom Volta. Thanks for letting me speak here. I just happened to be at the range this past Saturday with my son, and I met a friend of mine and his son. We had a couple of hours of a great time. Pretty lousy shots, because we haven't had the practice in five years. So I'd really like you to keep this range open. We need it bad. Thank you very much.

P.O. LINDSAY:

Lieutenant Donahue, I don't see him in the audience. Is he out in the lobby, Lieutenant Donahue from PAL. No? He's gone. Jim Morgo, Commissioner of Economic Development. I didn't see him in the audience. He may have left. Dorothy Wendel. Is Dorothy Wendel here?

MR. CHAMBERLIN:

Mr. Presiding Officer, my name is Brenden Chamberlin. Dorothy was asked to appear before the body for, I believe, Health and Human Services, I'm not sure of the IR number.

MS. WENDEL:

Actually I do appreciate you offering me a chair. The last time I was here, I appeared with Sandra Bachety presiding and in a wheelchair, I couldn't see other the podium. I was asked by the County Executive's Office to lend myself to the County Executive's Advisory Board for People with Disabilities.

Just a minute ago, a man mentioned that I could say something about why I agreed to do it, and I think I will very briefly. A little bit more than 20 years I came here about college age and began working in the County. I have to say that I've been with the Legislature through the years, and I was fortunate enough to take what I learned here and become an attorney. I've been working with the state, and I've worked with the Federal Government. And it was time for me to buy a house. So I'm back home and I'm happy to help.

While I'm at it, ironically I'd like to tell you that I support the individuals here who are asking you not to close the gun range, because as an attorney who represents children of all kinds and children with special needs especially, I have to say that if there's any activity that children and families can do together, we have to find a way to keep it. And if there's any activity recreationally oriented that people with disabilities can do and found accessible, then I know we have to keep it. Ironically, a week ago, one of my own doctors recommended shooting. So I'm hoping you keep it.

P.O. LINDSAY:

Thank you. Ms. Wendel, you have been nominated to serve on the Suffolk County Disabilities Advisory Board. And normally I don't entertain any questions from the Legislature during the public portion, but you have been asked to come here. You have been nominated to serve on the Suffolk County Disabilities Advisory Board, and we're going to vote on that.

MS. WENDEL:

Yes, sir. Yes, sir. That's right.

P.O. LINDSAY:

Do any of my colleagues have any questions for Ms. Wendel? No. I just thank you for being willing to serve the County. Thank you very much.

MS. WENDEL:

I live in Patchogue. I want to learn to shoot, so do me a favor.

P.O. LINDSAY:

Jeff Tempera. Is Jeff Tempera in the audience. Jeff Tempera, is he in •• here comes Mr. Tempera. On deck is Mayor Paul Pontieri.

MR. TEMPERA:

Good afternoon. Before you this evening, you have a resolution to approve a contract between the County and the Deputy Sheriff's Benevolent Association. I'm here just to urge all of you to approve it. It's an agreement for the years 2006•2007. I believe you all have a report in your packets from Budget Review. If there's any questions, really I'm just available to take any questions you may have on the agreement.

LEG. ALDEN:
Just hang around, because we're not allowed to ask questions. So we'll get to that some time tomorrow.

P.O. LINDSAY:

Jeff, get a cup of coffee.

LEG. LOSQUADRO:

Or a pot.

P.O. LINDSAY:

Mayor Pontieri.

MAYOR PONTIERI:

Good afternoon, ladies and gentlemen. I know I'm speaking out of order, because I'm speaking to the hearing you're having at 5:30 in reference to County Executive Levy's proposal on a Local law to require companies doing business with the County to certify compliance of the Federal Law with respect to the lawful hiring of employees. I think we look at this as a single issue, and it's really a much larger issue than just that please by itself, because it has an affect on many other issues in terms of small villages like Patchogue.

As the Mayor of the Village of Patchogue I have read with great interest the debate on immigration; from do we build walls on our border to attempting to send illegal immigrants back to their homeland. I have listened to those who said we are all immigrants, therefore, we should accept them with open arms, the argument that says, they're not like our grandparents, because they don't want to stay and they come here and send money back home. Then you hear the argument that they are doing the jobs American workers

won't do, or is it that the American worker won't do it, because they can't afford to live on the wages accepted by the immigrant worker and given by the businessman.

On the national level, the issue is about politics and sound bites. It's not about the day•to•day issues felt on the local level where we are. We heard a about guest worker program, but not where the guests will live once they come into our company •• • country. We invite a guest to our house, we have a bed for them. We invite a guest to our country and we say find a place to live. They don't speak of the impact on school districts, the devastating effect on local hospitals and who will pay for these increased services.

If the businesses that hire these •• hire the immigrant worker, if they don't collect taxes to give back to the County, to give back to the municipalities, the school district costs skyrocket, the health care costs skyrocket, they don't provide benefits, they don't provide those things that the workers need. For a municipality like Patchogue, the issue is about where the guests live now, it's about maintaining the quality of life of for our residents, it's about slumlords who overoccupy their property with 20, 30, on some cases 60 people. It's about landlords putting the immigrant workers in unsafe and unsanitary conditions.

Why do they live in these unsafe and unsanitary conditions? Because they cannot afford affordable housing or better housing. County Executive Levy once said, and he was correct he said it, "Who is there to protect the resident?" That's what we do as government, we protect residents. Before you attack the borders or ship them out of the country, look at the real problem; the business owners who pay substandard wages and the landlords who provide substandard housing. Once you control them, you protect the residents of the community, force the businesses to raise their wages so that

those who work in this country are able to afford safe and affordable housing. When homes are about to become overcrowded for financial gain, everyone loses.

P.O. LINDSAY:

Wrap up, Mayor.

MAYOR PONTIERI:

Yes, I will. What everyone must remember, regardless of your position on illegal immigration, no one should ever be discriminated against. Please, when you look at this, understand it is about wages, it is about making sure that these people that are coming into our country are given wages, proper wages. We are just the beginning of it. If we allow illegal actions, if we allow the federal law not to be enforced we're saying to every other employee •• employer out there, we're not going to enforce.

Remember, the day we give anybody taxpayers' money to do a job for us, they are our employee, that business. That business must follow the federal law. By doing that I think that we begin to grab a handle on all of those other issues. From what the woman spoke to earlier about people sitting on the side of the street, because they had no place to be, to living in housing that is unsafe and unmanageable. Thank you very much. Please, support that piece of legislation.

P.O. LINDSAY:

Thank you. Captain Hoot Gibson and Zabby is on deck.

MR. GIBSON:

Good afternoon. My name is Robert Hoot Gibson. I'm here in support of all the men that have come down to speak about keeping the range open. One of the big things is it is the only place that the resident of Nassau and Suffolk County can easily go to and shoot sporting clays, which is a fine sport. You want to Upstate, you spend a small fortune, you take a three hour ride, and then it's a five hour ride home, totally aggravating. So I urge you to keep the range open. Thank you, gentlemen.

P.O. LINDSAY:

Zabby.

MS. ZABBY:

Hello. I'm Zabby. And I wanted to just put on record some of the conversations that I've had with the Suffolk County Legislature. Our goal is to get the Suffolk County Legislature televised. And Cablevision has a free channel for us, it's all free, doesn't cost us anything. It's the law that the Government Access Channel shall be available to the county, to County Government. So I just wanted to say on 8/8 at the last meeting, I spoke to Jon Cooper the Majority Leader, and he said convinced that •• he had some reservations, but now he understands that this would be a good thing to do. I want to put these things on record. And then 8/17, I spoke to Terry Pearsall in the Presiding Officer's •• Presiding Officer Bill Lindsay's Office, and he said also that there were •• Mr. Lindsay. Mr. Lindsay, that you also were talking about this.

P.O. LINDSAY:

I hear you.

MS. ZABBY:

What's that?

P.O. LINDSAY:

I hear you.

MS. ZABBY:

Okay. All right. But he did say that •• I had suggested a compromise, because I know you're trying to get it on the internet, and that we can do video streaming so that people could view on the internet. And since senior citizens usually do not have the internet and it discriminates against most of the people who cannot be on the internet, television is really the better means. So that if we have cameras, we can kill two birds with one stone. And we can do video streaming on the internet as well as reach most of the people, so most of the people who have televisions have assessability to government. We have the right to know as citizens what our government is doing.

And also I spoke then on 8/18 •• and by the way, Terry Pearsall did speak to me on 8/17, and he said that that was being looked into, that Mr. Lindsay had in fact sent out to Budget Review looking into the costs of doing this and getting this done. And so then on 8/18, I spoke to Brian Beedenbender in

Steve Levy's Office, and he too said that the Deputies were in line, that Mr. Levy too was going to incorporate this in the September budget, and that it would be up an coming.

Also, I just want to offer you the tapes that I've made and also another person has made over there and is making now. Those we can give you free of charge, and you can put them on television until we get the equipment. They are available. We can be on TV within two weeks. Also, Edward Romaine, also I want to state that he has committed to write a letter to Governor Pataki so that we can share Channel 116 with the state and then finally get it moved down to maybe 18, where we can all see that.

P.O. LINDSAY:

Your time is up.

MS. ZABBY:

Okay. Thank you very much. I want to thank Jack Eddington also from the Working Families Party, that's the last thing I'll say, because he too is interested in this. So I believe this is a non partisan •• and Dan Losquadro, I don't know if I mentioned, he too as Minority Leader is behind this. So I thank all of you.

P.O. LINDSAY:

Kevin Battcher, and on deck is Raymond Rohomeyer.

MR. BATTCHER:

I'm here on behalf of the Sunrise Fishing Association. We have several hundreds members and family members all in opposition of closing the range. Many of us are police officers, retired police officers, volunteer firemen, rescue workers, the same people you spoke so nicely about in the beginning of this session. We are also members of the PTAs, we participate in elections, we •• we run Little League sporting events and so on and so forth, the main stream of America. We're in support of the range and keeping the range open. We're all sportsmen. Closing the range, you would satisfy a few, you would disappoint many, many more. Thank you.

P.O. LINDSAY:

Thank you very much. Raymond Rohrmeyer. Raymond. No? One last time, Raymond Rohrmeyer. Ronald Lagnena.

MR. LAGNENA:

I'm opposed to ••

P.O. LINDSAY:

Just before you start. It's ironic, I got your last name right and messed up your first name.

MR. LAGNENA:

My name is Ronal Lagnena. I reside in Rocky Point, New York. I've lived in

Suffolk County for quite a while. I'm a shooter, I'm a veteran, and I'm opposed to 1738. And I wish you really consider not closing that range.

P.O. LINDSAY:

Thank you very much for your comments. I appreciate your brevity. Ron Sineo and on deck is Craig Kessler.

MR. SINEO:

Yes. Good afternoon, ladies and gentlemen. Thank you for having me here and letting me speak. My name is Ron Sineo. I'm a resident of St. James, New York, and I've lived in St. James since 1969. I'm Vice•President of the South Shore Waterfowlers Association, a membership of over 250 members, most Suffolk County members, some Nassau County members as well, all hunters, all sportsmen, all sportswomen. And all of them use public shooting facilities to hone their skills and to practice their skills and to enjoy the shooting sports and to recreate. On behalf of all of these members, I urge to oppose 1738.

On a personal note, since I've been a resident, I've used Suffolk Trap and Skeet. I've shot there, my children have shot there, I taught them safe handling of firearms there. For a while the range was closed, but now that it's open, we continued to shoot there and enjoy the shooting sports. On a personal note, I urge you to oppose 1738. Thank you.

P.O. LINDSAY:

Thank you very much, Ron. Craig Kessler and Perry Iannacone is on deck.

MR. KESSLER:

Presiding Officer Lindsay, Members of the Legislature, thank you for the opportunity to speak. I'm here to speak in opposition to IR 1738. I'm the regional director for Ducks Unlimited, Inc., a private not profit conservation organization representing about 3,000 members here on Long Island.

I won't take the time to reiterate all the valid points that have been made here by the sportsmen today. I just ask you to consider our request as a responsible user group represented here in Suffolk County. And as you can tell by the gray hair in the audience, one that's represented Suffolk County for many, many years. Providing this facility is no different than building soccer fields, skateboard parks or dirt bike trails, many of which are new uses here in Suffolk County.

The very land on which the range resides, Southaven County Park was a former shooting, hunting facility, and I submit to you that that property is there by virtue of sportsmen's interest as are many of your other find holdings, including Sears Bellows Park, Hubbard County Park and many others. If it wasn't for the interest of these sportsmen years and years ago, we wouldn't have the open spaces that we have today. So as you think about this issue, I ask you to consider sportsmen as a traditional user group here in Suffolk County and oppose IR 1738. Thank you very much.

P.O. LINDSAY:

Thank you very much. Perry Iannacone and William Dyber is on deck.

MR. IANNACONE:

Good afternoon. My name is Perry Iannacone. I have three boys, one is in his 50's and two are in their 40's. When they were 12 years old each, I took them to Suffolk County Trap and Skeet and taught them how to shoot. We are still shooting together to this day. Long time. Therefore, I am opposed to closing the range. Thank you.

P.O. LINDSAY:

Thank you, Mr. Iannacone. William Dyber and Steve Campolo is on deck.

MR. DYBER:

Hello. Thank you for having me today and talking. I suppose to keep the range open, because me and my wife went to the Brookhaven range, and we enjoyed shooting. I wish you would just leave it open, because the guys like to shoot and stuff like that. It's a recreation for the men and they can get their families out there and Suffolk County's money and stuff like that. Please keep it open.

P.O. LINDSAY:

Thank you Mr. Dyber. Steve Campolo and Christian Nelson is on deck.

MR. CAMPOLO:

Thank you very much. My name is Steve Campolo. I was raised and lived in Suffolk County for other 30 years, from 1959 until 1990. Currently, I'm a

resident of Nassau County, but I have family and friends in Suffolk County and visit often. Most importantly, like some of the other speakers mentioned, I recreate often in Suffolk County, whether it be fishing or hunting and certainly shooting sporting clays and trap and skeet.

The message I want to deliver to the Legislature is that I spend money, a lot of money in Suffolk County and pay a lot of taxes in Suffolk County while I'm there recreating. It's not the 50 or $60 that I pay to shoot clay birds, but it's the several hundred dollars every week that my wife spends at the outlet and the sales tax that she spends there and the sales tax that Suffolk County collects on each sale. And often after a day of shooting sporting clays, I'll spend another hundred dollars in some local restaurant throughout Suffolk County.

I have to urge you to reject Resolution 1738. There is no other place to go to and shoot sporting clays. Suffolk County will lose at least the income that you collect from me in the amount of taxes I pay each week when I come into Suffolk County and spend the money. And quite frankly, I'd like to keep paying those taxes to Suffolk County. Please keep the range open.

P.O. LINDSAY:

Thank you. Mr. Neilsen. And I have Warren Trunz on deck.

MR. NEILSEN:

Good afternoon and thank you for allowing me the opportunity to speak. My name is Christian Neilson. I'm a life long resident of Brookhaven Town in Suffolk County. My family started shooting trap and skeet in the early 80s at

the Suffolk Trap and Skeet Range. All the fine points have been hit. To think that a great county like Suffolk wouldn't have at least one Trap and Skeet Range would be unconscionable. I speak for quite a few members of my family and I'm sure hundreds of people that aren't here to speak, please keep Suffolk Trap and Skeet open. Thank you.

P.O. LINDSAY:

Thank you, Mr. Nielsen. Warren Trunz.

MR. TRUNZ:

How are you doing? Thanks for your time. My name is Warren Trunz, and I stronly oppose 1738. In the 70's, my dad taught me to shoot trap and skeet. Him and my grandfather used to go. And now my dad and my son get to go, so we're pretty much always three generations shooting there. I'm seeing a growing trend on Long Island of •• you have a Long Island Expressway, it's been there forever, people move in around the Expressway, we put up walls to kill the noise. Bridgehampton Race Track was a historical track, people moved in around the track, we closed the track. Now we have it with Suffolk County Trap and Skeet, and I've seen it with airports. I don't want that to be the airport that's always been there that people move in around and then we fight to close the airport. So I just urge you to keep it open and stop this trend. Thank you for your time.

P.O. LINDSAY:

Thank you Mr. Trunz. Mark Wroobel and David Ramirez on deck.

MR. WROOBEL:

Good afternoon, members of the Legislature. My name is Mark Wroobel, and I'm the vendor for Suffolk Trap and Skeet. I will not go on about this as we know the issues have been brought up a million times in front of many members. I acted in good faith and signed a contract with Suffolk County to operate this range. It has exceeded my expectations in the first month, as the support can be seen here. So I really more or less like to thank everybody who's come out, thank the Legislators and oppose IR 1738. Thank you.

P.O. LINDSAY:

Thank you, Mr. Wroobel. David Ramirez and Dwight Becher is on deck. Hey, Dave, how are you?

MR. RAMIREZ:

How are you doing, Bill? Good afternoon, everyone. I've been shooting for about 30 years, and I started in Yaphank back in the early 80s. My wife has shot there for 20 years, both my sons have shot there, my daughters have shot there. It's been a family operation. I've been listening to all these guys who oppose 1738, and I do also.

I didn't know what to say today, but the things that are sticking out in my mind is the young lawyer who was here who said she wants to do it. You know how many people I've seen in wheelchairs since 1980 shot at Yaphank? It's a sport for the handicapped. Okay. The young lady, the little 14 year old, brought me back 20 years ago when I brought my daughters out

there to shoot and my sons to shoot. It's a great sport. Keep it open. Thank you.

APPLAUSE

P.O. LINDSAY:

Dwight Becherer and Ciminieri is on deck.

MR. BECHERER:

Good afternoon. My name is Dwight Becherer. I'm a resident of Shirley and live near the range. I have never trap or skeet, never been to the range, although I am a life long competitive rifle marksman, and I stand in solidarity of the continued operation of the Suffolk County Trap and Skeet Range. I urge the Legislature to keep the range open. Thank you.

P.O. LINDSAY:

Richard Ciminieri and then on deck is Paul Davidson.

MR. CIMINIERI:

I'm Richard Ciminieri. I've been living in Suffolk County since 1960. I've been going to the range since 1960. My brother and some of my cousins got me involved in the shooting range. I'm also a life member of the NRA. I oppose the closing of the range. I go there now every other week to shoot. Please keep it open. Thank you.

P.O. LINDSAY:

Paul Davidson and on deck is Vincent Bollacicco.

MR. DAVIDSON:

Hello, ladies and gentlemen. I thank you for letting me speak here. I came here today, I didn't know I was going to have the opportunity to speak, I thought I was here to just say rah, rah, I want to keep the range open. But listening to this and learning about what's been going on, I'm surprised that we don't have a resolution of why we're not building more ranges. I think the houses around there •• my accountant left New York, he used to shoot there, when it closed down, he left New York. He now lives in Florida on a Trap and Skeet Range. I think the builder should have built houses and sold them with that, you know, thought that you can live right next to the range. I see many people here, if we had that type of facility, instead of living on a golf course, they would live on a Trap and Skeet Range.

I take my young kids. My daughter is 12, I'm going to take her. I took my 14 year old, my 17 year old, my 19 year old. Richie Ciminieri is my father•in •law. I think we need more of it. So I think it would be crazy to close it down. I just ask that you keep it open. Thank you.

P.O. LINDSAY:

Thank you.

MR. BOLLACICCO:

Good afternoon, ladies and gentlemen. My name is Vincent Bollacicco. I've been shooting skeet for at least 35 years. I am a member of the Peconic Sportsman Club, life member. Life member of the National Skeet Shooting Association. And I taught myself how to shoot skeet a good 35 years at the Suffolk County Range. I've since traveled all around the country, about six different states, became a competitive shooter. And what I have found during this traveling that I did was there are many, many people, especially elderly people who are shooting skeet and trap. It's a great sport for them. There's no running around, there's no chasing balls, there's no exertion. It's just a great, great sport for the elderly. Plus to the children, because they're very excited about shooting skeet and trap and sporting clays. It's very competitive.

We have on Long Island three gentlemen that I know of who are world champions. And that was due to places in the area where they were able to shoot like Suffolk County to get practice. We admire them very, very much. Also, in my travels of competition, there are many, many, many, many people that are handicapped, including myself, I only have two fingers to hold a gun. I've seen people in wheelchairs, I've seen people with one arm with a brace to hold up the shotgun, and they are A shooters, some of them are double A shooters. So it's a great sport for the handicapped. I urge you, don't close the field. I love it. All the people around that I know of in the area, in the skeet shooting area, trap shooting of sporting clays, they all love it also. So please keep it open for the sake of everyone. Thank you very much.

P.O. LINDSAY:

Thank you, Vincent. Viola Marie Lozitto. Would one of the Clerks please get me the green cards for the public hearings? At 5:30 we are going to public hearings.

MS. LOZITTO:

Good evening. I'm Viola Marie Lozitto. I'm a Suffolk County resident, my family has been in Suffolk County for over a century. We are a group of hunters and sport shooters. We are voters. We have been denied the use of this range for the last five years. We finally have it back. We want to keep it. I agree with all the other people who support the keeping of the range and the reasons they want it. I also want to remind you that as politicians, we are voters, and we will work against anybody who supports 1738. Thank you very much.

P.O. LINDSAY:

Renee T. Doumeng and Johan McConnel is on deck. Rene? Is Rene here? No. Rene? Johan, please come forward.

MS. MCCONNEL:

Good afternoon. At least I'm not speaking late like I usually do at the town meetings. My name is Johan McConnel. I'm President of the South Yaphank Civic Association. The South Yaphank Civic Association is in favor of Resolution 1738 and would appreciate having the Trap and Skeet Range closed.

I had a few thing prepared, but there's a few things I would like to answer about statements that have been made. We continually hear people coming up and stating that there is no negative impact on the environment, that all of the studies show that there's absolutely no negative impacts. They must be reading different studies than I am, because one of studies clearly states

that there's 113,000 parts per million of lead in the soil.

One of the studies clearly states that if one of the samples had a TCLP, which is a toxic test, it would classify as hazardous waste under a federal law called the RCRA Law. Also, if there is no hazardous waste on this property, if there are no problems to the environment, why do we constantly hear that it will be millions and millions of dollars to clean this facility up? The report gave two different figures; one, if there was no lead contamination on the property and it simply had to be cleaned up, the amount quoted in that report is two million dollars to clean it up. If it has hazardous waste on it, which means it's lead contaminated, it would cost $7.3 million, because it would have to go to a hazardous waste facility.

So I find it a contradiction in terms to have people come up and say that there's no impact on the environment and yet quote the fact that it would cost millions and millions of dollars. I also know that there are two alternative sites that have been discussed by the County. I was privileged to be told of the two different sites. They are active sites, they are on County property. One is an up and running functioning gun facility, so it would not take a tremendous amount ••

AUDIENCE MEMBER:
Where?

P.O. LINDSAY:

There will be no cross•talk. Finish your statement.

MS. MCCONNEL:

I'm not going to say. If you need to know, you can ask County Executive Levy, because County Executive Levy knows where the site is. Okay. It's very interesting that in May 13, 2003, two resolutions were introduced that would have an affect on the Trap and Skeet Range. Both resolutions passed. One was signed into law, the other was vetoed by the County Executive. The veto override was not adopted. The legislative intent of the resolution that failed to become law reads, this Legislature finds that Suffolk County has invested tens of millions of dollars in order to acquire and preserve over 20,000 acres of land in the Suffolk County Central Pine Barrens Core Preservation Area and thus has a strong interest in protecting this precious environmental resource. The Trap and Skeet is located in the core preservations area.

P.O. LINDSAY:

Thank you, Johan.

MS. MCCONNEL:

If I could just finish one statement. That resolution was cosponsored by Legislator Lindsay, Legislator Cooper and Legislator Bishop. It was passed. And it was for the protection of the core preservation area of the Pine Barrens.

P.O. LINDSAY:

Robert J. Nicosia.

MR. NICOSIA:

Good afternoon, ladies and gentlemen. My name is Robert Nicosia. I appreciate the time to speak to you all today. I am the Chief of the Wantagh Volunteer Fire Department. I have a membership in excess of 250 men and women who are in favor of keeping Suffolk County Trap and Skeet open.

You know, you said something real nice about volunteers and police officers. I also happen to be a retired law enforcement officer. And I have to just say one thing, you know, please reject that 1738. And remember, shooting is the core of the American people. We've always done it, and it's been part of our great heritage in this great country that I'm very proud to be a citizen of. So thank you for your time.

P.O. LINDSAY:

Thank you. At this time, it is 5:30, and we have to go into public hearings. We will be resuming the public portion at the end of the public hearings. The only thing that I would ask of anybody is that we have heard a tremendous amount of testimony about keeping the Trap and Skeet Range open. I still •• we went through 57 speakers, and I still have probably another 50 more cards. This Legislature has a long history of listening to anybody and everybody, whatever they want to say. And I do not want to deny anybody their rights, but if you think what you have to say has been said already, I'd appreciate it if you didn't say it again. All right. Thank you for your behavior tonight. I know that this is an emotional issue for many people. All right. We're going to public hearings. **IR 1296 (A Local Law establishing responsible standards and controls for alarm systems that require Police Department response).** Mr. Clerk, was this hearing properly advertised?

MR. LAUBE:

Yes, it was.

P.O. LINDSAY:

I do not have any cards on 1296. Is there anyone in the audience that would like to speak on 1296? Seeing none •• where is Legislator Cooper? He's in the lobby. I'm going to pass over •• I'm going to make a motion to recess, seconded by Legislator Viloria•Fisher. All in favor? Opposed? Abstentions? Recessed.

MR. LAUBE:

12.

P.O. LINDSAY:

IR 1645 (A Local Law to reduce the emssion of pollutants from diesel •fueled motor vehicles operated by or on behalf of Suffolk County). I do not have any cards on this issue. Is there anybody •• let me ask the Clerk, was this properly advertised?

MR. LAUBE:

Yes, it was.

P.O. LINDSAY:

Is there anybody who like to speak on 1645? Seeing none ••

LEG. VILORIA•FISHER:

Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Cooper, seconded by Legislator Viloria•Fisher. We have a motion and a second. All those in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

1752 (Authorization of alteration of rates for North Ferry Co., Inc.). I have one card, Bridgford Hunt. Is Bridgford Hunt here?

MR. HUNT:

Good evening. Actually, it's pretty busy tonight. My name is Bridg Hunt and along with Julie Ben•Susan, I'm representing North Ferry Company. To keep things kind of short, we're not going to add anything to 1752. We're here just to demonstrate how important it is, the additional of a third large boat to

our fleet will be •• to continue to provide excellent customer service for North Ferry. So thank you much.

P.O. LINDSAY:

Before you •• does anyone have any questions of Mr. Hunt? Legislator Alden.

LEG. ALDEN:
During the committee process, there was criticism as far as rates, where you take care of a few local people, and then normal people that would just go out there and traverse ••

MR. HUNT:
Actually, this application that we're making now is an attempt to normalize that structure. In fact the budget •• Office of Budget Review has found that our applications here is perhaps the finishing piece in trying to bring a normalization to our rate structure.

LEG. ALDEN:
Is there still a huge discount for people that live there?

MR. HUNT:
I would say there is still a huge discount for the people that live there, however, the areas that are discounted are not part of this application.

LEG. ALDEN:
All right. Thanks.

P.O. LINDSAY:

Anyone else have any questions for Mr. Hunt? Seeing none •• Mr. Clerk, was this properly advertised?

MR. LAUBE:

Yes, it was.

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Okay. Motion to close by Legislator Romaine, I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

17 •• 16.

P.O. LINDSAY:

IR 1791 (A Local Law to require gasoline service stations to install emergency generators for fuels pumps). I have no cards on this issue. Is there anyone in the audience that would like to speak on this issue? Okay. Mr. Clerk, was this properly advertised?

MR. LAUBE:

Yes, it was.

P.O. LINDSAY:

Legislator Alden, would you like to make a motion on this?

LEG. ALDEN:
I'm going to make a motion to recess. We, in the Consumer Protection Committee, received some correspondence. Some of the people in this business feel that it would be onerous. They'd like to work with the County Executive and try to maybe come to a compromise bill on this, which would require rewriting it. So if we leave the •• if we leave it recessed, they can make those changes.

P.O. LINDSAY:

I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

1792 (A Charter Law to ensure a non•partisan, fair and objective process by which Legislative Districts are reapportioned). I don't have any cards on that particular subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Mr. Clerk, was this

properly advertised?

MR. LAUBE:

Yes.

P.O. LINDSAY:

I'll accept a motion from Legislator Viloria•Fisher to recess, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

IR 1814 (A Local Law to enhance implementation and enforcement of the "DWI Seizure Law" by towns and villages located outside the County Police District). I do not have any cards on 1814. Is there anyone in the audience who would like to speak on this matter?

LEG. SCHNEIDERMAN:

Motion to recess, sir.

P.O. LINDSAY:

Seeing none, Mr. Clerk, was this properly advertised?

MR. LAUBE:

Yes.

P.O. LINDSAY:

I'll entertain a motion to recess by Legislator Schneiderman, seconded by Legislator Romaine. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1854 (A Local Law to increase connection fees for sewer district contractees located outside the geographical boundary of a sewer district). I do not have any cards on this matter. Is there anyone in the audience that would like to speak on this subject matter? Seeing none, Mr. Clerk, was this properly advertised?

MR. LAUBE:

Yes.

LEG. ALDEN:
Motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Alden, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18• no, 17.

P.O. LINDSAY:

IR 1883 (A Local Law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership). I do not have any cards on this matter. Is there anyone in the audience that would like to speak on 1883? Seeing none, Mr. Clerk, was this properly advertised.

MR. LAUBE:

Yes, it was.

D.P.O. VILORIA•FISHER:

Motion to close.

P.O. LINDSAY:

Legislator Viloria•Fisher makes a motion to close, do I have a second to that closure?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

I'm going to give it a minute for the folks coming in or out. Deputy Sheriff in the back, if you could close the doors, because it's getting hard to hear in here. Thank you.

LEG. LOSQUADRO:

Mr. Chairman, I couldn't hear, did you call the vote on 1883?

P.O. LINDSAY:

Yes, we did.

LEG. LOSQUADRO:

Could I be listed in opposition.

MR. LAUBE:

17.

LEG. ALDEN:
We need a •• motion to reconsider. I was on the prevailing side.

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Legislator Alden makes a motion to reconsider, seconded by Legislator Romaine. All in favor? Opposed? Abstentions? 1883 is up for reconsideration. There was a closing motion that was voted on. So you wish

to make another motion?

LEG. LOSQUADRO:

I'll make a motion to recess.

P.O. LINDSAY:

Motion to recess by Legislator Losquadro, is there a second to that motion?

LEG. ROMAINE:

Second.

P.O. LINDSAY:

Seconded by Legislator Romaine. On the motion to recess.

LEG. MYSTAL:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. MYSTAL:

Explanation as to why you want this recessed.

LEG. LOSQUADRO:

Yes, Legislator Mystal. I asked a number of questions in committee regarding this, and I haven't yet received an answer that's suitable to me as to why we need to expand the membership on a board that •• whose charter is strictly to look at the validity of the value presented to us by appraisers. I guess it's a laudable goal to say that there should be other view points brought into this, but it really has no bearing on whether or not these individuals can look at appraisals and determine whether or not a fair and accurate value is being presented back to this Legislative body. And I think with some of those answers yet to be forthcoming, there may be an opportunity for some additional public comment once that information gets back to me. So I would like to hold off on this for a little while and recess it. Hopefully, if we can get information, we can have some people come down to comment on it.

LEG. MYSTAL:

Through the Chair, may I ask the Chairman of the Environment Committee what their opinion is on that?

P.O. LINDSAY:

Legislator Viloria•Fisher.

LEG. MYSTAL:

Would you mind answering?

D.P.O. VILORIA•FISHER:

Actually, Legislator Losquadro is correct, we had quite a number of questions regarding this legislation. And that's probably precisely why I seconded the •• or I made the motion to close, because I felt that those questions were best answered in committee. We asked those questions of the County Executive's Office, and we were looking for the rational. There doesn't seem to be a great swell of interest on the part of the public, and therefore, I thought the closing of the public hearing would be best interest so that we could continue our conversation and act upon •• up or down on this legislation in the committee process.

P.O. LINDSAY:

Legislator Losquadro, you want to reply?

LEG. LOSQUADRO:

Yes, if I can, through the Chair. That certainly seems reasonable, although, as I said, the public hearing process is to give the public an opportunity to address this entire body regarding any piece of legislation. I have serious concerns regarding this legislation. We can still address it in committee even if it's being tabled for a public hearing. So it's the will of the majority of this body, but I would like to see it held open for further public comment.

P.O. LINDSAY:

Okay. We have a motion to recess with a duly second, as well as a motion to close. The recessing motion will go first. All in favor? Opposed? Abstentions?

LEG. COOPER:

Opposed.

MR. LAUBE:

Can we do a roll call.

P.O. LINDSAY:

Okay. Roll call on the recess motion.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

LEG. LOSQUADRO:

Yes.

LEG. ROMAINE:

Yes.

LEG. COOPER:

No.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CARACAPPA:

Yes to recess.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. VILORIA•FISHER:

No.

P.O. LINDSAY:

No.

MR. LAUBE:

11.

P.O. LINDSAY:

1883 is recessed.

P.O. LINDSAY:

We have, I believe, ten public hearings remaining. Just an generic announcement •• could you please close to door •• is that we are required by

law to advertise public hearings in two papers within Suffolk County. One of them only printed the first eight. So the one paper did not print the next ten, therefore, they cannot be closed tonight. They will recessed to a time specific, and the time specific will be advertised in the paper. But we will entertain testimony from anyone and everybody who has showed up on any of these hearings this evening. But you will have another opportunity to comment on the next ten public hearings.

LEG. ALDEN:
Mr. Presiding Officer.

LEG. CARACAPPA:

The remaining ten weren't properly advertised?

P.O. LINDSAY:

Yes, sir.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

Yes. Legislator Alden.

LEG. ALDEN:

You still make a record, and that record, can that be entered when we do have the public hearings in the future?

P.O. LINDSAY:

The record will be recorded now, because it was properly advertised in one newspaper and people have shown up to testify. We're going to take that testimony. It will be entered into the record, but we cannot close hearings tonight. We have to recess them to another time.

LEG. ROMAINE:

Yes, Mr. Presiding Officer. Will we be recessing these ten public hearings to our September 19th meeting in Riverhead?

P.O. LINDSAY:

No. My intention is to recess them to a date before September 19th.

LEG. ALDEN:

A Special Meeting.

LEG. ROMAINE:

Would we be having a Special Meeting, sir?

P.O. LINDSAY:

It depends on how tonight goes, because we might have to recess tonight's proceedings because of lack of time anyway. So let's see how it goes the rest of the night.

LEG. ROMAINE:

Thank you, sir.

P.O. LINDSAY:

You're welcome. **IR 1951 (A Local Law to protect consumers from predatory towing practices).** I have one card, Charles Gardner, our Director of Consumer Affairs.

DIRECTOR GARDNER:

Good afternoon, members of the Legislature. I would like to respectfully comment on the impact that 1951 would have on the Office of Consumer Affairs. Just a brief bit of background, I'm sure most of you are aware or remember that a little over five years ago our office went from 46 employees to 33 literally overnight as a result of the requirement plan. We have slowly ratcheted back up to where today we have 43 employees. And we have absorbed •• that's about 3000 occupational licenses later that we have added.

The licensing occupation requirements have been expanded. We have just recently taken on the licensing of the livery industry and are getting ready to license the scrap metal dealers in the County, all without any specific

additions to our staff because of any of those laws.

There is one •• this is an amendment to an existing law. And there is one statement that seems rather innocuous, but is the one that would •• that has me here this afternoon. It would require that the agreements between the tow companies and the property owners must be filed with our office prior to any towing of the vehicles. Again, it sounds a little innocuous and a very simple statement, but the fact is that privately owned public access parking lots, which is what we are talking about in this bill are numerous. Don't ask me how many, because we honestly don't know other than there a lot.

People automatically, they kind of assume the big shopping centers or the big places where they go to shop •• you have to remember that privately•owned public access parking lots that are covered under this law include strip malls, the large shopping centers, condos, townhouse complexes, apartment buildings, medical and professional buildings, single establish lots. Some people own bars or restaurants, they might have ten or 12 or 14 spaces of their own and they're right next to somebody else's lot or some other area, and they post signs saying that only their customers are able to use these spaces.

So there are many, many, many •• just as point of reference, it has nothing to do with publically owned parking lots, but through our Weights and Measures Division, there are 900 delis in the County. Just to give you a little bit of an idea, we have 150 supermarkets. So, again, I don't know how many publically •• privately•owned public access parking lots there are other than to say that there are many. What this is •• would require of us is to then have to, first of all, locate the owners, which believe me, when this first started, and we did have complaints •• and by the way, just for data, we haven't had any complaints now in three and a half, four years. In the early days we did. We haven't any. The penalties in this law are very severe. It

calls for criminal penalties, penalties of not less than $5000 for failure to abide by the regulations.

Most of our complaints, by the way, were related to apartments and townhouses and not what we would call shopping centers. We did respond to complaints of the people whose vehicles were towed and did work with the local precincts. We would have to dispatch an investigator to the scene to verify the signage, for instance. But we did it. We have not had complaints in the past few years.

The record keeping along, though, just by that one addition, the establishment of the data base, the storing of the information, the maintaining of it and the retrieval of the information, and then once we have established it, you know, the maintaining is the key part to keeping up with the changes; changes of ownership, changes of towing companies. So literally, every time an agreement was changed, it would then have to be filed with our office. And only our field inspections really verify lots that even need to be regulated so that we can make sure that have all of the agreements in our office.

The owners, the companies, the agreements, all of that data would have to be stored by us. Contacting the ownership of the parking lots is not simple. As you know, owners of a lot of these parking lots, they're in Arizona or Florida or California or where ever. So, yes, we can do it, but I would just respectfully ask you to consider that we would need at least one field investigator and one additional clerical for the office. Thank you very much.

P.O. LINDSAY:

Thank you, Director Gardner. Legislator Viloria•Fisher would like to ask a question.

D.P.O. VILORIA•FISHER:

Mr. Gardner, thank you for being here. I just have a quick question. It seems that when there are predatory practices that you deal with them as •• on the occasion when it happens.

DIRECTOR GARDNER:

That's correct.

D.P.O. VILORIA•FISHER:

So that you are, indeed, then enforcing the law ••

DIRECTOR GARDNER:

On a reactive basis.

D.P.O. VILORIA•FISHER:

On a reactive basis, okay. And you are saying that the data has shown that you really haven't had a need for something like this, because you haven't had the types of complaint that you had had years ago for three and a half years.

DIRECTOR GARDNER:

Correct. I'm not speaking for any other agency or any offices, I'm just speaking for Suffolk County and the Office of Consumer Affairs, we have not had one complaint in at least three and a half years.

D.P.O. VILORIA•FISHER:

Why do you think that that change occurred?

DIRECTOR GARDNER:

Well, it's a different story in Nassau County. I don't know. I'm only speculating, there are more problems in Nassau County than there are in Suffolk County, and maybe this is a spill•over. I don't know.

D.P.O. VILORIA•FISHER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Anybody else have any questions for Director Gardner? Elie.

LEG. MYSTAL:

The impetus for this bill came from a Newsday article which talked about, you know, the towing •• predatory practices of towing. I can't believe all of them came from Nassau County.

DIRECTOR GARDNER:

Well, if you go back to that article, you won't find any Suffolk locations that were mentioned there.

LEG. MYSTAL:

Thank you.

P.O. LINDSAY:

Thank you, Charlie.

DIRECTOR GARDNER:

You're welcome, sir.

P.O. LINDSAY:

Is there anyone else that would like to speak on 1951? Seeing none, I'm going to make a motion to recess.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY:

IR 1952 (A Local Law to require proper supervision at hotel and motel swimming pools). I don't have any cards.

LEG. ROMAINE:

Motion to recess.

LEG. COOPER:

Second.

P.O. LINDSAY:

Is there anyone in the audience who would like to comment on this issue? Seeing none, I entertain a motion to recess by Legislator Romaine, seconded by Legislator Cooper.

MR. LAUBE:

16.

P.O. LINDSAY:

1971 (A Local Law strengthening smoking prohibitions at Suffolk County facilities). I have no cards on this issue. Does anyone want to speak on this issue? Seeing none, I'll make a motion to recess, second by Legislator Viloria•Fisher All in favor? Opposed? Abstentions.

MR. LAUBE:

15.

P.O. LINDSAY:

1976 (A Local Law to provide fair and equitable cost containment for residents in certain emergency service districts). I have no cards on this issue? Is there anyone in the audience who would like to speak on 1976? Seeing none, I'll make a motion to recess, seconded by Legislator Viloria•Fisher. All in favor? Opposed? Abstentions.

MR. LAUBE:

15.

P.O. LINDSAY:

1986 (A Local Law to enhance evacuation plans for pets and animals).
I have no cards on this issue.

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

Is there anyone in the audience that would like to speak on 1986? Seeing none, I entertain a motion to recess by Legislator Cooper. I'll second. All in favor? Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

IR 2023 (A Local Law to add ecological health and marine productivity as acceptable criteria for County dredging projects). I have no cards on this issue. Is there anyone in the audience who would like to speak on this issue? Seeing none, I'll entertain a motion. I'll make a motion to recess, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions.

MR. LAUBE:

15.

P.O. LINDSAY:

IR 2025 (A Local Law to require companies doing business with the County to certify compliance with Federal Law with respect to lawful hiring of employees). I have 57 cards.

LEG. COOPER:

Motion to recess.

P.O. LINDSAY:

Before I start calling the names, you're allowed five minutes to speak. If you can say what you want to say in less than five minutes, it would be appreciated, but please don't run over your five minutes. First speaker is Susan Steinmann and Ray •• Ray, you're on deck. You know who you are.

MS. STEINMANN:

Hello. My name is Susan Steinmann. I would like to oppose this bill on a number of counts. First of all, I'm speaking as a taxpayer. I feel there are agencies that are already called upon to do this job. And what we're doing is we're duplicating •• for example, enforcing fair labor standards, making sure that the labor standards are enforced in terms of hiring, amounts, accounts. There are departments that are supposed to be doing this. There's a federal bill that is supposed to be doing this.

And what I'm very afraid of is that Suffolk County is going to be left with a huge whopping bill in a number of areas, not only a bill of taking this and starting it, but going into enforcement of it, going into legal suits that may arise from it. And I just think we're opening a can of worms here. I think there is an immigration debate going on Washington, and it's likely that very soon, within the next six months, a bill will some out. Obviously, it's going to be a compromise, because you have different points of view. And in order to pass it, there will have to be a compromise.

What happens if our bill then is out in left field somewhere and is totally out of step with what the Congress does? Then we have all kinds of legal problems. So I think that we should move forward to solve the problems that this bill addresses, such as undercutting fair labor standards and things like that. We need to go to the agencies that already exist with the problems that are local trade union people are facing, rather creating a whole new level of bureaucracy that's going to duplicate and make redundant jobs that are already done.

Now, I wear a lot of different hats. One of the hats that I wear is I'm a member of Working Families Organization, and I've been a trade union person all my life. When I say this is opening a can of worms, what happens

when some of the people become citizens who are now day laborers, you know, as they go through the citizenship process, those that don't want to leave but want to become citizens our County if a guest worker program is set? How is there going to be unity in the whole trade unions if people have, you know, angry feelings that they were rejected, that they were treated as pariahs?

I have a real problem, you know, there's been a lot of very angry rhetoric. And I think some of the rhetoric does not emanate here from Suffolk County, it emanates from a national movement that wants to make political hay out of this issue, where there are very many real problems, but it wants to deal with this issue for its own purposes. And what I am saying is calling people felons, calling people criminals, you know, there are criminals in all groups, there are felons in all groups. All you have to do is look at my school district to see that, I'm from William Floyd, okay. So there are felons in all ethnic groups. So the demonizing of people •• my second concern with this bill besides the excessive money and the redundancy is the question of discrimination. Will employers stop hiring anybody with a Hispanic surname, with an accent, with brown skin? It's like what happened shortly •• when we started with nine •• after 9/11, looking for people who looked, quote, unquote, Middle Eastern and they arrested some Greek fisherman at the Port Jefferson Ferry. I don't know if you remember that. So what I wanted to say was that I am •• excuse me. Excuse me.

P.O. LINDSAY:

Quiet. Quiet. Quiet. I won't tolerate any back talk from the audience at all. She has a right to speak like you have a right to speak. Go ahead, finish your statement.

MS. STEINMANN:

Okay. Thank you very much. Thank you, Legislator Lindsay, I appreciate that. I wanted to say that as a person who feels very dearly about Suffolk County, I don't want to see our County get national prominence as a trinket on some national group's belt. I want our County always to stand for what is fine and good and decent. And I feel that there are many reasons •• I'll wrap up. There are many reasons why people are doing this. Many of the problems are real. We need to deal with them in a way that does not demonize and separate and divide people. Thank you, Legislator Lindsay.

P.O. LINDSAY:

Before you leave the mike, Ms. Steinmann, I believe Legislator Caracappa has a question for you.

LEG. CARACAPPA:

Thank you, Mr. Chairman. I appreciate your advocacy in the labor movement, you've been doing it for years and you've been coming before the Legislature ••

MS. STEINMANN:

On many issues.

LEG. CARACAPPA:

Many issues. I agree on most of them with you when it comes to labor. But the question I want to ask you, and I guess I'll just pose this question once as the questions I have for you.

MS. STEINMANN:

I'm supposed to answer this, right?

LEG. CARACAPPA:

You're going to answer it, but I'm posing it for all the people that may come up with your position. Do you feel that hiring •• or a company that hires illegal aliens is •• those who are not documented in any way, shape or form, a contractor who doesn't pay fair wages, unions wages, provides all the protection under Labor Law to those individuals, do you feel that's breaking the law?

MS. STEINMANN:

Absolutely. I think that those companies that do that should be gone after, and there is a federal bill that's supposed to be doing that. You know, the name was mentioned. But what I'm very concerned about is I keep hearing the focus is on not on the contractors, although, in this bill, the contractors were added as a new way to put forward the focus. What I hear when I hear people speaking on the street is day laborers, day laborers, day laborers. And I want to say is you have to understand, okay. I'm a person who grew up as a person of part Jewish ancestry in an area that was very, very anti •semetic. I have been hit in the head with a rock, I have had stitches in my head, as a young child, I have demonized. I have had violence done against me. So I am very sensitive to the issue of a group being demonized and created. My Bible says in the tail of the Good samaritan, okay, that you're to help and to treat decently the stranger. Yes, the contractor should be gone after.

LEG. CARACAPPA:

Sue, I just need a yes or no answer.

MS. STEINMANN:

The should be fined. They should be fined ••

LEG. CARACAPPA:

Susan, please.

MS. STEINMANN:

But there are laws to do that already. This is redundant.

LEG. CARACAPPA:

Very good. That brings me to my next point.

MS. STEINMANN:

You have another? Okay.

LEG. CARACAPPA:

I have a couple.

MS. STEINMANN:

I'm ready for you, Legislator Caracappa.

LEG. CARACAPPA:

You've been here when we've taken our oath of office when the new Legislature has been sworn in. What are the words in our oath of office locally?

MS. STEINMANN:

Locally we are ••

LEG. CARACAPPA:

What are some of them, the most important ones?

MS. STEINMANN:

We're sworn to uphold the Constitution of the United States of America, the Constitution of the State of New York, and the Constitution •• I hope you are not going to jump on me. And the constitution •• and all the codes and laws of Suffolk County. I am not against that. I'm saying let's use the laws that

we have, let's find a mechanism within the law, because contractors are not going to know by looking at a person who's legal and who isn't. And that leaves every person in our County who is a legal person with an accent, with different color skin open to being victimized. That is against the Constitution too. That is un American too, Legislator Caracappa.

LEG. CARACAPPA:

I know, but that's not what we're after here. We're after contractors who are not responsible, we're after contractors who have flouted the law, we're after contractors who have not done the right thing by the people who work for them, whether they're black, white, Hispanic, green, purple, from Mars, from Brazil, wherever they're from.

APPLAUSE

LEG. CARACAPPA:

We're not after them, we're after the contractor who has constantly exploited them, constantly exploited this County Government. And in the long run and the short run, have exploited the taxpayer of Suffolk County.

APPLAUSE

MS. STEINMANN:

I think the contractors should be gone after, but I am under the impression

that the laws on the books already ••

P.O. LINDSAY:

Ms. Steinmann, last comment.

LEG. CARACAPPA:

I'm asking questions.

MS. STEINMANN:

This is really asking a lot of me. I'm not representing the whole world here.

P.O. LINDSAY:

Please, Joe. We have 57 speakers. All right. This is the first one.

LEG. CARACAPPA:

I know. That's why I'm asking these once, Mr. Chairman.

MS. STEINMANN:

It's sort of unfair to put a member of the public on that kind of •• you know, like ••

LEG. CARACAPPA:

I'm asking questions. Last question. When you talk about law and we shouldn't be doing this as a County and there are federal laws and that we should just ignore this one or we shouldn't pursue it, what other laws should we maybe put aside?

MS. STEINMANN:

The Labor Department, as far as I know, has all kinds of laws about contractors that do things like keep people in terrible conditions, not pay the wages that are set in the industry, use substandard •• safety is not enforced. I don't see anybody talking ••

LEG. CARACAPPA:

Should it be?

MS. STEINMANN:

Of course it should. That's what I'm saying.

P.O. LINDSAY:

Okay. That's it. That's it. Ms. Steinmann, it's over, okay? The debate is over. We're not going to debate the bill across the thing. He asked a

question, you answered it.

LEG. CARACAPPA:

I'm asking questions.

P.O. LINDSAY:

You did ask questions. Again, Legislator Caracappa, we have 57 speakers. There's a lot of people that want to speak. You know ••

LEG. CARACAPPA:

Mr. Chairman, with all due respect, I understand, I've been in your position. So many people are here, we should just get to the •• cut to the chase now with some of the questions. I'm asking them once.

APPLAUSE

LEG. CARACAPPA:

I'm asking them once. And I said when I started that I pose this question for every single person that had the same position as the first speaker. And I just had two or three more questions so I can ask them once and get them out of the way. I don't really appreciate on important issues such as this to be cut off like that. I'm sorry, Mr. Chairman.

P.O. LINDSAY:

Ray.

MR. WYSOLMIERSKI:

Good afternoon, ladies and gentlemen. "Who are these guys," I'm saying to myself. I know most of you, but some of you have never had a chance to deal with me, and I'm sure this will be an experience you haven't had yet. I am distributing something that I want you to have before you. I have taken the liberty of highlighting certain areas, because what I'm about to say is explosive and troubling and scary and every other thing. I want you to know that this is not my opinion in terms of what's happening. You're reading it right in front of you. Okay.

I also have two DVD disks for the Presiding Officer, one for himself and one for the County Exec and the Health Department. These disks delineate various diseases that are coming across the border for which we have no cure, one of which is a new strain of TB. And it's mentioned in the article that you're going to be getting. I have a prepared statement, a copy of which you will be getting after I'm finished reading it. Then I'll take questions if you so desire.

In June 30th, 2006 Q&A on the website www.socialistworker.org, Carlos Canales, Chief Labor Organizer of Workplace Project based in Hempstead, New York, boasts that he uses that tactics of anarchists and subversives when instructing illegal alien invaders. He states, there's only one rule that you'll hear me repeat over and over again every day when I visit. You don't have to obey rules that are from outside the trailer, you must disobey any rules that imposed upon you, you are to create our own rules, you have to create you own government.

Later in the same Q&A he admits to conspiring against citizens by orchestrating arrangements with the contractors, the church, elected officials, police and illegals. Again, he boasts, so how will the gringo listen to us? Sometimes they say we are immigrants, and they won't pay attention to us. Then we go look for support before we go to negotiations with local authorities.

[SUBSTITUTION OF STENOGRAPHER • DIANA KRAUS]

MR. WYSOLMIERSKI:

We visit churches. And then we organize a group of supporters to support the day laborers and the workers' center. Once day laborers are assigned to an official place where they can stand and wait for contractors, the authorities needed a place to stay and the police will now on •• won't bother •• won't come to bother them. This arrangement between the police, elected officials and invaders is proof that elected officials are complicit in welcoming this invasion and selling out their constituents.

(APPLAUSE)

How do these advocacy organizations gain enough influence to coerce or convince some elected officials to sell out their constituents and conspire with the church contractors and the police against the public? Who funds these apparently subversive organizations? With the latest estimates of the legal •• illegal population now reaching 30 million, are we not witnessing the

anarchy, acrimony and chaos that is usually the prelude to socialist upheaval? In 2005, the PLP invaded Farmingville from New York City to intimidate citizen protesters. On their website the Progressive Labor Party, a self•proclaimed communist organization, champions the rights of workers everywhere. When the police were called in, they engaged in a shouting match and shoving match with them and three of their members were arrested.

Wake up, America. We do not have an immigration problem. What we do have is an invasion occupation and colonization problem defined as an immigration problem by a loose but unholy alliance between the liberal press academia, the church, subversive advocacy organizations, corporate America and some cowardly elected officials.

(APPLAUSE)

These localists of invasion are even more of a threat to this nation than are the invaders themselves. Since citizens' tax money is being used for grants to support illegal alien invasion, the greater Farmingville Community Association and the Long Island Minutemen call for a public inquiry together with a criminal and •• with a criminal and federal investigation into the activities of these illegal alien advocacy groups which must be conducted immediately.

(APPLAUSE)

To the apologists of this national invasion, we say we're mad as hell and we're not going to take it anymore.

(APPLAUSE)

And if I could ask someone to bring to the Presiding Officer the two disks, one for him, and I will make some more if need be for the rest •• I just got these two days ago so I didn't have time to make these for you. This is a very, very scary tape of a Phd who has spent the last part of her life doing research on these •• these diseases coming in and who will hopefully enlighten this panel and the County Exec as to what really is in line here.

P.O. LINDSAY:

Thank you, Ray. Robert DiCarlo.

MR. DiCARLO:

Thank you very much and good evening, Legislators. Members of the Suffolk County Legislature and County Executive Steve Levy, I speak in support of this measure. My name is Robert DiCarlo and I live and work here in Suffolk County. I spent 25 years serving the citizens of New York and the republican party leadership position to a New York State senator. My father served proudly the people of New York State as an Assemblyman, the people of America as Assistant Secretary of State and as the Chief Judge of the United States Court of International Trade. I can tell you we never could have imagined that the belief our elected officials once held in obeying our laws and more importantly enforcing those laws would come to this sad state of affairs. I understand how advocates with their own personal agendas can oppose obeying law even if they should not take that position. I can understand how illegal aliens who are law breaking can oppose obeying the law. But it is truly, truly saddening that elected officials, honest business men and women and even some church officials would advocate not enforcing the law. How can any elected official take a position that you can commit a crime but not be punished? What are we teaching our children? How dare the government enforce some of its laws and not all of its laws.

(APPLAUSE)

Punish some but not mete out justice equitably? If the assault on America's laws and equal justice was not so sad and potentially devestating to our nation, this would seem to be nothing but a sad, sad joke. This, Legislators, is a very good first step by the County and should be followed by an alliance between local and state government to evoke the license of any business employing illegal aliens.

(APPLAUSE)

From landscaping companies to builders who cheat the system and take jobs away from Americans and legal aliens.

(APPLAUSE)

If a locality issues a permit or license to do business or the state is the issuing authority, they must take the initiative to enforce what is right and just.

In conclusion let me say this issue which is the most important issue, I believe, facing our country. I urge passage and thank those who stand for the rule of law. To those who vote against this basic principal of justice, shame on you because there is no excuse for you as defenders, defenders of the rule of law as legislators to oppose this measure. To our fellow representatives who have caused this devestation to our nation, representative Tim Bishop, Senator Charles Schumer, Senator Hillary Clinton,

shame on you. And because I am a proud republican I would be hypocritical not to include the biggest defender on this issue: Our Commander in Chief, the President of the United States George Bush ••

(APPLAUSE)

•• who by his refusal to enforce our laws saddens us all as Americans. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Thank you, Mr. DiCarlo. Bill Pearson. Bill Pearson? Bill Pearson.

MR. PEARSON:

My name is Bill Pearson. I'm in favor of the bill. Basically everything that I was going to say has been said. But again you guys are my representatives. You represent not just your communites and your locales but you represent all of us. And I hope that all of yous unified vote in favor of that bill. You don't represent specific groups of people. You represent all of us. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Margaret Bianculli.

MS. BIANCULLI:

Let me know when that timer goes off. This is not the first time I stood before this body. It is the first time I stood before a lot of you. And as Ray said earlier, a lot of you are not familiar to me. My name is Margaret Ann Bianculli {Diver}. According to Newsday I'm the female David Duke of Farmingville. With that in mind, you must understand that Newsday and those who call people like me those kind of names are fighting to deny me my rights as a citizen of this country. There have been lawsuits brought against my community and myself that we have won because there's been at least one wise judge who understood that we were protecting our rights.

And I stand before you here today. And I look at Mr. Caracappa. And we have had our differences and hung up on each other and yelled at each other. If we were in each other's presence our Italian temperment might have started and throw things at each other. But he and I have also suffered the slings and arrows of that name calling and the disrespect; and has still continued to today to fight for one thing. Our rights to protect our tax dollars, to protect the rights of citizens.

I am in 100% support. And if Ray did not say it specifically, he is also in 100% support of •• and I hope I get the numbers right •• 2025.

(APPLAUSE)

All of us here in this room whatever our age, wherever we've come from, I believe we all understand supply and demand. At the earlier session the labor leader spoke about the fact that we have to protect our wages. The first speaker here felt that she was in the ploy of the •• of the underdog without realizing every time you do not vote for something that protects our tax dollars, protects the wages of the American citizen, protects the legal and hard working person employer trying to go with the law, you are voting against the constitution. You are violating your rights and you are violating your duty to me. And I resent it. I will not vote for you. And furthermore I will be out there fighting.

I didn't care what Newsday called me. There's a national •• there's a national documentary out there about me and my community of which I'm very proud of. I align them in my mind and heart with the founding fathers who have come up and fought against all odds about many, many things. And I'm the foil for the illegal alien in that film; but the point is made that this is my home, this is my country. And the federal government •• that woman was wrong. The federal government does have laws, but they do not come down here and knock on Mr. Levy's door and say are you in enforcing this? No. That's from the bottom up.

Mr. Levy has a responsibility •• Mr. Levy has a responsibility to make sure the people he's giving our tax dollars to are following the law for the black, white, Hispanic, Indian, Mars person like Joe has mentioned, all have a fair and equal right to proper wages so that we can continue to live here. And a right to a job following the law.

And I'm coming to close shortly, but I'd like to just share this story. My very first TV experience was about 7 years ago when my neighbors and I ran over to W •• LIW, I guess 55 or 21 •• I forget which station it was •• and there I didn't know that my principal was watching TV that night. And I hadn't told anybody at my job that this is what I was going to do. And he happened to catch the spot. And he answered me the next day. And his answer to me was, Margaret, my answer to you is no. And the answer was, what I presented to the TV is, I'm going to go to work tomorrow and tell my

principal to tell the New City Board of Ed to get off •• to stop taking taxes from my money •• from my money. I'll take care of my own taxes. I'm going to ask him to do that for me.

I had to give a 99. I had to do fingerprints. I had to do all those things that most of use have to do when we're getting a job here in this country and in this County. And so the next morning he said no, he wouldn't •• he wouldn't do that for me. So if he wouldn't do that for me and if you can't •• oh, there's the buzzer. Okay.

P.O. LINDSAY:

Time's up, Margaret.

MS. BIANCULLI:

All right. And if he wouldn't do that for me, and if you're going to a guy who's trying to do what's right for Suffolk County, the taxpayer and the workers, then why shouldn't this bill go past just so you have an oversight and can account to me and say you are giving my tax dollars to my neighbor who's as hard working as I am? Thank you very much.

(APPLAUSE)

P.O. LINDSAY:

Thank you. Peter Quinn.

MR. QUINN:

Good evening, Legislators. I applaud Steve Levy's introduction of this immigration bill. I look at the opponents. And I see the Long Island Association which represents 2000 businesses; and I understand their sympathy towards not enforcing this kind of a law. They claim that it should be done in a voluntary way. Well, we've been watching volunteer efforts by businesses for years which has changed nothing. And we look at the 1986 federal law which was supposed to impose some limitations on illegal workers. And nothing has happened.

In addition they claim that penalties are too harsh. In my view they're not harsh enough. If they were higher, then maybe some of those companies that are hiring illegal workers would cease and desist.

(APPLAUSE)

Then we look at the SEIU, Labor Union Contention. They claim it's discriminatory and it's bad public policy. And yet •• and then they claim that they want to unify families and provide for better workplace environment. Are they in denial that people are working two and three and four jobs in families just to keep the families together? Are they in denial that there is •• there are corporations across the country who have fired workers, have done out•sourcing oversees, that have cut pensions, that have cut health benefits while their corporate leaders are guilty of excess corporate compensation and involved with back dating stock options and cutting benefits to stockholders?

Instead •• and then we've got the churches involved in this issue as opponents. And their position is it's discriminatory. Well, wasn't it

discriminatory on the issue of abortion? The discrimination of women's rights to an abortion? They don't argue it. They shift the issue to other words. And when it comes to church's pedophiles, the issue is really discrimination against children. But instead they send their pedophilic priests and ministers to other parishes in total denial. And then •• lost my place here and lost my thought. And then they argue that they are supposed to be helping; they really want to help the poor. Well, if they really want to help the poor, why don't they stand up and shout from the pulpit that a republican congress since 1996 has kept the minimum wage at $5.15 an hour. How is that helpful to the poor to become better off? And I would argue that it's time for the churches, who if they wish to be involved in contumate social issues of our time, that maybe some political forces have to be at work to say you know longer have your tax exempt status.

(APPLAUSE)

And that the real word that has to be described in this bill is illegal. And I hope •• I hope that all of you elected officials understand that it's illegal to hire illegals.

P.O. LINDSAY:

Your time is up, Peter.

MR. QUINN:

And I'll finish by saying ••

P.O. LINDSAY:

I thought you covered it all.

MR. QUINN:

And I think that as long as we have elected officials not dealing with the illegal issue, we are committing economic suicide for workers across America. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Ronald Lewandowski. Ronald Lewandowski. Mr. Lewandowski? Come to the microphone. On deck is John Cotter. If you're outside Mr. Cotter, get ready to come and speak.

MR. LEWANDOWSKI:

Good evening. I won't take your time up. This legislation protects legal immigrants' jobs, all the citizens' jobs. That's all there is to it. Taxpayers are tired of it. We're fed up with this. We have an illegal population that's splitting this country. We have an illegal population that's sucking this country dry. As far as I'm concerned, these people are not here to assimilate into our society. This is a cultural invasion. We must put a stop to it. We must stop their jobs. With them not paying taxes, the middle class is sinking very quickly. We have union people out of work. We have family working extra jobs. With the gas situation, and just the cost of living these days, it's

almost impossible for the middle class to continue. These jobs must be kept open for people who belong here.

(APPLAUSE)

Please search your conscience and your patriotism for this country; not because of being politically correct to give illegal aliens work that we should have along with legal immigrants. That is the American way. There's nothing in our constitution that says we need to support these people. It's not Hispanics. It's the whole agenda. Eastern Europeans, Pakistani, Chinese. Our group the Minuteman Civil Defense Corps is fully aware and upholds the ideals of legal immigration. I'll be the first to shake your hand and welcome you to this country and give you a job if you're here legally.

(APPLAUSE)

If you're not here legally, go back to your country and help change your own country.

(APPLAUSE)

Thank you for your time.

P.O. LINDSAY:

Thank you. John Cotter.

LEG. CARACAPPA:

Mr. Chairman?

P.O. LINDSAY:

Yes, Legislator Caracappa.

LEG. CARACAPPA:

Through the Chair, just remind the speakers that we're on a public hearing here and if we can keep the comments directed to the contents of the bill and not so much the broader illegal immigration policy.

P.O. LINDSAY:

That's a very worthy cause.

LEG. CARACAPPA:

Thank you.

P.O. LINDSAY:

John Cotter.

MR. COTTER:

Hello. I wanted to speak here today on the specifics of the bill. I understand that most of you are supporting it or at least that's what I heard. For the few of you who aren't, I just don't quite understand that. It just seems bizarre to me that we would be taking County money, which is taxpayer's money and using it to hire people who are illegal when we know that this •• doing this is hurting the tradesmen that live in this County.

(APPLAUSE)

What I hear •• I used to be in the trades. Now I'm a computer programmer, but I talk to plenty of people that are in the trades. And what I am hearing is they're getting less and less work. And those that are doing contracting are unable to match the prices of people who are using all the illegal immigrants. And it's just insanity. We're going to end up in this County with the very rich and the very poor if we keep this up. I mean all I know is my kids, they got to move out of here. They can't •• you know, they're having their problems staying here. They're moving else where with my blessing. Breaks my heart. But we have people who want to stay here for whatever reason, with the roots. And regardless of the high taxes and high cost of living they want to stay here. And the trades were always a good way for a man or a woman to earn a living.

Now I don't hate the immigrants. I understand why they come here and the problems they have; but we can't really solve the problems of all six billion people in the world that don't share our standard of living.

(APPLAUSE)

And I do support immigration. I know that some of the trades actually would like to stop it completely. Now I'm a programmer and I'm being hurt by legal immigration because some of the legal immigrating programmers are cutting my price, but that's okay. That's the game. They came in here the right way. And I have no problem with this here. My brother•in•law, my father, my mother's mother and my father's parents are all immigrants from Ireland. So I mean they've always been the life blood of this nation in a lot of ways. But so have the citizens of this country. And we're a great country.

So if you're going to vote and say that it's okay for government contracts to go to places where we know that they're hiring illegal immigrants, I mean that's just insane. It's just as about as insame as taking taxpayer dollars to go make a work center for them.

Now right before •• half my speech got cut off by what Mr. Caracappa, my representative said, because I was going to stretch into other subjects. I'll cut it real short. I lived in Farmingville for two years. I live right on North Evergreen •• three houses down from the •• from the spot where all the illegal aliens are going. I saw my girlfriend's parents •• they had a house that they had for 30 something years. This was their equity. This was their life. This was their savings. They planned on selling it and moving to North Carolina. They saw the value of their property drop to absolutely nothing because all around them were houses with 50 people. And I am glad to say the County closed down the one house right behind where I was living which had •• which used to dump raw sewage into the empty lot once a week which was a health hazard and quite a stench.

I know County's starting to do something. This is a small step. Pass this bill and then start enforcing the laws. If you stop the hiring of the illegals, and there must be a way to do that that is both constitutional and moral •• I don't want these people harassed or beaten or anything like that, but you have to stop what's going on so that we can return to a normal economy here; so we don't have to see every trades guy living in Suffolk County have to move somewhere else because he can't compete with the incredibly low

wages.

Thank you for your time.

(APPLAUSE)

P.O. LINDSAY:

Dr. Luis Valenzuela. Dr. Luis Valenzuela.

DR. VALENZUELA:

Good afternoon. Thank you for the opportunity. I'm not going to take all your time. I have spoken twice before. I just want to point out an issue that has not been brought up. And that is the question of children. You know within the field of child welfare there is recognition that children are affected by threats of abandonment and the fear of rejection. And the debate that's going on right now with what I was hearing outside of this building, people being told to go home, go back to where they belong, the children certainly pick up on this. And it affects them tremendously. And this affectation you can see in social settings such as schools and other places where children interact with other folks.

This bill is divisive. It's not inclusive. It does not address the problem that we have any sense of its size, its cost. Absolutely not. Yet we have a solution for a problem that doesn't exist. As a colleague of mine said last week, there's a solution looking for a problem. You know, when someone else said if the only tool you have is a hammer, all problems look like nails. And that's what Suffolk is starting to look like. Every time there's a problem, it's the immigrants.

THE AUDIENCE:

Illegal.

P.O. LINDSAY:

Quiet.

DR. VALENZUELA:

I think that it's not only the folks who have no documents that are going to be negatively affected, but folks who have been born here, folks who do have documents, folks who are veterans. I just heard veterans being asked to go back home. So, again, this bill is divisive. It has consequences beyond what we're talking about. Thank you.

P.O. LINDSAY:

Thank you. Legislator Eddington, Dr. Luis, has a question for you.

LEG. EDDINGTON:

As a clinical social worker myself, you know, I heard you say alienation and abandonment. And of course those are the greatest fears of children and individuals; however, I'm also concerned that when people come here and start their career in America illegally the lesson they're teaching their children is also very dangerous.

(APPLAUSE)

So I'm concerned •• I'm concerned with that. And then I heard you mention about schools and children. Well, I actually represent Patchogue, Medford and Farmingville. And I'm being told there are six to 800 children that are undocumented going to the schools. And the people tell me our taxes are too high.

P.O. LINDSAY:

Question?

LEG. EDDINGTON:

I'm trying to get to it. All right. I'm going to ask you. Tell me how you justify this because the people that I see are telling me taxes and immigration are two sides of one coin. What should I say to them? How can I justify the non•paying of school taxes and they're going ten, $11,000. How do I •• what do I say to them?

(APPLAUSE)

DR. VALENZUELA:

As a clinical social worker I know that you were exposed to research and

value, empirical data. So I would ask for empirical data. Show me the facts. Show me the data. Show me the data. You know •• no, that's actually how I would respond. Let me see the numbers. Let me see the magnitude of the problem. There's factoids and there's facts.

P.O. LINDSAY:

Quiet.

DR. VALENZUELA:

Factoids are rumors that tend to take on a life of their own and start to look like facts. And we throw them out all over the place when we really don't have a handle on the situation.

P.O. LINDSAY:

Quiet. Okay. Thank you.

DR. VALENZUELA:

You're welcome.

(APPLAUSE)

P.O. LINDSAY:

Jack Kennedy. Who had a question? You had a question? I'm sorry. Sorry.

LEG. CARACAPPA:

That's okay, Mr. Chairman.

P.O. LINDSAY:

I didn't see you.

LEG. CARACAPPA:

I'm okay.

P.O. LINDSAY:

How are you, Jack?

MR. KENNEDY:

I been better, Bill.

P.O. LINDSAY:

You look a little piqued, pal. Go ahead.

MR. KENNEDY:

But I'll get through this. Good evening, Presiding Officer Lindsay, members of the Legislature. Thank you for giving me the opportunity to share our support for the building trades for IR 2025. America workers have struggled from early colonial times to the present with one purpose; to improve working conditions and our quality of life.

Over the past 400 years this single purpose has been expressed in many different ways through hundreds of actions. Some of these you may be familiar with and some not. You may agree with some or find that you disagree, but from this continue swirl of activity and participation in our nation's development, one significant fact involves labor history. Our accomplishments and contributions have been at the core of creating for America a quality of life; a work ethic and values we hold up for the rest of the world to emulate.

During our colonial period it was the common laborer who helped build a stable society in the new world. As American •• as America and its workers progressed through the industrial revolution and the progressive era the demands over issues of work quality life increased. We organized waves of immigrants to stop their exploitation as cheap labor as this strategy continues today.

Throughout this period our focus was on the struggle to secure safe working conditions. We're the voice in the workplace decision; reasonable wages and benefits such as health plans and pensions. Events during the period reflect

on what we have chartered as our course in both the 20th and 21th century. The celebration of organized labor and its achievements was first acknowledged as far back as 1882. And that was the Labor Day parade. In 1884 the federal government recognized the need to respond effectively and responsibly to issues of labor; and we created the Labor Bureau of Labor Standards. And most importantly we see the formation of the AF of L by Samual {Gompas}. Small but not less significant, steps were taken all over this nation as we continue to move forward with our single purpose for better working conditions and impoved quality of life.

For example in 1909 the ILGWU resulted in provisions for union hiring a board of grievances and a board of arbitrations. As we moved into the 20th century through the first World War, the Great Depression, the second World War into the present, workers and the unions continued to move forward and gained for working people benefits that today are part of the fabric of our society; a part of what we consider the norm as well as the rights of all workers. These are our achievements, our contributions.

And this is just to mention a few of them. The right to prevailing wage right was issued in 1931. Unemployment insurance was in 1932. The right to organize was in 1935. The Social Security Act was in 1935. Apprenticeship training and education programs was developed in 1937. Time and a half paid for forty hours work per week. The eight hour workday and five day work week; workplace based health plan benefits, pension plans, Workers' Compensation. All of these did not come about as a result of the benevolence of employers or the good will of government officials. Each came into practice as a result of workers' struggles for a better life.

From the days of indentured servants and slaves to the present American workers have always focused on improving not only the quality of life for themselves and their families ••

P.O. LINDSAY:

Wrap it up.

MR. KENNEDY:

•• but for society as a whole.

So to summarize, IR 2025 is not an immigration bill. It is a bill that protect workers from exploitation and helps legitimate contractors who obey the law to acquire work for their employees. Why should all of us pay taxes and let anyone work off the books whether they are union or non•union? And why opening remarks I mentioned the labor movement as a little history. All we're asking for is the protection and the enforcement of the existing law.

(APPLAUSE)

P.O. LINDSAY:

Legislator Viloria•Fisher has a question for you.

D.P.O. VILORIA•FISHER:

Hi, Jack, how are you?

MR. KENNEDY:

Good.

D.P.O. VILORIA•FISHER:
I meant to speak with you the other day because I have a question regarding this bill and regarding a broader question. Since I've been in this Legislature, I have seen in Suffolk County government a real respect for prevailing wage law. It was this Legislature that passed the Living Wage Law. I was a co •sponsor on that. And so we have made a commitment in Suffolk County to protecting the worker.

Now it's my understanding that when a contractor signs a contract to do work with the County of Suffolk, that in that contractual agreement, that contractor must certify that he will be paying prevailing wages to the workers that he hires; is this so as far as you know?

MR. KENNEDY:

That's right. But there's no enforcement. That's part of the problem. With the state •• and this would just augment, if you will, and help with the process.

D.P.O. VILORIA•FISHER:

But, Jack, if we •• now I have been supporting the Prevailing Wage Law and believing that my County took it seriously. So why aren't we enforcing it? And if we have the law already, why make another law? We should be

enforcing that Prevailing Wage Law that we have. And I think we should all be pressing to enforce that Prevailing Wage Law.

MR. KENNEDY:

We've been lobbying the State of New York for years to put more inspectors on, more people on and it's fallen on deaf ears. That's part of the State Labor Department's problem.

(APPLAUSE)

You have often heard me say justice delayed is justice denied. And that's what goes on every single day. There's not enough people to enforce the law. And this would certainly help.

D.P.O. VILORIA•FISHER:

In other words we need •• are you saying then that we need to hire more people in Suffolk County to enforce our protection of workers; the laws that protect our workers' rights?

MR. KENNEDY:

Well, if it's our tax dollars, if it's Suffolk County dollars, and that we're all paying taxes for, yes.

D.P.O. VILORIA•FISHER:

Yes. So we should hire more workers to do that?

MR. KENNEDY:

Yes.

D.P.O. VILORIA•FISHER:

Okay. Thank you, Jack. I appreciate your input.

THE AUDIENCE:

Legal workers.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

As a supporter of this law and reading the financial impact statement provided by the County Executive's Budget Office, he's indicated that checking out the affidavits of 6,000 contractors with Suffolk County would a negligble impact or minimal impact on any •• on the Department of Labor which kind of indicates to me some of the problems that you were pointing out. I have no problem voting for this law; what I have a problem with is the County Executive wants to pass this not providing the resources. Would you

agree with that?

MR. KENNEDY:

No.

P.O. LINDSAY:

You got the question. I give you credit.

MR. KENNEDY:

No, I don't agree with it. Because what I think what will happen is, I think it'll pay for itself because you're going to get people that are going to start paying taxes to pay the proper fringes of benefits that they're supposed to.

(APPLAUSE)

P.O. LINDSAY:

Thank you, Jack.

MR. KENNEDY:

Thank you.

P.O. LINDSAY:

Robert Dow, Commissioner of Labor.

COMMISSIONER DOW:

Honorable Legislators, Honorable Presiding Officer Lindsay. Good evening. My name is Robert W. Dow, Jr. I'm the Commissioner of Labor for Suffolk County. And I am here in support of IR 2025.

(APPLAUSE)

I'm going to be very brief due to the fact there are so many other people that would like to speak. But it levels the playing field for employers seeking contracts with the County. It helps prevent unfair labor practice and the exploitation of workers. It promotes federal law requiring employers to verify their employee status. And it's a right step in the right direction; an opportunity to lead by example.

I spoke at the Ways and Means Committee also. And to reiterate part of what the AFLCIO immigration policy is, they support •• the AFLCIO supports employer sanction and criminalize employers who recruit undocumented workers for economic gain. This bill is not a comprehensive bill that it's going to answer all the questions to the illegal immigration policies or the immigration policies, but it is definitely a step in the right direction. And I'd like to say that the Department of Labor stands ready, willing and able to

enforce and monitor the law. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Okay. Commissioner Dow, we have a couple of questions of you.

COMMISSIONER DOW:

I figured that.

P.O. LINDSAY:

Legislator Viloria•Fisher is first; and then Legislator Kennedy.

D.P.O. VILORIA•FISHER:

Commissioner Dow, I'm going to ask you a similar question to that which I asked •• as that which I asked Mr. Kennedy which is we have prevailing wage laws. And when we have contractors who sign up to work •• to do work for the County, there is a statement which they must sign that they will be paying prevailing wages. Why are we not enforcing that? And why are we not holding those contractors accountable?

COMMISSIONER DOW:

The •• that is a very good question. And the previous speaker, Jack Kennedy, spoke about that the enforcement is part of the New York State Department of Labor. It's section 220 article XIII of the Labor Law. And part of it is as you've stated that there has to be a certified payroll that they attest to that the employees are who they are that worked on job, that they are getting the proper classification of rates. And it's the enforcement, though, of the state and not the County.

D.P.O. VILORIA•FISHER:

However, it is the County with whom they are entering into a contract. If they are falsifying that contract and saying that they are paying prevailing wages and they, in fact, are not, then is not the onus upon the County to hold those contractors accountable and to deny them any further future contracts?

COMMISSIONER DOW:

Not presently under the law. I know that there is talk ••

D.P.O. VILORIA•FISHER:

In other words, they can falsify their statements and contracts?

COMMISSIONER DOW:

No, no, no, they cannot falsify. But the County wouldn't know if they're falsifying or not unless they had a verification process of which they do not have currently. And it's part of the •• enforced by the State of New York; the

Department of Labor.

[RETURN OF STENOGRAPHER • DONNA CATALANO]

D.P.O. VILORIA•FISHER:

So you're saying that the County even if they might suspect that there is contractor who is not fulfilling the contract as sworn by the signature and perhaps has been told by labor unions that this contractor is hiring undocumented, that they have no recourse at this point? So in other words, the County is helpless with regard to prevailing wage you're saying?

COMMISSIONER DOW:

No, that's not what I'm saying.

LEG. VILORIA•FISHER:

I'm just trying to understand it.

COMMISSIONER DOW:

The County is not helpless. However, labor organization usually is the one that would go to the Department of Labor and request an inquiry to see if they •• or if they had information about individuals that are on that certified payroll that did, in fact, say that they weren't receiving the wages that their employer attested to on that document.

D.P.O. VILORIA•FISHER:

And has this happened?

COMMISSIONER DOW:

Yes.

D.P.O. VILORIA•FISHER:

Do you have any kind of data on how often this has happened, what kind of numbers it's happening in?

COMMISSIONER DOW:

That business representatives from unions would have requested certified payrolls, and then it happens a lot. In fact, there are approximately 1200 cases pending, approximately, with the State of New York on problematic contractors not paying the prevailing rate.

D.P.O. VILORIA•FISHER:

And what then is the determination on the part of the Suffolk County when we know that there complaints such as this or investigations that are ongoing? Do we continue to use them on our contractor list?

COMMISSIONER DOW:

That could be a possible •• what they call in the law, a responsible bidder. And if the responsible •• if an individual had gotten •• falsified their certified payrolls and was caught by the DOL, the Department of Labor and New York State, they could get a willful violation, which in turn, the County could look at that and say we don't think that if you were the low bidder on a contract, that you would be a responsible bidder, and they could go to the next bidder.

D.P.O. VILORIA•FISHER:

Okay. Because we have discussed this recently regarding responsible bidders and not being on the list or having to go through another hearing. So we do recourse with regards the abuse of fair labor laws if there are complaints and those complaints are addressed or investigated?

COMMISSIONER DOW:

In certain venues, we do, yes.

D.P.O. VILORIA•FISHER:

Thank you, Mr. Dow.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Mr. Dow, I •• my questions go along to, I guess, what Legislator Romaine spoke about. Also, just to emulate or pick up on what you had spoken about as far as New York State Department of Labor. I've done my own research with Taxation and Finance, and they equally do have authority as far as the quarterly collections, but likewise, admittedly apparently do absolutely no enforcement whatsoever. So, you know, I do agree that we have a responsibility to try to address this issue.

P.O. LINDSAY:

I know there's a question in here.

LEG. KENNEDY:

But we also are cognizant of the fact that we are struggling with what these other levels of government have elected not to go ahead and do. Having said all that, pragmatically speaking, and I'm going to ask BRO too if they concur with that 6000 contractor estimate, how is your department going to process an estimate 6000 affidavits that may or not have been factually completed and may in some cases require the same kind of spot observation that we've talked about with prevailing wage? How will that happen?

COMMISSIONER DOW:

That's a fantastic question. Let's see. Part of it •• the way I would explain is that we already administer the Living Wage Law. The Living Wage Law is required on every contract through the County. So my thoughts on it as far

as administration, and it's early, because of the fact that you haven't passed the bill yet, we haven't put the rules together, if there are other amendments, it may change part of it.

But that having said that, the Living Wage Bill has •• every contract has to pass the Living Wage test to so speak. So an employer that signs a contract with the County has to attest that he's paying a living wage. Once he attests to it and says that it's applicable to him, in the process as per the law, we have three years to go out and monitor the individual. And part of it would be the form, part of it would be having him attest to it.

I believe also in the bill there's a yearly form that would have to be required again each year, and then there would be monitoring. And I'm sure might be some sort of •• if someone was a whistle blower and wanted to •• another employer maybe that was disgruntled because that employer didn't get the bid, because he knew that the other employer was able to get the bid using undocumented workers, so to speak, and maybe he may also call and want us to go out and actually monitor and enforce the law. So there would be some monitoring efforts, but to enforce it with 6000 contracts, we're doing it already with the Living Wage Law.

LEG. KENNEDY:

How many are with the Living Wage?

COMMISSIONER DOW:

It's all the contracts, every contract that is over ••

LEG. KENNEDY:

So you're doing enforcement with 6000 entities now?

COMMISSIONER DOW:

With every contract that's over $10,000 and isn't exempt from the Living Wage, but most of the contractors have to at least fill out and say we're exempt because it's under $10,000 or we're exempt for certain other reasons. So it's still a lot of contracts right now that we're doing with the Living Wage Law.

LEG. KENNEDY:

We have a lot of conversation to go, I don't want to hold this up tonight, but obviously, I think, I want to have some conversation with you beyond this to see ••

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Good afternoon. It's the same trend in terms of, you know, enforcement of the law. In your estimation, you say, you know, you are going to have 6000 contractors that you're going to have to monitor, have you done •• how many spot checking have you done in the past, let's say, three years on the

Living Wage?

COMMISSIONER DOW:

Well, we're required by all of the contracts that are applicable under Living Wage to actually go out monitor them on a three process.

LEG. MYSTAL:

Have you done that?

COMMISSIONER DOW:

Yes, we have done ••

LEG. MYSTAL:

How many have you done?

COMMISSIONER DOW:

Well, the Living Wage Unit has done all of them in a three year period, but it's an ongoing ••

LEG. MYSTAL:

It's an ongoing process.

COMMISSIONER DOW:

Yes.

LEG. MYSTAL:

Do you anticipate you are going to need additional staff to implement and enforce this law?

COMMISSIONER DOW:

I would anticipate some additional staff, but I'm not sure quite yet how many, because of the fact that •• how many •• you know, is there going to be other amendments to it, is it going to pass, you know, part of that.

LEG. MYSTAL:

Just one minute. To BRO, do we have any kind of fiscal impact in this bill terms of how much it would cost for the County to enforce this law if passed, if enacted, and signed by the County Executive?

MR. LIPP:

We have not completed our fiscal impact yet. There has been a request by Legislator Romaine for us to do a fiscal impact. We've scoped out some of

the broad issues, but we haven't put dollars on them yet.

LEG. MYSTAL:

You don't have preliminary figures or anything like that?

MR. LIPP:

Dollar•wise, no, because it is an interpretation of the legislation, it is unclear to us right now exactly what the universe of contractors are, actually. I mean, we haven't been able to verify a number in terms of how many contracts would apply. We're looking into that.

LEG. MYSTAL:

Okay. Okay.

P.O. LINDSAY:

I'm going to •• I don't mean to prolong this whole thing, but I want to interject from the Chair as well. Mr. Dow, isn't it a fact that what it would take to implement this law would be one more piece of paper in a packet? When we asked somebody to sign a contract with the County, we give them umpteen papers to sign. It's just one more piece of paper that says I attest that my employees are here in this country legally, am I right or wrong?

COMMISSIONER DOW:

Initially, yes.

LEG. MYSTAL:

Through the Chair •• Mr. Chair, I think, you know, that's a simplification of it. Yes, it is a piece of paper that they have to sign, but somebody ••

P.O. LINDSAY:

I'm not debating it. I'm asking a question like you asked a question. I respected your ability to ask a question, respect mine.

LEG. MYSTAL:

Thank you. Commissioner, after ••

P.O. LINDSAY:

Do you want to be recognized, Legislator Mystal?

LEG. MYSTAL:

Yes, I would like to.

P.O. LINDSAY:

Okay. Legislator Mystal.

LEG. MYSTAL:

Commissioner, after they sign that piece of paper, after they attest to employing legal residents for the job, would you have to monitor it to make sure that what they say in that piece of paper is correct, to make sure they're not lying to you or they are actually employing legal residents, number one, number two, paying a prevailing wage? Would your department have to some how monitor it? Otherwise, if we pass the bill and there is not that enforcement to it, it will be moot, because the contractors will still have to deal with it, unscrupulous contractors.

COMMISSIONER DOW:

Like Presiding Officer Lindsay spoke about, there is a form that has to be filled out, but at the end of it there is also that the Department of Labor will promulgate rules and regulations. And eventually that would have to be done based on what the amendments are if the bill passes. And ultimately, yes, there could be some monitoring, or even if there was a provision put in there for a whistle blower or an individual called up and said, "I think that so an so contractor doesn't have the requirement I•9s," then that would mean that we would have to go out an check that out.

LEG. MYSTAL:

This is just paper work. In terms of what you •• you would be taking what they say to you. What I'm trying to get at is not just •• it's beyond what they say to you, the same way we have state laws, we have state laws that enforce prevailing wages. But you just told me, I just heard you say that the state is not enforcing it. You just told Legislator Viloria•Fisher that the state

is not doing its job.

COMMISSIONER DOW:

No. I believe Jack Kennedy prior to that said that they may not have been doing their job.

LEG. MYSTAL:

So the state is not doing their job.

COMMISSIONER DOW:

The state has a lot of prevailing wage issues, and they have a lot on the books. They have approximately 1200, the last time I heard, cases that are open that they have to go through to determine whether or not the person was paid prevailing rate or whether or not a contractor lied when he filled out his certified payroll.

LEG. MYSTAL:

All I am asking you is that •• do you have any estimation of how many more staff members you will need in the Labor Department to enforce the law?

COMMISSIONER DOW:

I don't have an exact •• my estimation would be it's going to be similar to the Living Wage Law, because it's similar to it. You're going to need a clerical,

you might need some people to go out and moratorium based on how the law comes to us and how we put the rules and regulations together.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I think you've made the point. I mean, what we're talking about here is an extra piece of paperwork. Let's say we're all manufacturers here, we're all doing business with the County, and we all have to fill out this form. All those forms come to you, you process the forms, then you get involved in selective enforcement, usually predicated on a complaint coming in from somewhere. You have no idea at this point if you have 500 of these forms coming in, if you're going to get complaints from one, two, ten or 15 in terms of the enforcement aspect.

So from an administrative perspective •• you can handle the administrative aspect, it's just paperwork. Enforcement, there's no way to gage it. You know, it's like a municipality that has a large number of illegal rentals. In many municipalities, even though it's very, very common, there's no enforcement, unless the neighbor next door calls the municipality and says, "Barraga has an illegal two family, I want a complaint." I don't even have to give my name. That's what we're talking about here.

You can process it from an administrative perspective, but you have no idea at this juncture as far as the kind of clerical or administrative additions that you need. You may not need anything depending upon the complaints,

because you are not going to act in terms of enforcement unless you have a complaint. You can't go out and run around people •• go to 6000 people with contracts with the County, am I right or wrong?

COMMISSIONER DOW:

Yes. That's correct.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Just to add onto what was said, my understanding is that the brothers and sisters in the trade unions have been doing this already. They bring violators to you, they tell you •• I know they've come to me, and then we call and then you send somebody out. And it seems to me like the cost will be absorbed by as soon as you find those first few people, the word out will be out. So I don't see it as a big cost effective thing. I think it will work it's way out. I think we'll probably end up making money, so.

P.O. LINDSAY:

Thank you, Commissioner Dow.

COMMISSIONER DOW:

Thank you very much.

P.O. LINDSAY:

Joan Messner•Epstien.

MS. MESSNER•EPSTIEN:

Hi. I'm from Remsenberg. And thank you for letting me speak. The first thing I'd like to say is that my taxes, because of the increase in school •• in the enrollment in schools have gone up from two •• $2600 a year to 9000. So please don't anyone tell me that this is an illusion laboring as a fact. It's a real fact, and it's going to be very painful for many, many people here.

The second thing I want to say is that this is a very specific bill, but it's a terribly important concept. The estimates on the internet and from a few respectable organizations tell us that the cost of illegal immigrants to this country is over $200 billion a year conservatively, 200 billion. If there were no jobs, there would be very few illegal immigrants.

This bill is so important, because it's the genesis of the jobs that's causing problems that are closing emergency rooms all over the country, filling schools into •• into cafeterias, because there isn't space for the children. The

implications for this unlimited illegal working are huge for this country in terms of Social Security, unemployment, hospital health care. I mean, I have a list as long as my arm. I'm not going to bore you with it, you all probably know it as well as I do. But this kind of a bill is really important. If you have contractors who don't follow it, fine them, fine them so much that they won't do it a second time. It's really critical that this bill passes. That's all I have to say.

D.P.O. VILORIA•FISHER:

Next speaker is Serge Martinez.

MR. MARTINEZ:

Good evening. I'm Serge Martinez. I am a Socio•Clinical Professor of Law at Hofstra Law School in the Community and Economic Development Clinic. I want to talk to you a little bit tonight about the ways this proposed law would affect employers, owners, and employees and the law of unintended consequences. I've been hearing a lot of talk tonight about how limited the impact will be, and I don't think that's actually true having read the law.

The law would dramatically increase the cost and the risk for employers and those contract with the County, reducing their ability to pay their workers and giving an advantage to those who would find creative ways to skirt the law. In short, it's bad for Suffolk County residents, employees and workers as thousands of contracts with employers and apply the each of these is not nearly as straight forward as you might think it would be.

One unusual element of this law is that it applies to owners of businesses, not

just employees. So that's all well and good when it's Serge's Dry Goods on the corner and I'm the only owner, but there's no federal or New York requirement of this. Anyone can own a business, own part of the business. In fact, Suffolk County does business with companies like Home Depot, Cingular, Coke•a•Cola, Motorola.

LEG. VILORIA•FISHER:

Can you speak closer to the mike, please, Mr. Martinez?

MR. MARTINEZ:

So like I was saying, this law applies to the owners of the agencies, the businesses that contract with the County, not just the employees. So according to the law, the owners have to provide affidavits about their alien and nationality status. Like I said, this is unprecedented, there's no federal, state, other requirement of citizenship or authorization to own businesses. So there's really no mechanism in place for this.

However, when you look at who owns •• who are the contractors, they include, like I said, Home Depot, Cingular, Coke•a•Cola, Motorola, Office Depot, Staples, Ameritell, that's just a short list of the 6000, right? How many people own those businesses? I don't have no idea, millions, hundreds of millions perhaps. Who are they? I don't know. They probably don't know. There are Americans, there are foreign nationals, there are mutual funds owned by who knows how many additional people. What we're talking about is an order of magnitude that is mind boggling to contemplate just for one of these contracts, images when you apply it to all of the different contracts.

I don't even know how you find out who they are, because this list of owners changes on a day to day basis. So who's responsible? Who has to file these affidavits? I don't know. Nobody knows. It's a recipe for confusion, and that is a recipe for increased costs or noncompliance. Either way there's going to be problems with this. Confusion is not limited to who has to sign these affidavits. There's also confusion about who this law even applies to.

According to the law, the line is not drawn at County contractors, but there's contractors, subcontractors, anyone who provides a service or a contract that's connected to the County contract. What does that mean? It's an endless chain. There's no conceivable end to it until you get to the tree that was actually cut down. And even for groups who do try to comply, there are two types of problems that I foresee. Number one, you know, East Islip Lumber Company doesn't grow it's own trees, they buy them from someone else. So they have to get an affidavit from this company that its employees, its owners are also authorized to work in this country. Again, it's unclear how that would work.

But think about Home Depot, think about Staples, think about Cingular, they have thousands and thousands of subcontracts. Again, this is not a question of oh, it's only 6000 pieces of paper, this is 600,000, 6,000,000, I don't know how many, probably no one does, but it is a lot higher than we have contemplated.

The second problem is just as troubling. Home Depot probably has the clout to make its contractors supply these affidavits. The East Islip Lumber Company, it's unlikely that they can force some specific lumber conglomerate to provide these affidavits. I question the ability of smaller organization to provide the affidavits that they are under this law on the hook to provide.

So this is, like I said, a prime example of the law of unintended consequences. It imposes tremendous costs on businesses to figure out who are their contractors, who are their owners, in some cases, who are the people who are •• they're going to be responsible for, having them comply with this law. Who is going to pay for it? I don't know. Some companies will be able to pass it back to the County, so the taxpayers will get to pay for it, some companies will be less able to do that, and they will have to not pay their workers.

P.O. LINDSAY:

Your time it up, Mr. Martinez, but I have a question for you. You do realize that this doesn't apply to private employers, it only applies to County contractors? You realize that?

MR. MARTINEZ:

It applies to those who contract with the County.

P.O. LINDSAY:

That's correct. I don't know if Home Depot are contracting with the County.

MR. MARTINEZ:

Actually, yes, they are, sir.

P.O. LINDSAY:

Not to my knowledge.

MR. MARTINEZ:

On your list of contractors, they are listed.

P.O. LINDSAY:

No to my knowledge. And it wouldn't apply to every subcontractor that Home Depot has, it would apply to that contract, you realize that?

MR. MARTINEZ:

Anyone who provides anything that's connected with that contract. So the people who they bought the nails from, the hammers, the pipes.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, being a professor of law, I guess, I'm going to ask you if you •• briefly, as you have looked at this statute, have you compared it with 1324 and do you have any opinion associated with preemption?

MR. MARTINEZ:

I have not looked at the preemption aspect of this.

LEG. KENNEDY:

You have not?

MR. MARTINEZ:

No.

LEG. KENNEDY:

There's been nothing that has occurred to you as you've gone through it, particularly with the criminality associated with this in contrast to the civil aspects associated with 1324. If you've not, you've not. It's a simple answer.

MR. MARTINEZ:

I've not researched it. I've certainly thought about it, and I find this unprecedented, I guess, and sort of bewildering to me why •• how these criminal penalties could conceivably be applied and the constitutionality of that, but I confess I have not done the research on that.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. I'm a supporter of the concept of this law, but I want this law to work and I want this law to be enforced. And what I'm getting from you, and let me ask you this question, do you believe this law isn't perfectly drawn as it currently exists?

MR. MARTINEZ:

Yes.

LEG. ROMAINE:

Can you make recommendations to the Executive about perfecting this law to tighten its application and ensure that it will be uniformly applied?

P.O. LINDSAY:

You just said it was perfect. Oh, imperfect.

MR. MARTINEZ:

I have concerns about the way this law is drawn. It's unbelievably broad and incredibly vague. If it were less vague and less broad, it might work. However, it's the work of a moment if you say it doesn't apply to owners and it doesn't apply subcontractors, fine. I can think of three or four different arrangements and entities that could skirt that issue.

LEG. ROMAINE:

I'm looking, sir, at a financial impact statement drawn by the County Exec's Budget Office where he said to implement this law would have a minimal impact, would not cost next to nothing. And that's what draws my concern. I would ask you about this, because it would appear that we're proposing a law that makes a lot of sense, but is so broadly drawn with no resources behind it according to the financial impact statement that it could not be implemented. Would you seem to agree with the broadness of the law that it would be difficult to implement this law?

MR. MARTINEZ:

Yes, I would wholeheartedly agree with that. In addition to implementation, compliance itself would be a difficult thing, because it's unclear who exactly this applies to or where this ends.

LEG. ROMAINE:

Well, sir, I certainly would hope that you would have a conversation with the Exec's Office, because I want to vote for a law that works, I want to vote for

a law that's going to be enforced, because that's exactly what we need in this County. I don't want to vote for something that's a Band•Aid or a press conference today and gone tomorrow. Thank you, sir.

P.O. LINDSAY:

Nina Walters. Nina Walters. Wait a minute. Come back, please, Mr. Martinez. I didn't see Legislator Caracappa.

LEG. CARACAPPA:

Just a very simple question. I don't appreciate when speakers call out from the audience, but I think someone did yell out something very important. I think you'd object to this bill in any form. So I don't think Legislator Romaine's point of you going to the County Executive is really a good one, because you'll find something wrong with it. My question to you is this.

LEG. ROMAINE:

I want it to work.

LEG. CARACAPPA:

He doesn't. The bottom line is •• my question is this. Are you saying because Suffolk County is such a large county of over 1.6 million people and almost 10,000 contracts that you're saying that we should just abandon the laws because they're just too much and they process too much for these contractors and it's going to be too much money, is that what I heard you

say?

MR. MARTINEZ:

I think that's a radical interpretation of my remarks.

P.O. LINDSAY:

Quiet. Let him answer the question.

MR. MARTINEZ:

What I'm suggesting is that doesn't do anything except create undue burdens on who knows who, and it extends beyond •• much further than the anticipated target zone, I think, of the bill.

LEG. CARACAPPA:

Unknown burdens on who knows who. If you're here speaking against the bill, you should who the burden is on.

MR. MARTINEZ:

I'm sorry. I don't know who the owners of every business that does •• that contracts with Suffolk County is. Like I said, Coke•a•Cola is one of the contracts, Home Depot is one of contractors, I don't know who those owners are, neither does Home Depot.

LEG. CARACAPPA:

You mentioned that this would be a big increase to the taxpayer or a big burden for the taxpayer to bare. My question is this. Do you think the taxpayers of this County would rather continue paying for illegal activity through the contracts that Suffolk pays or pay a couple of extra dollars in taxes to finally clean up our system?

APPLAUSE

MR. MARTINEZ:

I can't speak for what the average taxpayers of this County would prefer, but I guarantee that this bill does not address the cleaning up of this sytem that you're discussing.

LEG. CARACAPPA:

Are you an average taxpayer of this County?

MR. MARTINEZ:

Excuse me?

LEG. CARACAPPA:

Are you an average taxpayer of this County?

MR. MARTINEZ:

No, sir.

LEG. CARACAPPA:

No, sir.

P.O. LINDSAY:

Quiet down. Are you done, Legislator Caracappa? Thank you very much. Nina Walters. Nina Walters.

MS. WALTERS:

I'm very nervous.

P.O. LINDSAY:

Don't be nervous.

MS. WALTERS:

I am a Suffolk County tax paying resident. And I just want to say I support 2025, and I'm proud that Suffolk County Executive Steve Levy is our County Executive. I refuse to pay the salary of undocumented workers with my tax dollars.

APPLAUSE

P.O. LINDSAY:

Thank you very much. Charles Varady. Charles Varady.

MR. VARADY:

I'm here as a concerned •• I just want to commend Mr. Levy for all he is doing for the American people.

APPLAUSE

MR. VARADY:

I wish all our politicians would learn something from him and understand what we're trying to tell you people standing up there right now. I'm here because I'm very concerned about my grandchildren and what kind of a future they're going to have in America. As it is now, I don't see any hope and I also wonder where you people would be if our ancestors came here illegally. Where would you be? Would be up there now? Or would I be

standing here fighting for what I believe in. We should be here fighting for our rights and to protect our country. Why did we serve in the military to allow another country to invade our country, and that's exactly what's happening right now. Thank you.

APPLAUSE

P.O. LINDSAY:

Thank you. Jim Vardy.

MR. VARADY:

Hello, ladies and gentlemen. Thank you for letting me speak. All I've got to say is I've heard some people come up here and they mentioned that it could affect the children. You know, I have children too. And I'm American citizen. I'm very concerned about my kids and what's in store for them. I've also heard talks about these contractors.

I just want to mention one thing about these contractors. I've seen Verizon out on the street, and supposedly it's Verizon, but the trucks have no names on them. These are subcontractors who are hiring illegals. I see 20 of them out there. When you ask them who they're working for, they first say they're working for Verizon, but the trucks have no names on them. And I think that when we start •• we should also start working on these subcontractors that have to put names on their vehicles. This way we can identify companies, if we feel these people are hiring illegals, we can blow the whistle on these people. I'm all for Steve Levy and this bill. Thank you very much.

APPLAUSE

P.O. LINDSAY:

Thank you. Jim McAsey. Jim McAsey.

MR. MCASEY:

Good evening. Mr. Presiding Officer, Ms. Deputy, Mr. Majority Leaders, esteemed Legislators, since I've spoke so many times, I'm going to read somebody else's statement, one of my leaders, the Reverend {Noel D'Amico} of United Church of Christ. Quote, both citizens and immigrants alike need jobs that will support us and our families. Both citizens and immigrants alike work hard and contribute to our country's economy.

However, we are also a County that has suffered from violence against immigrants, lack of affordable housing, and a diminishing pool of jobs with living wages. This bill asserts that enforcement of employee verification of workers documentation as required by Federal Law would be a step toward a fair competition and fair labor practices. But that's not necessarily so according to the Federal Government itself. The operative question is how do we get employers to verify work authorization without increasing discrimination against those who would appear to be foreign born and, therefore, are assumed not to have authorization to work in the US?

This is a thorny issue that the Federal Government has not been able to resolve. What Congress has done is a comprehensive study in which the General Accounting Office concluded that the Immigrant Reform and Control

Act of 1986 led to widespread increase in discrimination even against US citizens. Now we know that a Federal Law with enforcement and provisions against discrimination nonetheless fostered widespread discrimination, what can we expect from this proposed Suffolk County bill that just has an aspirational statement against discrimination, but no strong provision to counter it?

Rampant discrimination in a County that has seen hatred and violence against immigrants and those who would appear foreign born, this risk is too great a danger for us to allow this bill to move forward. If we are to learn how to live justly and peacefully together in Suffolk County, we need to engage these issues in fresh ways with constituencies that include immigrants, not exclude, not pass laws that increase discrimination and increase the level of fear and suspicion in our community, unquote. And I'd also like to mention that I'm a partner of Erase Racism in their efforts to ensure fair housing. Thank you.

P.O. LINDSAY:

Quiet. Quiet. Quiet down. Regina Corby Graham.

MS. GRAHAM:

Good evening, everyone. My name is Regina Corby Graham. I'm speaking on behalf of the Suffolk County Chapter of the Working Families Party. Many of us are present here today. I also happen to be a retired Suffolk County Probation Officer. As a grand order of immigrants, my paternal grandmother is very much in my thoughts today. She came to this country in 1915, a young woman from the Basque Region of Spain, and she found work as a maid for a wealthy family. She told me stories about that time in her life. And the one that stays with me is about how after she would serve the family

their evening meal, she was allowed to have what they left on their plates. After this went on for a while, she got up the courage to say under her breath, tonto juesos delicioso, or such ••

AUDIENCE MEMBER:

Grab a tissue.

MS. GRAHAM:

Please allow me to speak.

D.P.O. VILORIA•FISHER:

Mr. Presiding Officer, I'd really like to ask the people to treat other speakers with respect. The next person who makes a comment to a speaker, I will ask one of the Sheriffs to remove you.

MS. GRAHAM:

Thank you, Legislator Viloria•Fisher. So I'll repeat that, she would say under her breath, tonto juesos delicioso, or such deletion bones. As a child, I thought that this was a funny story, but I came to understand the implications. I'm not very knowledgeable about Immigration Law, but I do understand the implications of this bill. We at the Working Families Party are certainly very concerned about solving all the immigration related problems, but we don't feel that this bill is the way to do it. I think that it will inevitably cause discrimination.

Let us resist the fear. I think that's what this all about, it's pandering to people's fears without really, you know, expecting to accomplish anything. And in memory of my grandmother, again, I'd just like to say no one should have to settle for bones, that everyone should have an equal place at the table. And as a, you know, former union member and someone who's very supportive of unions, I'm very upset to see that our County Executive has successfully decided unions on this issue. We have to remember that •• those very old words of wisdom, "United We Stand, Divided We Fall." Thank you very much.

D.P.O. VILORIA•FISHER:

Thank you. The next speaker is Amy Sugimori. After Amy will be Edna Iriarte.

MS. SUGIMORI:

Good evening, and thank you for giving me the opportunity to speak this evening. My name is Amy Sugimori, I'm an attorney with the National Employment Law Project, and I'm just here to make a couple of points of serious concern about the approach taken with the proposed law. As many of us already know, the existing Immigrant Law already does contain an employer sanctions provision that regulates the employment relationship. And that is within the purview of the Federal Government.

What also many people have mentioned is that even those provisions, which do have very strong anti•discrimination provisions and mechanisms for enforcing them have been demonstrated by the government to have resulted

in a widespread pattern of discrimination, and this is something of serious concern. In 1990, the General Accounting Office did a study of the results, and found that there was actual discrimination against Latinos and Asians and others in the hiring process and in employment based on employer sanctions.

The United States Commission of Civil Rights also stated in a report that they also found clear and disturbing indications that IRCA has led to a pattern of discrimination. Many of people have found some solace in the idea that there are these electronic employment verification systems that might enable people to with less discrimination verify immigration status or employment authorization. I just want to note that there were also independent studies, reports to Congress by the Department of Homeland Security as well independent studies commissioned by Congress that looked at those employment verification pilot programs as they currently exist and concluded that they could not recommend expansion of the programs because there are serious data base errors.

And just one thing I want to note is that the Department of Homeland Security reported that there were improvements to their data bases, but still found that the rate of non verification for foreign born noncitizens when electronically verified was 48.8%. That means that more than •• that basically half of all people who are work authorized, but foreign born were coming up with non verifications in the system. For US citizens who are foreign born, they were finding that 88.6% got verifications, which means that one in ten US citizens were coming up with non verifications through the electronic systems.

I just flag this because I think the concern about discrimination resulting from these employment verification programs isn't a fantasy, it's something that's been documented over years of experience and something to take seriously.

Moreover, is I want to note, the Federal Government already does have a scheme for employment verification. I'm very concerned about additional and somewhat duplicative and sometimes confusing requirements at the local level can add and exacerbate to this problem.

Now, my organization since 1969 has been strongly committed to fighting violations of labor and employment rights, and we share the concerns of many that wage and hour laws are being undercut, that people are in unsafe working conditions, that people who are violating labor and employment laws are able to undercut others. We really believe that this should be the proper focus of concern, and we encourage looking into ways to educate people about workplace rights, ensure that there are mechanisms for enforcing them and really focus on getting rid of sweatshop conditions. That we feel is really the serious problem.

P.O. LINDSAY:

Thank you, Ms. Sugimori. We have a question from Legislator Viloria•Fisher.

D.P.O. VILORIA•FISHER:

So what you are saying is that there is federal enforcement being attempted, but there's •• but there are lapses or difficulties in the verification of status? I'm a little confused.

MS. SUGIMORI:

Sure. I'll clarify that point. A point that I wanted to make is that, you know, there have been these new electronic verification pilot programs that are

created whereby employers who participate in these programs can do a computer check of people's names to check their employment authorization. This has been proposed as a model for a way to take out some of the guesswork from employment verification. All of the studies, and these are either government authorized studies by outside evaluators or the Department of Homeland Security themselves reporting to Congress have determined that there are very major data base errors, so that the rates of improper non confirmation are very high, particularly for foreign born individuals, but I'm talking about people who are work authorized and often US Citizens. They also discovered that the employment •• electronic verification systems didn't really address the concern about discrimination that has existed since the creation of employer sanctions.

D.P.O. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Thank you very much, Ms. Sugimori.

MS. SUGIMORI:

Thank you.

P.O. LINDSAY:

Edna Iriarte. Edna Iriarte.

MS. IRIARTE:

Hello. Good evening. My name is Edna Iriarte, and I'm with the La Fuente. It's a Tri•State Worker and Community Fund, a Labor and Community Partnership that works together to promote and protect immigrant and worker rights. Today, I'm going to be reading a statement from {Cesar Peralez} who apologizes for not being here with you today, President of PRLDEF, the Puerto Rican Legal Defense and Education Fund.

It states, the Puerto Rican Legal Defense and Education Fund, PRLDEF, urges this Legislative body to vote down or to table this proposal. PRLDEF in conjunction with local partner agencies and residents are monitoring and reviewing your actions. We were troubled about certain provisions of the bill and significant legal infirmaties that would invite possible future litigation. PRLDEF believes that this proposal is wholly counterproductive, divisive and does nothing to promote Suffolk County's critical economic and social agenda. Sincerely, {Cesar Peralez}, President of PRLDEF, New York City.

P.O. LINDSAY:

Thank you. Okay. Reverend Charles A. Coverdale. Reverend Charles A. Coverdale. Last time, Reverend Coverdale. Okay. Here's a familiar number. Allan Binder. Hey, there's Allan.

LEG. SCHNEIDERMAN:

Motion to recess.

P.O. LINDSAY:

Welcome back, Allan.

MR. BINDER:

I had to come. I didn't have a choice. You know, you have a client, you have to do what you have to do. I am here representing the Associated Builders and Contractors, a national organization, state and also local, represents independent contractors in the construction trades. You knew I would end up somewhere near there, right, Bill?

P.O. LINDSAY:

Yes.

MR. BINDER:

I wanted to tell Legislator Caracappa what a wonderful picture. I didn't get to see this picture, this is new. Look at that. That's a beautiful thing.

P.O. LINDSAY:

You only have five minutes.

MR. BINDER:

I don't need five minutes. You know me. Only second to Maxine Postal's

picture and then the next I don't want to talk about. Some of you understand. Those of you who've been here, it's an inside joke. Don't ask a question, because I can go on forever and you guys know it.

ABC's position on this •• I guess you would probably think immediately that the independent contractors would no way to legislation like this. The first that they want to get across is that it is the feeling of ABC that all contractors, whether union or nonunion, I say both, have to be vigilant in ensuring that workers who work for them are legal, are here legally and they go through the process. So that is not a question.

What we're concerned about with the law is the very •• the specifics that you heard LIA talk about, the question of good faith, the question of how it affects specifically an employer. If you find •• that's what we do, we represent employers. We don't represent the employees, we represent the employers. And the employers are put in a very, very difficult position, because if they get an I•9 that's forged, it the documentation that's forged, and they do something in good faith, in this bill, it's not clear what good faith is. It doesn't say specifically what an employer has to do to meet the level of scrutiny that you would provide as a County.

Now, when you don't specify that level of scrutiny and you put someone at risk for a jail sentence, you have a problem in the law. So it's a question of the wording. We are concerned that national verification documents are not tamper proof. We have a problem in a national sense of knowing who is who. And so when the National Government, when the Federal Government, doesn't help those in a local level, particularly those who are the employers, in understanding who is the wheat and who is chaffe. And then when government comes in and says we're going to put a harsh penalty if you don't do it right, you're putting people in a very difficult position.

One of things I do want to get across, and I was •• we were very concerned when we saw some of the statements. There are two things that are happening here. One thing we are talking about is hiring the illegal aliens. That is a question, and that's what you are looking at. Another is are we paying prevailing wage. That •• everyone is talking about prevailing wage, prevailing wage. We want our and we hope our and we believe our employers are on government jobs doing what they signed to do; they're hiring, they're paying prevailing wage, that's what they were meant to do and they should do. And I was here when Paul Tonna •• Paul Tonna passed •• put into the budget people in the DA's Office to actually go after those who would violate the Prevailing Wage Law. So I understand that we do that, we're looking to enforce.

And we agree with enforcement, and that's fine for us. Because let's say if there was an illegal that had false papers and one of our contractors didn't know, we would expect that that illegal would pay •• have to be paid the prevailing wage. Why it is important? Because what's being said is that the reason we're doing it is because •• to quote from Advanced Construction, Mr. Perry Barbaro, who said that without the undocumented being willing to accept low wages, how else could rivals submit bids that are much lower than those of unionized Advanced Construction who pays prevailing wages and benefits. It's not because our guys are hiring illegals and paying less. That's not what's happening. And the truth is if you want to know, there are union contractors who are doing the same •• who are doing that and there are nonunion contractors who are doing that, but that's not what the bidding is about. Our guys are able, our contractors are able to bid lower, because they don't have the work rules, they can build a sidewalk with three guys, not six. So they can do things ••

P.O. LINDSAY:

I've been waiting for this for five years, to shut you up. Your time is up.

MR. BINDER:

You know, one person did do it to me. Who is •• I don't remember. It was probably Paul Tonna who shut me up. By the rules, I only had a couple of minutes. Well, thank you for the opportunity to speak. It's good to see you all today. I'm glad I'm on this side, not on that side. I appreciate the opportunity. I guess you have no questions, you're not going to let me talk.

D.P.O. VILORIA•FISHER:

I actually have a quick question, please.

P.O. LINDSAY:

Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

I'm sorry. I have to ask you a quick question, because I think that ••

MR. BINDER:

Nothing is quick with me.

LEG. VILORIA•FISHER:

I know. But there was an attorney •• a law professor who spoke earlier, who spoke about this kind of never ending spiral that could occur. For example, if one of your contractors were signing a contract with the County and that entity subcontracted with another entity, you know, had a subcontractors, than all of the employees of that subcontractor would also have to be verified. Is that the interpretation of the law that you would see? For example, you're ••

MR. BINDER:

Yes and no.

D.P.O. VILORIA•FISHER:

•• you're Allan Binder, and you have your contracting company and Allan Binder company hires the Joe Smith company to do that sidewalk for you, and so all of his employees also have to be verified?

MR. BINDER:

Yes. But this is where I would differ with him. I agree that there are contractors and subcontractors. And reading through the legislation, when it says subcontractors, I think that's a term of art. I don't think a subcontractor is the guy who sells nails to the subcontractor ••

D.P.O. VILORIA•FISHER:

Okay. I thought that was an extreme example. Going to my example, going to my example, your liability does not end with just your employees, your liability continues to the employees of your subcontractor, does it not?

MR. BINDER:

I think that's not clear. I think it's not clear, and that is one of the concerns as if affects business.

D.P.O. VILORIA•FISHER:

But isn't that where most of the problem lies, with the subcontractors that are being hired?

MR. BINDER:

No. The question is if a subcontractor wants to take responsibility for himself, he should take responsibility for his workers and his affidavit, and then a contractor, a prime contractor, should take responsibility for that. So what has to be clear •• and that really •• it's a question of language, and my understanding is that the County Executive is looking to make some changes in language, not substantive, but in terms of ••

LEG. VILORIA•FISHER:

To clarify that kind of subcontractor language.

MR. BINDER:

Clarify that good faith, those kinds of things have to be clarified in the bill before we would •• we could support it. But I have to tell you that the ABC thinks that there should be enforcement on the illegal alien side and we should do what we can to enforce the laws and the Federal Law.

D.P.O. VILORIA•FISHER:

Thank you, Allan.

P.O. LINDSAY:

Thank you, Allan. Wait a minute. Legislator Alden has a question. Forgive me.

LEG. ALDEN:
No. I was going to ask if there was anything else that he wanted us to consider while we were thinking about this bill ••

MR. BINDER:

Colonel Sanders.

LEG. ALDEN:
•• but I'm not going to live that long.

P.O. LINDSAY:

So you're withdrawing the question. Thank you.

MR. BINDER:

It's good to see. I'm going to be back for something else for public portion, so you can't lose me.

LEG. ALDEN:
Thanks for the warning.

P.O. LINDSAY:

Go get a cup of coffee. Udi Ofer.

MR. OFER:

Good evening. It's good to be here today. I think what we are witnessing democracy in the true sense of the word. So I want to thank you for allowing everyone to say what they have to say. My name is Udi Ofer, I'm an attorney with the New York Civil Liberties Union. We have many fans. Since 1951, the NYCLU has been New York State's leading advocate for civil liberties and civil rights for all New Yorkers. We have •• we're a nonpartisan organization with over 48,000 members state•wide and six chapters, including one here in Suffolk County.

I've prepared written testimony which too long for me to talk about, so I would like to give copies to the lawmakers. Thank you. What I want to talk about tonight is something that has not been discussed, at least at the forum this evening, and that is the constitutionality of the proposed legislation. Resolution 2025 is riddled with constitutional flaws and blatantly ignores the supremacy of Federal Law in the area of immigration regulation. The proposed legislation, and I want to be clear about this, the proposed legislation is not about compliance with Federal Law. The title is misleading.

What it is about is about changing, overriding and conflicting with Federal Law that already prohibits and sanctions anyone hiring undocumented immigrants.

Federal Law clearly preempts the proposed Suffolk County legislation. For example, it is unconstitutional for Suffolk County to add to the civil fines and criminal penalties that are already imposed by Federal Law on businesses and individuals who hire undocumented immigrants. This should not be up for debate. The law is actually pretty clear on that part. The Federal Government has exclusive authority to regulation immigration and has already established a comprehensive system of laws and regulations on who may enter or work in the United States.

It is in the national interest of the United States to have one uniform immigration system in all of the United States. Suffolk County is not trained in and should not get into the business of immigration enforcement. For example, under the proposed legislation, your proposed legislation would actually penalize United States military personnel in certain circumstances of showing their identification. It would actually put Suffolk County employers, many in this room, in jeopardy of violation of Federal Immigration Employment Law by asking them to engage in what's known as document abuse. And we could talk about that later, it's in the testimony. And it would actually put Suffolk County employers in jeopardy of a civil rights lawsuit.

Your legislation conflicts with Federal Laws, regulation and reverification of immigration status, your legislation conflicts with Federal law on record retention and a host of other examples where your legislation is in direct conflict with Federal Law. We are •• the nation now is engaged in a passionate debate about immigration reform. Three days from now in Upstate, New York, members of the House Judiciary Committee are going to have a field hearing about immigration reform. Everyone in this room should

be there.

However •• and everyone in this room should be part of that national dialog. It is one of our greatest rights in the United States, and we fully support everyone's ability to express their political opinions. However, the Suffolk Legislators should not and cannot attempt to enter the national debate on immigration reform by passing legislation that is clearly beyond it's constitutional mandate. It is not the place of local government to assume of the responsibility of the Federal Government. Suffolk County should not become the untrained and unfunded enforcement arm of the federal immigration system. Thank you.

P.O. LINDSAY:

Legislator Viloria•Fisher has a question and then Legislator Mystal.

D.P.O. VILORIA•FISHER:

Good evening. Thank you for being here. Since you are speaking, I guess, tangentially about preemption, and as I said the 1986 Act on the very last page of it in miscellaneous provisions, number two, it says preemption. The provisions of this section preempt any state or local law imposing civil or criminal sanctions, other than through licensing and similar laws, upon those who employee or recruit or refer for a fee for employment unauthorized aliens. How do you interpret that vis a vis the legislation that we're looking at this evening.

MR. OFER:

The way I interpret it is that the legislation that's currently being looked at by this Legislature is unconstitutional, and that provision in particular. The Federal Law is very, very clear. And when you look at the Legislative intent of Congress members, you know, whenever a law is passed, there is a whole host of documents that show the Legislative intent of lawmakers, and they're very clear in their language, and they say •• I'm not quoting it, but they say effectively that it would be unconstitutional •• or that Federal Law will preempt the attempt of any local or state body to add to the civil fines and criminal penalties already imposed by Federal Law on individuals and businesses who hire undocumented immigrants. They left a window for a licensing scheme. But that's not what this bill is. If this bill was about licensing, I would say •• I would come to very different conclusions, but this bill is about contracting, this bill is about money, this bill is about civil penalties, this bill is about criminal penalties. And the Federal Law is very clear that that will be preempted.

D.P.O. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Mr. Ofer, I have been assured by my County Attorney that this bill is constitutional, that's number one. Number two, if you know the example of this Legislature, we've never cared that much, we've never cared that much

whether we are right or wrong, we just go •• you know, we plow ahead and do whatever the heck we want, and basically we say, sue me if you can. Can you •• this is the question. The question is do you see or is your group thinking about suing this County if we pass this bill?

MR. OFER:

I have no doubt that there will be many organizations in United States that will be interested in declaring this bill unconstitutional and, therefore, yes, take the County to court.

LEG. MYSTAL:

Sounds like fun to me.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Just to follow up on what Legislator Mystal said, is •• did you mention the fact that under the statute if its sued that the County will probably be liable for the legal fees; is that accurate, that we can be held liable for legal fees for a successful challenge?

MR. OFER:

That I don't know.

LEG. MONTANO:

Okay. I believe we can. Thank you.

P.O. LINDSAY:

Thank you very much. Tony Cuzzucoli.

MR. CUZZUCOLI:

Good evening, ladies and gentlemen, Presiding Officer. I am the son of an immigrant who legally emigrated to America. I'm here to speak in favor of Legislative Bill 2025. This is a courageous moment for both the Executive and the Legislative Branches of County Government, the ACLU's threats aside.

This is not a partisan issue. We have to start somewhere. Mostly •• most illegal aliens are good people, but they've abused the historic hospitality of native born and naturalized Americans who seek to lawfully work and raise their families in peace. I can't blame illegals for seeking the good life, but they violate our laws. Rather than eliminating corrupt government in their native lands, they chose to unlawful invade ours.

In this region there are commercial interests who aid and abet this behavior, violating our laws and our trust. But I'm here to speak about a parallel concern to the threat to our economy on the Island. And Suffolk Government must openly address this issue regarding the illegal aliens, that is the threat largely unspoken of infectious diseases that illegals bring to this nation and to this County. Legal immigrants must prove to the Federal Government that they are free of communicable diseases to qualify for lawful permanent residency. Illegal aliens ignore this crucial requirement and threaten our island's residents.

Malaria, Tuberculosis and Polio once eradicated are back in new and more virulent strains. Leprosy is now endemic in the Northeast. There is a connection to the economy, so please be patient with me. The Queens, New York Health Department reported 81% of new their TB cases related to illegal immigrants in 2001. And the new strain, MDR•TB, in has proved to be 61% lethal. Chagas Disease carries the parasite that can affect blood transfusions and transplanted organs. And there is no cure that exists for this disease.

Our Health Department is now battling an outbreak of West Nile Virus. Has it been monitoring hospitals medical clinics for the aforementioned diseases that threaten us both young and old? This is a health threat to three million people on the Island. Diseases do not respect political borders. Between 1993 and 2003, 60 hospitals were forced to close the doors in border states. The spring issues of the Journal of American Physicians and Surgeons has reported that 24 more hospitals are closing their doors in that region. This must not happen in Suffolk County.

Our school population is also threatened throughout the Island. We're talking about our children. Thinking natural born and naturalized Americans applaud the effort of Suffolk's Government to return economic equity to union and nonunion workers. American believes in fair and open competition, and

Suffolk County is no exception. Many of us wish to encourage our County Government not to step their efforts to eliminate unfair competition, but also to begin a vigorous investigation of the potential health threat in our midst and the potential financial threat to our medical establishment as it now exists.

Commercial interests cannot trump the economic vigor of this Island, nor do they have the moral right to impair the health of three million people. The potential the closing of hospitals and medical clinics has an economic impact on our citizens, and it is significant. It would impact on all layers of our social class.

P.O. LINDSAY:

Please wrap up.

MR. CUZZUCOLI:

I shall. Thank you. The argument that we have a moral obligation to extend free health, education and welfare assistance to humans who have unlawfully invaded our homeland in the face of those who cannot respect our laws and customs •• I beg your pardon, I lost my train of thought. But we have no obligation to that.

P.O. LINDSAY:

Your time is up.

MR. CUZZUCOLI:

Thank you very much, sir. Americans deserve better that. I say to you, Mr. Lindsay, that 350 years later, Suffolk County is in a position to boldly lead a new revolution that may be a bright light for thousands of counties to follow. 2025 begins that process. It raises complex and perplexing issues, but this should preclude your effort to deal with this issue and make an honest effort to address this issue. Law abiding citizens deserve no less. Thank you.

P.O. LINDSAY:

Larry Cowden. Did you want to ask him a question. Hold on. Tony, come back. We have a question from Legislator Mystal.

LEG. MYSTAL:

Hi, Tony.

MR. CUZZUCOLI:

Yes. Good evening, sir.

LEG. MYSTAL:

Good evening. I was not going to ask you this, but since you brought it up, 350 years ago, do you ever think of the disease that you as a European brought to the Indian that killed them?

MR. CUZZUCOLI:

Yes. Yes, I am familiar with that. And your point, sir?

LEG. MYSTAL:

My point is that did you ever think of it?

MR. CUZZUCOLI:

Say again.

LEG. MYSTAL:

Did you ever think of it?

MR. CUZZUCOLI:

Sir, I taught that for a long time, for 34 years.

LEG. MYSTAL:

Thank you.

MR. CUZZUCOLI:

The issue I'm raising, sir ••

LEG. MYSTAL:

I only brought it up because you said 350 years ago we started a revolution in this country, and I'm wondering that 250 years ago that somehow a group of invaders, as you call them, came to the shore of this country and not only eradicated, but also diseased and killed by the millions a group of people who were here.

MR. CUZZUCOLI:

You had the absence of territorial boundaries at that time by organized states, you did not have people who came here who willfully attempted to spread disease. My point to you, sir, is simply that as Chairman of the Health Committee, since you raise this; am I correct?

LEG. MYSTAL:

Yes.

MR. CUZZUCOLI:

Yes. I'm assuming that because you wish to protect 1.4 million people on this Island and because disease does not respect Nassau and Suffolk County lines, we're talking about three million people on this Island that already •• your committee has most likely because it is sensitive to this issue, has already been making inquires into hospitals and medical clinics and you are monitoring this. That is the nature and the essence of what I tried to say this

evening.

LEG. MYSTAL:

I'm not disputing what you said.

MR. CUZZUCOLI:

And I'm not suggesting that those folks who are here because of desperate economic conditions are willfully attempting to spread TB, etcetera, amongst the population of Long Island.

LEG. MYSTAL:

Thank you. That's what I wanted you to say. I wanted you to say that they are not here willfully doing that for the same way. Just since you brought up terrotorial imperative, I'd like to •• since you've been teaching it, as a young Jacques Cousteau said, nobody was born with a piece of land on their back. You hold it by might most likely.

MR. CUZZUCOLI:

I'm sorry, sir, I didn't hear that. Please forgive me.

LEG. MYSTAL:

Never mind that.

P.O. LINDSAY:

Did you get your question answered, Legislator Mystal?

LEG. MYSTAL:

My question was simple. You know, since ••

P.O. LINDSAY:

Was it answered?

LEG. MYSTAL:

Yes, it was answered.

P.O. LINDSAY:

Thank you very much. Larry Cowden. Larry Cowden. Craig Rosenblatt is on deck.

MR. COWDEN:
Is this the public forum for the trap and skeet time?

P.O. LINDSAY:

No. This is a public hearing having to do with IR 2025, that has to do with the immigration issue. It will come up again. You must have signed two cards. Craig Rosenblatt. One more time, Craig Rosenblatt. Walter Connery.

MR. CONNERY:

Good evening, ladies and gentlemen. My name is Walter Connery. I've been a resident of Suffolk County since 1960 with the exception of six years that I spent in Washington DC on the staff of the Commissioner of the Immigration and Naturalization Service.

I come here to speak in favor of the proposal of Suffolk County Executive Levy, which will require those seeking contracts with the County to certificate that they are only employing those lawfully authorized to work in the United States. In my opinion, this narrow and modest proposal seeks to remove from the contract application playing field contractors that would seek an unfair advantage over their competitors. It's very simple. It's very simple at all. One of the bills I had passed in Washington was the Aggravated Felon Removal act. That was a little complicated, but that works. This is very simple.

In the later part of the 1980's, the Immigration Commission appointed me to be in charge of enforcement for the New York District Office, which covered the boroughs of New York City, Westchester, Orange, Putnam, Nassau and Suffolk Counties. In order to enforce the employer sanctions provision of the 1986 Immigration Reform and Control Act, I established an employer sanction section with more than 30 special agents and support staff, some of who worked regularly in Nassau and Suffolk Counties.

My supervisors and agents as well as myself were •• consistently received tips and information from unions complaining about nonunion members being employed at construction sites as well as those not authorized to work in the United States. We especially received complaints from contractors who felt that they had lost bids because of an inability to compete with those that employed those not authorized to work in the United States. One the saddest complaints we received and acted upon concerns illegal Polish workers who were being used by an unscrupulous contractor to remove asbestos from buildings without adequate precautions.

The United States is the most generous country in the world as it admits immigrants who are defined in the INA Act, the Immigration and Nationality Act, as those being admitted for permanent residence. But in addition, there is a huge category of employment based preferences; skilled workers, priority workers, special immigrants. And when you add to this investors, visa lottery winners, refugees and asylees, you have over one million people a year that are lawfully admitted to this country, most of whom can receive employment authorization documents or are automatically entitled to work.

So this bill is very reasonable. It merely says that anyone else which is the fact is simply not authorized to work in the United States. If you're not of these categories, you're not authorized to work in the United States. It's very clear. All Suffolk County Executive Levy is trying to do here apparently is to ensure the County that those submitting bids on contracts are not getting •• having an unfair •• are not being placed in unfair advantage by those that are employing those not authorized to work in the United States. I find it difficult to be here since I've been a Republican most of my life. It just goes to show you that Democrats aren't all that bad. Thank you very much.

P.O. LINDSAY:

Mr. Connery, before you leave, Legislator Kennedy has a question for you.

LEG. KENNEDY:

You speak about the fact that you had supervised an office that had approximately 30 individuals in it.

MR. CONNERY:

No. No. Several hundred. There was one section just alone for employee sanctions, yes.

LEG. KENNEDY:

Okay. That's the area that I'm interested in. I guess, how long ago were you involved with that and do you have any knowledge as to what the extent of the operation is now?

MR. CONNERY:

Now as opposed to then?

LEG. KENNEDY:

Yes. Or both.

MR. CONNERY:

That was up to 1992. I left in 1992. Unfortunately, in the past couple of administrations, both Republicans and Democratic, they have not paid much attention to this area at all. But recently, recently, they've embarked upon a new approach to this whereby they're seeking pattern and practice indictments against employers who unlawfully employ illegal aliens or those not authorized to work in the United States. These obviously would be larger scale, but they're ultimately going to be working their way down. This in my opinion will have an even more chilling affect on this practice once it gets rolling.

LEG. KENNEDY:

Where are these prosecutions, they're in Federal Court?

MR. CONNERY:

Oh, yeah, Federal Court, sure. It's a federal felony, pattern and practice. It's not a civil fine. Under the employer sanctions provisions, you receive a civil fine. It was only after you committed a series of violations, you could start to get up to a minor penalty, but these would be federal felonies.

LEG. KENNEDY:

This under 1324, the US Code or analogous rules and regs that this is in place in now?

MR. CONNERY:

This law is in place now. It's called aiding and abetting illegal alien, smuggling.

LEG. KENNEDY:

Which can result in ••

MR. CONNERY:

In a federal felony, five year federal felony.

LEG. KENNEDY:

Thank you very much.

P.O. LINDSAY:

Thank you very much, Mr. Connery. Patrick Young. Patrick Young.

MR. YOUNG:

Earlier today, the Executive Director of the Long Island Immigrant Alliance distributed a paper to you which covers point by point issues that many of the immigrant groups have with the employer sanction Bill 2025 that's proposed.

I just want to point out, because there was a change made in the bill since the last time I testified, and the change had to do with the insertion of a so called anti•discrimination provision, that the anti•discrimination provision, which essentially just restates New York State Law, does not cover the type of discrimination that most often results from employer sanctions.

And if you take a look at what was handed out, there's an extensive section reproduced from the Federal General Accounting Office study that was conducted over a three year period, which found that one in five employers began to engage in prohibited discrimination against Latinos and Asians who were as in the United States legally, not illegals, who were in the United States legally. And that type of discrimination is based on choices of documents, something that you are likely to find as a result from this bill.

The Suffolk County Department of Labor is not trained or skilled in identifying different federal immigration employment documents. These employment documents can be as simple as a stamp and a passport, they could be federal register announcement. There are about almost 400,000 people this year received their employment authorization not through a new card, but through a federal register announcement. And you have to stay on top of those on a day by day basis. If contractors call up and they ask the County Department of Labor is this legal and the County says, well, we're not sure and the employer decides not to hire somebody, because they're not sure, it results in a prohibited form of discrimination, again, one which is not covered in this bill.

The other thing that I just want to say is a lot of folks who are supporting the bill say that this is not a racial issue, this is not an of Latinos or Asians, it's not a focus on immigrants, it's on employers, but, you know, I think you have to wake up. The fact is if you go outside, we have the Minute Men supporting this bill. It's an armed militia organization. And I think that you need to ask

yourself why you're fanning the flames of racial hatred in Suffolk County. If you take a look ••

P.O. LINDSAY:

Let him speak. Everybody else has an opportunity to speak.

MR. YOUNG:

If you take a look at the Spanish media, the Spanish media is covering this as an issue of attack by Suffolk County Government on immigrants in Suffolk County. And this is a county in which, as anybody who's been in public service in Suffolk County knows, there is a long history of anti•immigrant agitation. And this Legislature is often one of the focuses of that agitation. I think it's important as one in eight Suffolk County residents now is foreign born that County Government and the County Legislature cease the annual assault, the August campaign that seems to come up every year when the weather gets warm against immigrants and instead find ways to incorporate immigrants into Suffolk County's life and into Suffolk County's civic and political sphere. Thank you.

P.O. LINDSAY:

E. Kahl. E. Kahl. Going one, going twice. Emory Beiner. Emory Breiner. Emory Breiner. No emory Breiner. Once •• one last time, Emory Breiner. No. Jim Duffy. Okay, Mr. Duffy, you have five minutes.

MR. DUFFY:

Thank you kindly. Mr. Presiding Officer, members of the Suffolk County Legislature, my personal Legislator Cameron Alden over there, and all citizens interested in maintaining our quality of life in Suffolk County, my name is Jim Duffy of East Islip. I am a New York State Conservative Party State Committeeman and a member of the Suffolk County Conservative Executive Committee. I also served this nation during the Vietnam War. I am a small business owner and a suffering Suffolk County taxpayer.

I would like to address the issue of illegal immigration in general terms and then more specifically speak about the proposed legislation. And I'm not going to mince words. Illegal immigration is an affront to the social life of our community. We •• our typical American community whose property •• prosperity, I should say, and traditions are based on a rule of law. Those who illegally break into our nation and community are no more welcome than someone who would barge in and occupy my house. This is because violating our national sovereignty is as •• excuse me, I lost my train of thought. This is because violating our national sovereignty is as much as an affront to me as violating me personal property rights.

After all, if we cannot control our nation's boundaries and property boundaries, are they really ours? Do not come into my home uninvited. At that time when your constituents are screaming for school tax relieve, these uninvited so•called guests cost Suffolk County taxpayers over $10,000 to educate each and every one of their children, and that's a conservative estimate. I thing one of the Legislators mentioned they estimate seven to 800 or 700 to 900 illegal immigrants in his William Floyd School District. Okay. Do the math. We're talking seven, $8 million a year just on that.

Our hospitals and emergency rooms have become primary care centers straining their ability to provide for legal immigrants and residents. You can be relegated to a hallway for two days before you get a room. And the

taxpayers, again, pay the tab. Those without documents inundate our country •• County roads driving without licenses and insurance, mocking our motor vehicle laws. As a driving safety expert by profession, I have been shocked by the steady decline and traffic law observance that I've witnessed in communities with large immigrant populations. Gang violence almost unheard of in Suffolk County in the 1980s is on the rise and is being spearheaded by a little •• illegal immigrant gang such as MS•13.

Twenty seven percent of all federal prisoners are illegals. Perhaps we need find out how many illegals are in our jails to better understand the negative affect on our community. And once again, the taxpayer pays. Fact, illegals compete for the same jobs traditionally held by lower income and entry level residents, and you know that's an uncontestable truth. Fact, the illegal competition for jobs drives down wages, tightens the job market for the low income demographic. This is not rocket science, it's the basic law of supply and demand.

And it's here that we conservatives should be able to find some common cause with your friends in the Working Families Party. We need to bolster employment opportunities and decent paying jobs for our legal residents. And this legislation is a step in the right discretion. Fact, illegal aliens mean huge levels of unpaid taxes. Although I am sure that some do pay taxes, I defy anyone here to dispute this contention. This legislation if properly enforced will be a boom to the taxpayers. And now we come to that worn out mantra. Illegal aliens do the work that no Americans are willing to do. Well, blah blah blah, that's poppycock. Can I say that before the Legislature? Thank you.

P.O. LINDSAY:

You can say anything you want over the next five seconds.

MR. DUFFY:

Oh, boy. This country has overwelcomed legal immigrants •• this country has always welcomed legal immigrants, but not line breakers or people pushing their way into our national home. It is the legal immigrant who respects our laws, customs and ways are the ones we are willing to accept. We do not welcome line jumpers, people pushing their way in. If and only we need more workers, we will open the immigration spigot.

P.O. LINDSAY:

Mr. Duffy, your time is up.

MR. DUFFY:

And in conclusion, one last sentence if I might. Bear with me. Mr. Presiding Officer, members of the Legislature, the Suffolk County Conservative Party and its honorable Chairman Edward M. Walsh, Jr., strongly support this legislation in its unwatered down version as a proper step in securing the quality of life for legal residents of Suffolk County. We look forward and thank the Legislature and County Executive Steve Levy upon this legislation's passage. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Duffy. Barrett Psareas. Barret Psareas. Okay. Mr. Psareas, you have five minutes.

MR. PSAREAS:

Thank you. I'm here speaking on behalf of the Nassau County Civic Association and its members. Unfortunately, this issue, this IR 2025, has to do about illegal immigration, that's the reason why this is being put forth. If you know, when you go out on the streets, you pick up an undocumented worker, you give then $100, and they're there working for you for a day.

On a daily basis in the country, that's approximately $1.2 billion that's not taxed. On a 250 day work year, that's nearly •• that's over $600 billion that's not taxed and matched by the employers that are supposed to be paying employee matching wages. Suffolk County Executive Levy is taking the right direction. Unfortunately, I live in a county, in Nassau, where my County Executive has no backbone and will not enforce legal immigration laws I hope you all pass this.

P.O. LINDSAY:

Thank you Mr. Psareas. Jason Megill. Jason Megill.

MR. MEGILL:

May name is Jason Megill, and I'm a hard•working tax•paying red•blooded American. And I'm here tonight to ••

LEG. ALDEN:
Through the Chair, I cannot here you. Can you just grab that microphone.

MR. MEGILL:
I said my name is Jason Megill. And I'm a hard•working tax•paying red

•blooded American. And I'm here tonight to speak on behalf of people that can't be here, like my grandfather. I'm a grandchild of immigrants. My grandfather came here from Germany as a very young child. He's a World War II Veteran, he was a Marine in World war II. And he fought for that flag right there with the stars and stripes on it. He put that flag above the flag of the country he came from, and he fought and killed men for that flag. And we have citizens •• we have people now that are fighting, men and women that are fighting and dying now overseas for that flag right there. That means a lot to me.

You know, I have a son, he's 4 years old. How would you like to be in his shoes? You know, the future of our kids, it's in jeopardy, and it's in bad shape. We need •• we need Legislators that are going to look out for the future of our kids. Never before has the middle class been so dependent upon by the government. Never before. Never before has the war on the middle class been so brutal and never before has it been so accepted. We can't accept this any more. You are killing the middle class. This country, this government is killing the middle class, and it's not right. And they're selling it to the lowest bidder, it's just wrong. It's not right, wrong. And I'm a union member myself. I'm a member of Plumbers Local 1.

Illegal immigration and the contractors that hire these folks, these illegal aliens, the undermined our union, they undermined the nonunion sector too, and they just drive down •• they drive down our standard of living. The standard of living the good men like my grandfather fought and died for and good men fought and died to keep. And I think it's wrong that we just sit here and we debate •• we have special interest groups with their cockamamie attitudes, they come in here and they're looking out for their own. We need to look out for America as a whole. And that's your job, that's your job, and that's the job of everybody here.

I fully support this piece of legislation being proposed tonight. I fully support, because any piece of legislation that's looking out for the American worker is good in my book. And I'm going to tell you something else, whether or not this piece of legislation coincides or whether or not it jives with the Federal Government, you know what? I don't care. Because if the answers aren't coming from the top, if the solution to this county's problems aren't coming

from the top, let them rise from the bottom, let them rise up, let it start with the people, let it go to the counties, let it go to the state, let it go to the Provincial Codes, we will make it work. We'll start from the bottom, and we'll fix it right. This is where it's got to start, right here, right now, tonight.

Let Suffolk County be an example. We've heard that many times tonight. Let it start with you people. You start it. Please. Our kids for crying out loud, it's my kids, it's your kids, it's our children. You know what? I go home at night and I look into my son's eyes, I go to every protest I can, I go to every rally I can because I give •• I give •• I care about his future. Do you? I can look into my son's eyes and respect myself knowing I do what I do. I'll tell you what. In ten years, you look into my kid's eyes, you come looking at my child's eyes and the children of the people behind me, you look into their eyes and you explain to them what you did. You explain to them what you did for their future. God help you. How dare you, any one of you to shoot down any piece of legislation that's looking out for our country and out for the middle class. And God bless the people that are supporting it. Thank you. Think about that when you go home tonight.

APPLAUSE

P.O. LINDSAY:

Thank you, Mr. Megill. Donald Cusick. Donald, are you here? There you are.

MR. CUSICK:

Boy, you can feel the passion in this room. My name is Donald Cusick. I'm the former president of Iron Workers Local 361. I'm a decorated veteran, I'm a senior citizen, but the hat I wear tonight, I'm a taxpayer of Suffolk County. What that fellow just said, he summed it up. I own Suffolk County. You people, I have the greatest respect for. You were hired to run Suffolk County. Right now, Suffolk County is run by taxpayers. The money that

comes out of our salaries, that's what runs Suffolk County. I'm doing my share. Ninety nine percent of the people behind me are doing their share.

There is a segment of this population who is not doing its share, not paying taxes. Unscrupulous contractors are victimizing undocumented workers. And it's your turn to step up to the plate, and it's not going to be easy, it's not just News 12 here tonight, everybody is watching what's going to happening in this Legislature. It's a common sense legislation, the stuff that you guys put out is fabulous. But make no mistake about it, you have to stand up to the plate and do the right thing. Implementing IR 2025 is the right thing do to. Everybody in Suffolk County •• if everybody doesn't pull together, it's going to go down. I urge you to support this legislation. And we're going to stand behind you when you do. When you support this legislation, you vote in the affirmative, we will stand behind you when it comes. Time thank you for time and I thank you for your attention.

P.O. LINDSAY:

Donald Fiore. I don't see Donald here. Is he here?

AUDIENCE MEMBER:

No, he's not.

P.O. LINDSAY:

I cannot allow one speaker to speak for another, I'm sorry.

AUDIENCE MEMBER:

Okay.

P.O. LINDSAY:

Fred Reindl. Fred Reindl.

MR. REINDL:

How are you doing, ladies and gentlemen? Members of the Legislature, thank you for allowing me to speak. I'm an employer. I own a small business. What I'm holding in my hand is an I•9. Now, I've heard a lot of claims about this; it's divisive, it causes racial hatred, I don't understand. It's very simple. You have three columns, when you hire and employee, you can pick one method of documentation from List A or one from List B and one from List C. It has nothing about race. In fact, you are not even allowed to ask for a person's green card or have him fill this out until after you hire him, otherwise you could be accused of discrimination.

Now this is the federal law. Every employer •• employee that I have working for me has filled out one of these. Now, am I a racist? Am I guilty of hate? I'll tell you, I have two Puerto Ricans that work for me, I have a Columbian, I have two Jamaicans, and other family members, two people that were born in this country. So I don't see how filling this form can possibly be divisive.

Now, we talk about a comparison of undercutting labor costs with illegal

immigration or by hiring illegals. Now, I've done a study, and the fact of the matter is that it costs a legal employer, one that follows the rules, place by the rules, it costs him double of amount than someone not playing by the rules and hires an illegal person. I have to commend the Suffolk County Legislature for putting this bill in, I have to commend Steve Levy. I think it's about time that someone is doing something about this situation.

And as far as duplicating laws, well, yes, this has been the law since 1986, however, it's not being enforced. I believe there's possibly a handful of prosecutions regarding these violations over the past three or four years. The Federal Government has abandoned us. So I give credit to Steve Levy for taking into consideration what has to be done. Thank you. If you have any questions, I'd be glad to answer them.

P.O. LINDSAY:

Thank you, Mr. Reindl for your comments. Daniel Albrazu. Last call, Daniel Albrazu. Not seeing Daniel, we'll move on. Carlos, I guess, Gonzales.

AUDIENCE MEMBER:
Not here.

P.O. LINDSAY:

Not here? Okay. Rich Budinich. You have five minutes.

MR. BUDINICH:

Hi. I'm a contractor who does approximately a million and a half dollars worth of work. We do installation work mostly on schools. The difficulty we

have is competing against people that higher illegal aliens. The wages that they pay, it's ridiculous. Our insurance for health care costs more than what they are paying their people to •• for their wages. Our taxes, the taxes that our men pay is higher than what they are paying their people per hour.

I can't see how we can go on like this. We had talked about prevailing wages. There's so many •• that's another issue, that's a whole another issue. It's so easy to get around the prevailing wages if the contractor really wanted to. And do you think the people that hiring illegal aliens are really conforming to the prevailing wage rates? There are men that are paying •• you could document it, they could show you that we paid our prevailing wage, you can go to their office, and they'll show, oh, yeah, we paid them this. The men have to kick back their money to these men, whether it be give then $500 a week cash back. They get around it. How can you prove that that guy didn't give $500 a week to their employer.

They put them up in houses to and rent them a room for $500 a week. And this is an easy way of getting around it. They're paying the prevailing wage. Then you have the men out in the field •• we're in construction, I'm a subcontractor. I have to show that we did pay prevailing wage. The air conditioning contractors, I'm an installation contractors, I'm a subcontractor to an air conditioning contractor, some of guys, they have men work for nothing when they're in the office or in the shop making the duct work. They work for free, because they know they're going to get $60 an hour in prevailing wage out in the field. So they're willing to work for free while they are there. It's not shown, it's not shown in their paycheck, and that's how they get around prevailing wage.

And a contractor that is willing to hire an illegal alien is also willing to cheat any other way he can. We can debate prevailing wage any other time, but this is against illegal aliens who have •• who cannot be held by the laws,

because they cannot turn in their employer. How can they turn in employer? Then they give up their •• a great rate of pay even •• even when they're giving back half their money to their employer. The employee •• it's still is a grate rate of pay, prevailing wage. So I hope you all •• I hope this law passes unanimously. I mean, if it doesn't it's ridiculous. Thank you.

LEG. ROMAINE:

Mr. Chairman.

P.O. LINDSAY:

Yes. Wait a minute, Mr. Budinich, Legislator Romaine has a question for you.

LEG. ROMAINE:

Quick question. First of all, I share your sentiment, I hope this law passes as well, but I think you were making my point. Perhaps you can tell me if you were or you weren't and that will be the question. Whether that •• there needs to be some very well defined enforcement provision in this bill. You know, we can pass laws, we pass laws all of the time, but if they're not enforced, and I think you were making a point of how people can avoid or evade this law by kickbacks or forcing people to work for free in the shop so they pay prevailing wage when they're actually on the job, but when it's all taken together, they're really not. Would you agree that this bill should have enforcement procedures that would ensure that it would be carried out, not that we just pass a law, but that it actually will be carried out?

MR. CONNERY:

It would have to have enforcement. The enforcement, I don't see that it would be a very difficult thing. I mean, you could go on a job site, and I'll pick out everyone that's an illegal alien there. And all you have to do is ask them if they're making a proper wages and ask them ••

LEG. ROMAINE:

We need inspectors, sir. We need inspectors.

MR. CONNERY:

You do. Again, back to the prevailing wage, I'm sorry, but back to the prevailing wage. These •• it's only the employer signing that they're paying the prevailing wage. Go on the job site and have a record of who is on that job site, not just allow the employer to say, oh, yeah, I had Joe Smith there and that's it.

P.O. LINDSAY:

We're getting far afield, fellows. This bill isn't about prevailing wage, it's about whether you're hiring legal ••

MR. CONNERY:

Excuse me, I have the floor.

P.O. LINDSAY:

No. No, you don't. No, you don't. You are answering questions, okay? You had your five minutes.

MR. BUDINICH:

Did my buzzer go off?

P.O. LINDSAY:

Yes. It went off a long time ago.

MR. BUDINICH:

I'm sorry. I think you brought up the prevailing wage many times, so that's why it came up, not because of me. It came up before. We did get side tracked a lot ••

P.O. LINDSAY:

You're getting side•tracked.

MR. BUDINICH:

Not just me, everybody here.

LEG. ROMAINE:

Thank you, sir. And one of the reasons that I would ask the Budget Review Office to take a look at the financial impact statement is to account for enforcement and to measure to some degree the amount of enforcement that is provided under the current bill. Thank you.

P.O. LINDSAY:

Holly Meyer. Holly Meyer.

MS. MEYER:

Good evening. Thank you for giving me the opportunity to speak this evening. Actually so many people have spoken already, they have mentioned so many things, so I feel like almost, almost I have nothing to say.

I'm going to start by saying I wish I was more prepared tonight. I saw this in the paper last minute, decided to show up, hear what is going on, voice my opinion. The reason I say more prepared is because I'm also an attorney, and I definitely would have appreciated the opportunity •• my own fault •• to go and really research, because there's some things I heard in regards to this being in conflict with the federal laws, which actually listening, I really don't think this is in conflict with the federal constitution or the federal laws. But again, I'm not guaranteeing, because I don't have in front of me as well as having a copy of the legislation so I could really see of the problems that, as an attorney, I have to admit, there seem to be some problems[.|. |.]

What I would say to Mr. Romaine, though, if you are looking to find out how to tighten this up from somebody who really doesn't have a point of view, just wants to make sure that it's tightened up, my suggestion is go find a couple of the sleaziest attorneys who know how to find every nook and cranny, use my tax dollars and pay them to come up with an airtight non discriminatory way to enforce these laws against the employers who are undercutting, whether it be the contractors or they're not paying fair to the workers or it's not contributing to our economic society.

Find them. Have them take a look at your legislation. Then also double check and make sure that they've got something in there with exactly how we are going to carry out this legislation, because you know what? I have heard people say •• and I'm sorry Ms. Fisher, I heard you say that federal •• you're saying there's federal laws on the books, and you are right, there are federal laws on the books, but guess what? We all know it. The Federal Government is chicken shit. They are not doing a damn thing about us.

We have been put •• Farmingville was put on the face the map because of the circumstances going on here. Did the Federal Government step in and say, let me help? Did they step in and say, there's some issues here that we should step in and resolve? That this actually could turn out to be very explosive when it comes to rational tension, discrimination, which in my opinion, side note, I don't this is a discriminatory situation. Discrimination is when you take action because of somebody's ethnic background. I don't care what color you are. I care if my tax dollars are supporting you and you are not doing the same favor to me.

I have children. It took me 12 years of night school to put myself through Law School. Now I'm putting two kids through Law School. My husband and I were able to scrape together enough money to start business. He is a contractor. He does work for the government. He does the schools. But you

know what? I haven't had a paycheck in six weeks because we are sitting on edge waiting to find out if we're going to get the next bid, because you know what? Somebody else is coming in cheaper, because they don't have to pay. I'm not going to say anything about prevailing wage, but think how much, as the other gentlemen said, how much is that salary cut because you don't have to pay Social Security, because you don't have to pay the workers compensation, because don't have to pay all the FICA. You don't have to. It cuts it a lot. And the employer benefits as well, because they have the money in their pockets.

So I'm talking on a lot of different levels here. I just think •• you know, I really wish Margaret was here, because I haven't seen her in years. I actually met her a long time ago, first time this was ever brought to my attention, eight, nine years ago. And I just wanted to say to her, you know what? I'm so glad I'm here and saw you, because today is the first time I stood up and said, "I'm not going to be chicken anymore."

Up until two years ago, I was afraid, I'm going to be a bigot, I'm a racist. Those were the first words that came out of anybody's mouth when I brought up this issue. Even though I wasn't, I was afraid. The newspapers put it all over the place, "You're a Bigot." And I ran away, I didn't help Margaret. I'm asking •• I'm asking you guys, don't be afraid.

P.O. LINDSAY:

Ms. Meyer, I congratulate you, for not being prepared, you used your five minutes.

APPLAUSE

P.O. LINDSAY:

Carlos Perez. Carlos Perez. Is Mr. Perez in the auditorium? Mr. Perez, one last time. David Pincus. David Pincus.

MR. PINCUS:

Thank you. Good evening. I love this country, and I'm really happy to be here to have the opportunity to speak to you all. I'll be brief. Someone just mentioned the issue of Farmingville. I saw that documentary, I thought it was excellent in outlining some of the real problems that people face with illegal immigration. I see a lot of local enforcement issues; overcrowded housing, people loitering, things that the local officials need to take care of and that are under the jurisdiction of local officials.

On the other hand, I see that a lot of the immigration issues have to do with federal issues, and I believe this bill is a matter of preemption with the federal law. I think that it's unconstitutional. I think that ultimately the ACLU will prevail and will eliminate this law. And I think a lot of people here probably know that. So it's my suspicion, why would you •• why would people put up a law that most likely going to be knocked out? They do it because they want to pander to people. This is a feel•good law to make people out there feel good, and I don't think you're really going to help them.

I think that in the end, you're going to twiddle your thumbs. I was here a couple of weeks ago on the big box issue, and there, I was on the other side of the issue where everybody here •• the Suffolk County Legislature said, no, that's outside of our jurisdiction. Maybe you were right, maybe that was bill

was right, maybe it was outside of your jurisdiction. I think this is outside of your jurisdiction. I'd hate to be on the wrong side of both of that kind of issue. I think that is a federal issue. I think you folks, if you pass it, you're pandering to the worst instincts in people. I don't think this law is bigoted, but I really think that it was intended to appeal to the lowest common denominator in people.

I think it's meant to appeal to that so that everyone could feel great, we're doing something for people, we're doing something. But I don't think you're really doing anything. Enforce the housing laws, enforce the loitering laws, get together, let's make some real solutions here, complain to the Federal Government. It's their job to enforce these laws. They're thumbing their noses at us. So let's go, folks, let's not make another layer of laws here that we don't need that are going to cost money. Where are my conservatives now? I want my two conservatives to come forward and say we have too many laws, we have too much regulation.

A gentleman a few minutes ago held a W•9 and said, this form •• there's nothing wrong with this form. I agree with him. There's nothing wrong with that W•9 form. It's perfectly acceptable, it's not bigoted, it's the law. It's a federal form. It's federal jurisdiction. And this law that you're trying to pass, I believe, is preempted by federal law. Thank you. Thank you for your attention. I really hope that you'll reject this law. Thank you.

P.O. LINDSAY:

Joe Cangeleri. Joe.

[SUBSTITUTION OF STENOGRAPHER • DIANA KRAUS]

MR. CANGELERI:

Good evening, ladies and gentlemen. I appreciate the opportunity to address this body. My name is Joe Cangeleri. I'm a Suffolk County resident, taxpayer, registered voter, building trades member and most dear to my heart I am a citizen of the United States of America.

(APPLAUSE)

My great grandparents came to this country through Ellis Island. They were regulated, documented and checked medically. They worked hard to assimilate into this country. Many of them at the time actually changing their names to more Americanized versions so that they could blend in. There was no singing of the national anthem in any other language except English. They worked the worst and most dangerous jobs from the coal mines to the sweatshops at a time in this country when there was absolutely no social safety net.

I look back on some of the jobs that myself and my immediate family have held over the years. And we have shoveled snow, we've worked with landscapers, we prunef plants in hot greenhouses in the summertime, we worked in sloppy restaurant kitchens, we changed bedpans, we've cleaned other peoples' toilets, we've installed roofing on a hot August day.
My own work day today started at 4 o'clock in the morning and was spent on a hot dirty and dangerous construction site. The point is there are no jobs in this country that our American citizens won't do.

(APPLAUSE)

All these jobs as menial as they may seem forcing a strong ethic and will spring board to our family's future success. I applaud Steve Levy and this body for having the guts to encourage to address this problem. Some of my neighbors taking informal surveys on my block •• some of my neighbors are Hispanic and overwhelmingly they support this.

But there is an issue that I have to a degree and that addresses you got to be able to verify this on the job site. It's one thing to pass the law and have somebody sign a piece of paper; that I've been in the construction business all my life and I know that there are numerous ways to skirt around the paper work once it is signed. And it's going to cost us taxpayers some money to actually put inspectors in the field, but that's what has to happen. You got to be able to show up unannounced and challenge people and ask them whether they are legit or not. Okay? So we'd be fooling ourselves to think that this isn't going to cost us some money; that it's going to be money well spent. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Thank you, Mr. Cangeleri. Before I call the next speaker, under the rules of the Legislature there is a three•hour limit to any public hearing at any particular session. We started this hearing at 6 o'clock so that three•hour limit will be reached on this public hearing at 9 o'clock. So I'm going to ••

LEG. ALDEN:

That's ten minutes from now. That clock's wrong.

P.O. LINDSAY:

But I started with this clock. Okay? So, I'm going to call one more speaker; and then this hearing will be recessed. So if somebody wants to speak on this issue, they will be given the ability to speak at the subsequent hearings. I know the County Attorney is waving to me, but we're not going to resolve this issue tonight. We're going to continue this public hearing because of the advertisement default.

Kevin Hahulski?

D.P.O. VILORIA•FISHER:

Hahulski? Is it Hahulski?

P.O. LINDSAY:

Okay. Kevin is not here. Not here. Okay. Joseph Cavalieri.

MR. CAVALIERI:

Good evening, Legislators, and thanks for the opportunity to spoke on this issue. My name is Joe Cavalieri and I'm a business agent for Labor Local 66. I'm provide to represent some of the hardest working men and woman in Suffolk County. Like many of the people in this room, my grandparents didn't come over here on the Mayflower either. They worked hard, became

citizens and lived the American dream. Through my experience out in the field as a construction laborer I realized early on the benefits of belonging to a labor union and that it would be nearly impossible to live on Long Island without the workers' protection it provided.

Later on as a business representative, I learned first hand that it is not only a union contract that protects my livelihood but the laws in place which help to enforce it. I experience on a daily basis how competitive the construction industry is on Long Island and how dishonest contractors get an unfair advantage by using a seemlessly endless supply of illegal immigrant workers on public projects. This makes it impossible for legitimate contractors who play by the rules both union and non•union to compete.

As Legislators and labor leaders I hope we agree that the proposed legislation will scare off dishonest contractors, provide a level playing field in the bidding process and put the profits back in the pockets of the people that paid for it in the first place, the construction working taxpayers of Suffolk County. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Thank you very much, Joe. I appreciate it.

THE AUDIENCE:

Let's go home.

LEG. ALDEN:

Presiding Officer?

P.O. LINDSAY:

Yes, Legislator Alden.

LEG. ALDEN:

I realize that due to our •• I guess it's our rules and regulations that this has to be closed because of the three•hour limit.

P.O. LINDSAY:

Recessed.

LEG. ALDEN:

Recessed, rather. I would ask that •• a ruling from the Chair if some Legislators had questions of the County Executive that might be pertinent to our consideration in the future if we can call up the County Executive or •• at this point.

P.O. LINDSAY:

County attorney.

LEG. ALDEN:

I mean County Attorney rather.

P.O. LINDSAY:

County Attorney, do you want to comment on any of this stuff? Christine?

MS. MALAFI:

Sorry to make this longer, but a lot of legal issues have been raised that need to be addressed now.

First thing, everyone who said that this law requires employers to certify the legal status of their employees is wrong. That's not what this law requires. This law requires employers to submit affidavits that they have complied with the federal law. That is not the same thing as attesting to the legality of their workers in this country. That's first.

Second, this law is not preempted by federal law for various reasons and I'll start at the beginning. This law does not regulate immigration in any way, shape, manner or form. What this law does is regulate persons who choose to do business with the County. It does not conflict with the federal law. We're not regulating immigration. We're not imposing additional fines for violation of the federal law. We're imposing civil fines and penalties for the violation of this Suffolk County law. It's different. The preemption section of

the federal law says that they preempt state or local laws imposing civil or criminal sanctions other than through licensing and other similar laws. That's what this law is. A similar law.

It's the same reason why the living wage law in Suffolk County is not preempted by the federal minimum wage law or the state minimum wage law. This is a law that regulates who can choose to do business with the county and who the county can do business with. It deals with the spending of county funds; not the regulation of immigration in any way.

Our law provides for penalties for not complying with the affidavit requirement of our law. We're not imposing any penalties for hiring illegal employees. That's not what this law is about.

Additionally I've heard some talk about the discrimination. In Suffolk County right now the code, section 18•13 provides for a prohibition on employment discrimination for every employer in Suffolk County; not just employers who do business with Suffolk County. Right now in Suffolk County the law stands that employers are barred from discriminating against potential employees on the basis of national origin, alienage or citizenship status. So that is •• it's already

On the books in Suffolk County.

It's also in this law saying that there's no discrimination allowed on the basis of various reasons so that some of the civil penalties from this law apply to that, but it's already on the books in Suffolk County. And the Human Rights Commission, I work with them all the time, they take employment discrimination complaints on a daily basis. If not on a daily basis on a weekly basis. It's something that they're used to doing and they do all the time.

I don't want to spend too much time. I'll take some questions but one more thing. The law does apply to a very select group of people. It's not widespread. The law applies to people who sign contracts with the county in certain circumstances and their subcontractors. And it doesn't apply to every employee of the contractors or the subcontractors. It applies to those employees who are going to be working on the county contract. So Home Depot having a contract with the county to provide nails or sheet rock or whatever the supplies are that they supply to DPW, it's not the people that sold the nails to Home Depot. It's only the people at Home Depot who will be giving us the goods through the contract. So there is a limited group of people that it applies to. It's not broad. It is not overburdensome with respect to who it applies to. And it's •• it applies just the way the living wage law •• the living wage law in Suffolk County applies. It's another form. It'll take a few more minutes. There will be investigations. But it's not any different than any of the other laws that this legislature has passed with respect to requirements of county contracts.

And the reason that there's •• one more thing. I heard someone say something about the fact that our law requires the records to be kept for six years rather than three years as is under the federal law. That reason is very simple. We're talking about contracts. And there's a six year statute of limitations. And under county law the Suffolk County code as it stands now and state law, we have six years to bring someone up on •• a case against them for breach of contract. That's where the six years come in. If anyone has any questions, I'll ••

P.O. LINDSAY:

Yeah, we have a few. First Legislator Mystal.

LEG. MYSTAL:

Good evening, Ms. Malafi. Could you repeat your first point again. You said this law is not about hiring illegal, but having the employers attest to an affidavit.

MS. MALAFI:

That they have in good faith complied with the federal law. They are not attesting to the citizenship or the legal status of their employees in anyway, shape, manner or form.

LEG. MYSTAL:

And at the end of your statement you said that there will be some testing. At the end. There would be some spot checking, I suppose? I think you said testing of the law.

MS. MALAFI:

No, investigation.

LEG. MYSTAL:

Investigation. Oh, so, I'm sorry. Thank you. That's the word you used. Investigation. So when somebody signs the affidavit and gives it to the Labor Department, is that the end of it or are we going to say, okay, now we have all these people who signed affidavits, let me see if these affidavits are correct?

MS. MALAFI:

It's usually spot checking has been my experience.

LEG. MYSTAL:

Spot checking.

MS. MALAFI:

Spot checking. And based upon complaints; if somebody complains that an employer is hiring illegals and doing business with the county.

LEG. MYSTAL:

So in other words, you know, there will have to be some spot checking in order for us to know that the law is working. Otherwise somebody can just give you a piece of paper and say that's it.

MS. MALAFI:

Correct.

LEG. MYSTAL:

So they have to know there's some kind of mechanism, some teeth behind it

that somebody's going to check.

MS. MALAFI:

Correct. You also have the Comptroller's Office which routinely picks out contracts to audit. And they look for all of the documentation and the support that goes with the contract.

LEG. MYSTAL:

So now at that point where you do some spot checking, then if they're in violation of the law you can prosecute.

MS. MALAFI:

Absolutely. And also that's one thing in the law •• the criminal penalty is already in the criminal procedure law and the penal law of New York State. You cannot file a false affidavit.

LEG. MYSTAL:

So you wouldn't prosecute on a false affidavit?

MS. MALAFI:

I would not prosecute on that. Tom Spoda's office would prosecute on that.

LEG. MYSTAL:

On the false affidavits.

MS. MALAFI:

I would do the civil penalties.

LEG. MYSTAL:

You are not going to prosecute on whether or not the person hired an illegal

MS. MALAFI:

Absolutely not.

LEG. MYSTAL:

So it's the affidavit that you're going to prosecute on?

MS. MALAFI:

Correct.

LEG. MYSTAL:

Correct?

MS. MALAFI:

Absolutely.

LEG. MYSTAL:

Okay. Have you gotten any assurances from anywhere that you are going to have enough people from the administration to conduct the spot checking or are you of the school, like the Commissioner Dow said, that all I need is one more person in my office; a clerical person.

MS. MALAFI:

That I don't know.

LEG. MYSTAL:

You're talking about 6,000 contractors and maybe subcontractors.

MS. MALAFI:

What I do know is that the county ••

LEG. MYSTAL:

So maybe 10,000 people around ••

MS. MALAFI:

When this bill was being drafted and speaking about it with the County Executive's Office, he is not the type of person and he has indicated he's not going to pass a bill and then not enforce it. He will do what he needs to do to make sure that it's enforced. And in my office the civil penalties it could just be brought right through my existing bureau. So I don't anticipate that I would need another attorney to go for the civil penalties.

LEG. MYSTAL:

Okay. Thank you.

P.O. LINDSAY:

Legislator Viloria•Fisher you had a question.

D.P.O. VILORIA•FISHER:

I'm just a little confused. And perhaps you can help me with this. Because you said that the employer is not concerned or required to have the verification of a person's citizen status.

MS. MALAFI:

No. I said the affidavit is not a verification of the legal status of the employees. The affidavit that the employer has to give the County is a verification that they have in good faith complied with the federal law.

D.P.O. VILORIA•FISHER:

And how do they comply with that federal law?

MS. MALAFI:

It's a form and then photocopies of two forms of ID.

D.P.O. VILORIA•FISHER:

Okay. Yeah, the I 9 and it requires those two forms of ID.

MS. MALAFI:

Right.

D.P.O. VILORIA•FISHER:

But I believe what has lead us to believe that the prime objective of this is the legal status of the people that they're hiring visa vis their legal status as aliens, okay, is that the first definition is alien, okay, under the terms of definitions, alien ••

MS. MALAFI:

I'm not talking about the intent of the law. I'm just talking about what the law requires the employer to do. And it's not to attest to the legal status of their employees. That is not what the affidavit says. The affidavit says ••

D.P.O. VILORIA•FISHER:

But unfortunately when we're reading the law, the first definition is alien. And then as you go through the law in Requirements, and, you know, just help me with this because under A) in Requirements it says section •• with the law 1324 (a), which is the one we've referred to from 1986, with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof.

MS. MALAFI:

That's just the owner of the company that's doing the business with the county. So •• because that person when you own the company, you don't have to fill out an I 9 for yourself. So what it's saying is you have to file an affidavit saying that you attest that you have in good faith complied with the I 9 federal law and that you yourself are legally able to work in the United States.

D.P.O. VILORIA•FISHER:

Okay.

MS. MALAFI:

So it's only that person who owns the company.

D.P.O. VILORIA•FISHER:

But the owner is documented.

MS. MALAFI:

Right.

D.P.O. VILORIA•FISHER:

Okay. And then that's repeated again in part B with respect to the alien and nationality status of the owners. That's repeated again in part B.

MS. MALAFI:

Correct.

D.P.O. VILORIA•FISHER:

And so it does give the impression that this •• you know, the language of this

bill certainly does give the impression that it's a bill about immigration status.

MS. MALAFI:

Well, if you read the •• if you read the exact language, it says shall submit a completed sworn affidavit under penalties of perjury certifying that they have complied in good faith with the requirements of Title XIII of the United States Code Section 1324 (A) with respect to the hiring of covered employees.

D.P.O. VILORIA•FISHER:

Right. And then it goes on to state the language that I read.

MS. MALAFI:

Right. That's with respect to only the owner. So it's the •• the person who signs the affidavit has personal knowledge as to whether they are in the country legally and working legally.

D.P.O. VILORIA•FISHER:

Now if the owner is a licensed contractor, wouldn't that •• this language be redundant. I mean if they're a licensed contractor, wouldn't there be an assumption that that person is ••

MS. MALAFI:

I don't now believe that current ••

D.P.O. VILORIA•FISHER:

In getting their license here, that they have had to prove somewhere that they're here legally?

MS. MALAFI:

I do not believe that that's a requirement under the county law. And I haven't looked at every licensing statute but as far as I know that is not a requirement for licenses.

D.P.O. VILORIA•FISHER:

Okay. Seems peculiar.

P.O. LINDSAY:

Legislator •• I got you, but I got a list. Legislator Nowick.

LEG. NOWICK:

Hi, Christine.

MS. MALAFI:

Hi, Lynne.

LEG. NOWICK:

I'm not so sure I understood the part about Home Depot. How that would work?

MS. MALAFI:

What happens is it does not require Home Depot to give us an affidavit saying that every single one of their employees is •• they have complied with the I 9 law for every one of their employees. It's only the covered employees as defined in the law to those employees who are working on the project or matter that is the subject of the contract. And they do this for our living wage law now. They give us a list of the employees who will be working on the contract with county money; who is getting paid with the use of county money. They do it for living wage and they do not have to list every employee. It's the same thing here. You only have to list the employees that will be working on the county matter.

LEG. NOWICK:

Okay. So then I understand that a little more. Thank you.

MS. MALAFI:

You're welcome.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. Where to go with this stuff? I have read more supreme court case law on this than I care to ever have to look at with {Becanis} and the California cases in the mid '90's and more recently with some of the cases that challenge some of the basic rules and even more recently with ACL's complaint against Hazelton, Pennsylvania. I am not convinced as you are that you can sit here and say to us definitively that we don't have preemption. One area I guess that I'd ask you to go ahead and reconcile is the criminality, the misdemeanor aspect that's imposed on this. I understand that the misdemeanor goes to the knowing or purposeful filing of false affidavit. But it is something that's imposed upon an area that the federal government seems to have occupied from end to end. How do you square that?

MS. MALAFI:

Because of the fact that it's county money being spent. And the law that imposes the criminal penalties has to do with the filing of a false document. It does not matter what that affidavit says. It does not necessarily •• just in the scheme of the penal code •• prosecution does not depend on the illegal status of an employee by a person submitting the affidavit. And because the •• the laws that are applicable only to county contracts are treated much differently than laws that are applicable to the general public

LEG. KENNEDY:

That's the other issue.

MS. MALAFI:

In the area of preemption. It's much different. It's different standards. And I'll take on a lawsuit.

LEG. KENNEDY:

Which is not the best reason to go ahead and adopt something in my opinion. There are others who may think that's the way to go. But I'm not of the mind to go ahead and support something that may fall with the first challenge.

The other aspect that I go to is this notion of a 100% county funded. In many ways we are a portal for federal and state funding. And actually in very few instances can we point to something that is 100% locally generated funding for agencies we contract with. DSS, the Health Department, Probation; most any of them we're not remitting local money. We're a portal for state or federal money.

MS. MALAFI:

Correct but there's ••

LEG. KENNEDY:

How do we square this with that?

MS. MALAFI:

Well, the reason that it applies to only 100% fund by the county is because you don't want to get into using the federal government money to enforce this law which might impose some preemption problems. And there are probably more contracts that go out of my office and the departments in the County that deal with 100% county funding. Each of the departments can tell you where monies are coming from for just about every contract that goes out in the County. It's easy to keep track of.

LEG. KENNEDY:

We would hope.

MS. MALAFI:

No, we can. We've been doing it long enough now that I can tell with confidence that I think it would •• any mistakes would be rare. And it applies to only contracts where we're not being a pass through. So if the federal government wouldn't require this, then we're passing through the federal government money. It would not apply. And that's why that's in there.

LEG. KENNEDY:

So if we're talking about a major construction project that in fact is also funded through federal or state funds, this will not apply?

MS. MALAFI:

Absolutely would not apply because ••

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

Hi, Christine. I wanted a clarification of just a couple of points. First of all, do you have any idea how many contractors contract with Suffolk County versus how many subcontractors? How many direct contractors there are versus how many subcontractors supply the contractors?

MS. MALAFI:

Well, it would depend on the type of contract. If you're talking about a construction contract, there's probably more subcontractors than contractors.

LEG. COOPER:

And I understand the contractor has to sign an affidavit attesting that he complies with federal law, but how would it work with the subcontractors?

MS. MALAFI:

The subcontractors, in order for the contractor to sub it out, the subcontractor would have to agree to abide by the law. Just like the living wage law when entities subcontract, the subcontractors have to also pay the living wage law.

LEG. COOPER:

So going back to the example of Home Depot, Home Depot doesn't manufacture nails. It's manufactured let's say by ••

MS. MALAFI:

But they have the nails when we enter into the contract. So there is no subcontractor.

LEG. COOPER:

Can you explain that?

MS. MALAFI:

Sure. A subcontractor is someone who helps the contractor perform a contract. When we contract with Home Depot for nails or something, they already •• they have them.

LEG. COOPER:

So the company that manufactured the nails that Home Depot is supplying to is not a subcontractor?

MS. MALAFI:

No, I would say they're not a subcontractor. If it was a big enough job •• you know I can't imagine what it would be that a supplier of goods said to us you I can be the •• I know on some of the storm water treatment plants, sometimes the contractor say to us we have to sub out to another manufacturer, another state. And then that's when it would come in. But not usually •• because Home Depot was raised, Home Depot when we order nails, they deliver nails to us. They have them in their warehouse and they deliver them to us.

LEG. COOPER:

All right. And related question. Do you have any idea how many contractors or subcontractors are Suffolk County as opposed to outside of the county?

MS. MALAFI:

Oh, that I don't think. I don't •• I can't keep track of that.

LEG. COOPER:

But certainly we have a certain percentage, probably a decent percentage

that are contractors that are not located in Suffolk County. I know we have the local preference law ••

MS. MALAFI:

Right.

LEG. COOPER:

•• but clearly •• so how would that work? If it's a contractor based in Nassau County or based in Nebraska, how would we propose to enforce this law?

MS. MALAFI:

They have to agree as part of their contract with the county to provide us with the documents. They have to agree to allow us to audit them. You know, I don't know how the ••

LEG. COOPER:

So but practically •• I mean it's going to be difficult to enforce against a contractor, let's say, in another state.

MS. MALAFI:

No more so than it is prosecute them for other violations of contract terms that we already have in our contracts.

LEG. COOPER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Let's take an example. I want to make sure I understand what you've just said. I'm a contractor with the county. And these are all of my employees. I got about 150 employees. And I go to each one of the employees. They have to provide certain proof that they're legal immigrants. And they provide the proof. They can give me a passport, driver's license, social security cards, a host of things that they can produce. Once I get all that information from my employees, I give you this affidavit. And the affidavit basically says that they provided the proof, I've acted in good faith. They're all legal immigrants in this country.

MS. MALAFI:

No. They're all legally eligible to work in the United States.

LEG. BARRAGA:

Okay. I've met my obligation.

MS. MALAFI:

Yes.

LEG. BARRAGA:

What liability exists for me as a contractor from that point on?

MS. MALAFI:

As long as you did so in good faith there is no liability.

LEG. BARRAGA:

Well, wouldn't they all be doing it in good faith?

MS. MALAFI:

It would depend on the documents that support the affidavit.

LEG. BARRAGA:

Wouldn't they all be doing it in good faith?

MS. MALAFI:

They could all, yes.

LEG. BARRAGA:

Well, I'm saying that facetiously, you know, because I can easily see where the guy in the back there really isn't. He's illegal, but he shows up with two pieces of proof.

MS. MALAFI:

As long as you in good faith take them. For example, the social security card doesn't look like it was •• the number was •• the name was erased out and somebody else's name put in it.

LEG. BARRAGA:

The point is I think you're going to have a lot of contractors who in good faith quote unquote will be taking those proofs. And say whoever comes in, say, look, you know, so and so gave me this. I have it here. These are the two proofs. I operated in accordance with the law. I have no further legal obligation here. So where's the teeth to this thing?

MS. MALAFI:

The teeth would be in the enforcement end. If somebody's complying with the law, there's no need for enforcement.

LEG. BARRAGA:

The enforcement •• the enforcement would not really go back to the contractor because I've got all the proofs. Where's the enforcement? Does it go back to the illegal alien that we've now discovered gave false proof to the contractor?

MS. MALAFI:

You don't need enforcement if somebody in good faith provides the necessary affidavit. There's no need to enforce it if they've complied with our law. If you're talking about enforcing the I 9 law, that's still up to the federal government.

LEG. BARRAGA:

But what I'm saying is I have a feeling all of these contractors will be submitting their affidavits in good faith with proper backup whether it's legal or illegal so when someone knocks at the door, these are the forms that I got from all of my employees. I operated in good faith. I filled out the affidavit.

MS. MALAFI:

I've had contractors submit fake certificates of insurance to me. So, no, I'm not confident that every single contractor will comply with the law.

LEG. BARRAGA:

I just have •• that's not what I'm saying. I just think that the overwhelming majority of these contractors will be able to say that in good faith they

submitted this form because they got all the proofs from every single one of these people here. So where does that leave the county as far as charging or bringing any litigation whatsoever civil or criminal against these contractors?

MS. MALAFI:

If they're complying with the law, there is no enforcement necessary.

LEG. BARRAGA:

I think you're right.

MS. MALAFI:

Right.

P.O. LINDSAY:

Legislator Horsley.

LEG. HORSLEY:

Just a quick question. I know there's been a lot of testimony about concerns about the prejudicial issues relating to the initial legislation. I know that the County Executive was making amendments or changing the legislation. Could you just detail how you address the issues concerning those? The prejudicial issues?

MS. MALAFI:

Do you mean the OSHA violations? The prevailing wage ••

LEG. HORSLEY:

The prevailing wage ••

MS. MALAFI:

That's policy. And no I haven't been directed to change the bill yet.

LEG. HORSLEY:

Okay. The issue •• how about the issues relating to concerns that we have a legal citizen who because of appearing to be an illegal applicant is that they're being prejudiced against. And I understand that was a concern that •• •

MS. MALAFI:

The discriminatory practices?

LEG. HORSLEY:

Yeah, discriminatory.

MS. MALAFI:

It's already on the books in Suffolk County. Anyone who feels ••

LEG. HORSLEY:

You're just using the old language? You're just saying this is on the books and okay ••

MS. MALAFI:

It's already on the books. It was added to the law, but it's already on the books in Suffolk County that if you are being discriminated in your employment ••

LEG. HORSLEY:

It is added to the law, though? It was added to the law?

MS. MALAFI:

Yes. There was just a paragraph that you can't discriminate.

LEG. HORSLEY:

I think that that's where I was going to. I wanted to see how you address that because a lot of the testimony was concerning that one issue. And if that's been cured, then that is not an issue that we should take into account.

MS. MALAFI:

Well, it was placed in the bill but it technically didn't have to be placed in this IR because it's already on the books in Suffolk County that no employer can discriminate on the basis of national origin, alienage or citizenship status.

LEG. HORSLEY:

So those critics of the bill itself who weighed against it because of that issue is really doing so inappropriately? That this has actually been covered?

MS. MALAFI:

I'll use the term unnecessarily.

LEG. HORSLEY:

Unnecessarily.

MS. MALAFI:

It's already on the books that you can't discriminate.

LEG. HORSLEY:

Okay. Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. I just want to build on Legislator Barraga's scenario and take it half a step further. So you have an employer who is taking in all the documentation and filling out the I 9 and making this affirmation that he or she has done his or her due diligence in determining status. What if there's a scenario where there was a worker who came in with a seemingly valid social security card with a name and a social security number, had done work for some period of time, there was no longer a need for employment; and then later on there is more work coming into that contractor and then brings back that same former employee, who then comes back with a social security card with the same name but a different social security card. The employer takes a look at it. It seems to be valid and in good faith then makes the affirmation. Maybe it's all facts and circumstances but do you foresee the •• the burden on the employer to take it to the next step and say I can't just take your word for it that this is your social security card. Does he or she have a responsibility to go back to former employment records and see if everything is still consistent?

MS. MALAFI:

I think it would depend on what type of records are kept by the employer. If the employer has computer records of every employee and when they pop in this person's name and it comes up a different social security number, they have an obligation in good faith to question why there's a different social security number. Is there an absolute if there's no computer records and they're in boxes and the person hasn't worked there for 15 years, no, I don't think there's any obligation in good faith to go and dig out 15 year old records to check to make sure the social security numbers are the same.

LEG. STERN:

So then are we saying that perhaps there's an additional burden placed on those employers, those businesses that have a more sophisticated record keeping system than those who don't?

MS. MALAFI:

Because good faith •• the federal law, what good faith is would •• would regulate that. Not •• it's a case by case basis. Good faith is subjectively applied, not objectively applied.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Okay. Before I recognize Viloria•Fisher I want to make a comment. And really a question. Filling out or signing an affidavit in connection with a

government contract, is that something that should be taken lightly or falsified lightly?

MS. MALAFI:

Absolutely not.

P.O. LINDSAY:

Okay. Legislator Viloria•Fisher.

D.P.O. VILORIA•FISHER:

I appreciate that the amended copy does have that anti•discrimination clause because the actual 1986 federal act has that anti•discrimination clause and I think that that's a good thing. But there was testimony that in the 1990 survey of employers in complying with the 1986 act, they self•reported that they did discriminate •• 20% of the employers self•reported that they did discriminate because they wanted to err on the right •• you know, on the side of caution. Is that a concern here? And how can we try to educate •• are we making any attempt to educate employers so we don't run into that kind of scenario with this ••

MS. MALAFI:

I would say that that question is better posed for the Human Rights Commission and its Executive Director. But from my experience in working with them as soon as something comes on the books, they're usually very good at getting the word out and helping people.

D.P.O. VILORIA•FISHER:
Okay. My second concern with regards to discrimination is that what triggers an investigation here is generally because of the numbers, the sheer numbers with which we're dealing, is a reporting of illegal workers; workers who aren't working under the right documentation. And there were two •• at least two speakers who spoke today who said I was at a construction site and I could see that there were illegal aliens or I was watching a Verizon truck and I could see that there were illegal aliens. There was some assumptions made there.

MS. MALAFI:

It's discrimination in and of itself.

D.P.O. VILORIA•FISHER:

That those could fall under discriminatory practices. And this is my concern about this bill; that those who would be doing the reporting sometimes could be doing reporting on very good faith. The gentleman who was a contractor who says that he knows that there are other contractors who are cheating and have people off the books, and they could be United States citizens that they're hiring off the books. I'm concerned ••

MS. MALAFI:

That would violate this law as well.

D.P.O. VILORIA•FISHER:

I know. That's what I'm saying. And that would be the kind of reporting that would not •• that I wouldn't see as discriminatory •• discriminatory behavior. But for, let's say, someone reporting a contractor who has people that the reporting entity thinks looks like illegal aliens. This is a concern here. And I'm just wondering how are we going to approach that concern. We are going to have people out there who •• is there going to be scrutiny of patterns of reporting? Of individuals who are reporting because they're seeing people all the time? You know, it becomes very thorny and it becomes very troublesome to me to think of that.

MS. MALAFI:

Well, I will say you'd have to ask the Labor Department about how they're going to accept reports of violations of the law. But a lot of times it's reported because these documents •• the county contracts are public records. So there'll be a listing of what employees are supposed to be working at a county site or providing services under a county contract. And somebody will go to the site and say there's three name s on the list. They're all men and there were two women working. So obviously people are working that are not on the list. That's how I know a lot of complaints come in. You know, there's three people on the county list and there's 12 people at the site. That's how a lot of the complaints come in. Not based on •• you know, I heard a few people say they looked like illegal immigrants. I agree with you. That's not •• nobody looks like an illegal immigrant. Someone looks like a person. But that •• that's not covered. Somebody making a report, there are criminal sanctions, harassment, that type of thing but there's no law, federal, state or county that says somebody who tries to report a violation of a law can be held for discriminatory reporting.

D.P.O. VILORIA•FISHER:

And that's my concern.

MS. MALAFI:

Correct. But like I said, from my experience with the Labor Department is usually the complaints come in. The contract has three people on the list who work and there's 12 people at the site.

D.P.O. VILORIA•FISHER:

But that's not a law that's couched this way, Christine, which is what worries me. The way this is couched, I think, invites the kind of reporting that we've seen in testimony this evening. That's why I'm concerned about it. Thank you.

LEG. MYSTAL:

Mr. Presiding Officer, a slight request.

P.O. LINDSAY:

We have a list. Legislator Cooper.

LEG. MYSTAL:

I thought he was done.

LEG. COOPER:

I thought I was. When I'm not in the county Legislature, I'm president of a manufacturing company in Nassau County. About 185 employees. We have dozens of federal contracts and state contracts; we may even Suffolk County contracts for all I know. And I'm looking at the enforcement section of the resolution. And it talks about for a violation, it's punishable by a fine of •• between $250 up to $2,000 or up to six months imprisonment or both. And it talks about the covered employer or the owners, as the case maybe, being liable for imprisonment. At my company, it's our HR Director, the Human Resources Director that is involved with having employees fill out I 9 forms and maintaining the records. It's probably our customer service manager who submits paper work for contracts. And I'm the president of the company. If there was a problem here, and even though we make every effort to comply with the law, but if we didn't, who goes to jail? Is it my HR Director, is it the customer service manager or is it me?

LEG. MYSTAL:

You do.

LEG. ALDEN:

Motion to investigate.

LEG. COOPER:

This is all theoretical, of course.

MS. MALAFI:

It should be the owner of the company. If it's a privately owned company, the owner would have to sign •• your HR Director would not be a proper signatory to a county contract or any portion thereof. We check that on every contact. We don't have someone enter into a contract with somebody who's not authorized by the company to enter into a contract. We only take the presidents, the owners, the CEO's. That's whose signatures we put on the contract.

LEG. COOPER:

So going back •• because I don't know the process, but I mean I very rarely sign contracts. Any level of government. I don't know the last time I signed it. My customer service manager is authorized by my company ••

MS. MALAFI:

I can tell you you've never signed a county contract if that helps you at all.

LEG. COOPER:

Perhaps. Even though •• I know we've supplied products to Suffolk County but maybe we don't have a contract. But going back to Home Depot, I mean the president of Home Depot doesn't ••

MS. MALAFI:

Yeah, they do.

LEG. COOPER:

The president of Home Depot ••

MS. MALAFI:

Each store is •• I think with Home Depot, if my memory serves me •• you ask me to go through one contract out of, you know, 10,000 in my office right now •• and I believe each Home Depot has its own ••

LEG. MYSTAL:

General manager.

MS. MALAFI:

•• General manager who's responsible under the company to sign. So each Home Depot store's treated differently. It's not treated under the umbrella of Home Depot. And the CEO's are the only ones who can sign those contracts.

P.O. LINDSAY:

Legislator Mystal. Last question. Come on, Jon.

LEG. COOPER:

So with Suffolk County contracts, there's a requirement that the owner or CEO has to sign ••

MS. MALAFI:

Somebody who is •• right •• somebody who's authorized.

LEG. COOPER:

•• someone at that level?

MS. MALAFI:

Right. Somebody who •• who we know that if I need to sue for a breach of contract that I have the right signature on that contract to be able to hold the business responsible.

P.O. LINDSAY:

Legislator Mystal. Last question.

LEG. MYSTAL:

Just a request. It's for, you know, for you or for the County Executive people or even for BRO, could you at the next hearing bring us, if you can, an idea of how many contracts are let out by the County which are purely a hundred percent county contract; and how many contract which are let out be this

county which are pass through contract where the federal or the state, you know, has a piece of it because I'd like it see that.

MS. MALAFI:

I think the Budget Office can do that.

LEG. MYSTAL:

Before we were talking about that, we have 6,000 contractors. And I want to see how many of them were, you know, pass through or directly let •• because since it only applies to a hundred percent funding of Suffolk County money. So any of the pass through will not be under this law.

MS. MALAFI:

Correct.

LEG. MYSTAL:

So, I'd like to see what we're talking about.

MS. MALAFI:

Correct. Except, I should say •• I should say except Public Works contracts for construction. It doesn't have to be a hundred percent county money.

LEG. MYSTAL:

Why?

MS. MALAFI:

That's the way the law was written.

LEG. MYSTAL:

Oh, the law is written that way.

MS. MALAFI:

You can ask the County Executive's Office.

LEG. MYSTAL:

I'll ask them. I'll ask Paul.

LEG. ALDEN:

Motion to recess to a time in the future to be determined under our contract laws, rules and regulations.

P.O. LINDSAY:

I'll second that motion. All in favor? Opposed? Abstentions?

MS. MALAFI:

Thank you.

P.0. LINDSAY:

Moving right along. IR 2026, a local law amending the Suffolk County Empire Zone Boundaries to include US Web, Incorporated. I do not have any cards here. Again this hearing will be recessed because of defaults in the advertising. Zabby, do you want to be recognized on this issue?

MS. ZABBY:

Yes, I do. Thank you very much. I taped the committee meeting, the members, the Economic Development Higher Education and Energy Committee and I was present when the •• John {Palateri} who was formerly from Chase Bank represented US Web. And they had mentioned that they were going to do a $100 million in printed mail, a business that they were going to be expanding it. And this was going to make oogles of money in the future; that they were publishing in Huntington. And American Express and Citiband and Chase Bank were all there with Harlequin Books involved in this business. And Jon Cooper, who was the •• who is •• I liked his testimony. He mentioned, in fact •• and by the way this company, in other words, is going to get huge tax benefits because all of a sudden we're going to extend the Suffolk County Empire zone boundaries to include US Web. And Jon Cooper made the wonderful point, I thought, and it's •• you know, here we have a democrat in business who is also against tax breaks because he

compared the fact that, well, he's in Huntington, his company is not getting a tax break, and why should this company get a tax break?

[RETURN OF STENOGRAPHER • DONNA CATALANO]

MS. ZABBY:
I object to the Empire Zone anyway, the industrial development area •• Development Corporation. And I think this is wrong, I think you should vote against this, because this company, as Mr. Cooper said, when in fact Mr. {Palateri} said, "Well, we may move." Well, you know, he's •• he's from Huntington, and so if he wants to move from his family, let him move somewhere else. As Mr. Cooper said, well, he was going to stay in Huntington, a loyal Long Islander doing business here and not getting huge tax breaks that the middle class, that the rest of us taxpayers don't get. And I object very much to that. Thank you.

P.O. LINDSAY:

Thank you. I recognize Legislator Alden for the purpose of making a motion to recess, I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

16 •• 17.

P.O. LINDSAY:

IR 2027 (A Local Law to update and strengthen the investigation and enforcement powers of the Suffolk County Human Rights Commission

and to achieve substantial equivalence with the Federal Fair Housing Act).

I have a number of cards. First speaker is Ed Perez. Is Mr. Perez here? Mr. Perez, you have five minutes.

MR. PEREZ:

Thank you. Good evening. I'm Ed Perez, Director of Minority Affairs for Suffolk County. But before I continue in support of Resolution IR 2027, I would like to acknowledge and commend Legislators Ricardo Montano and Legislator Elie Mystal who along with the County Executive Steve Levy have introduced 2027, a local law that would strengthen the investigation enforcement powers of the Suffolk County Human Rights Commission.

I will make this very brief, because it seems like I have been here longer than some of the Yankee games I've been watching the last few days. The bill that the County Executive Levy along with Legislators Mystal and Montano is a very comprehensive discrimination bill for Suffolk County. The bill will provide Suffolk County with the power to investigate and prosecute allegation of discrimination, a power that Suffolk County did not have prior to legislation.

As Director of the Office of Minority Affairs, I hear about bias crimes constantly in our monthly meetings with the Muslim advisory boards, African •American advisory boards, Hispanic and Asian•American advisory boards, who are, by the way, all happy to see that a local law is introduced that can provide an area for them where a complaint can be lodged and an investigation can be made in what our County Executive has often called, "Long Island Little Secret, Racial Steering and Discrimination." Any local law •• law that would investigate and prosecute discrimination, rational steering

and racism I am in favor of and for. Thank you.

P.O. LINDSAY:

Thank you, Mr. Perez. Reverend Charles Coverdale. Is Reverend Coverdale in the audience? One more attempt. Reverend Coverdale. Rebecca Mowl. Rebecca Mowl.

MS. MOWL:

Good evening. My name is Rebecca Mowl, I'm with the Long Island Federation of Labor. I'll try to be brief. Thank you very much for this opportunity to address the Legislature about an issue that is very important to the membership of the Long Island Federation of Labor.

We urge you to support the amendments to the Suffolk County Human Rights Law, which will give us all the best opportunity to eliminate discrimination from our housing markets. The 250,000 union members on Long Island are scattered through practically every town and village in Nassau and Suffolk Counties. Our membership is comprised of the same racial and ethnic characteristics as the overall population. All protected classes are found within our ranks. We understand the impact of housing discrimination on our members, their families and future generations.

The changes being proposed are very much in line with our values and beliefs and the needs of our communities. We support the amendments most fundamentally because discrimination is wrong. Eliminating discrimination and creating adequate housing for working people are part of the historic agenda of the American labor movement. On Long Island today, equal

opportunity is a vital component of a growing economy and a stable middle class. It is an essential component of an economic strategy that includes the development of new jobs with good pay and benefits and the opportunity to buy an affordable home in good communities.

Those goals and strategies are undermined by discriminatory practices and a weak enforcement mechanism. The Long Island Federation of Labor supports the amendments to IR 2027, which would, one, guarantee a hearing in front of an Administrative Law Judge when probable cause is found, and two, create an effective County enforcement system rather than leaving enforcement up to the state, which has a poor record of support for the victims of discrimination.

We believe that housing will be a major factor in determining whether Long Island grows, prospers and provides opportunities to a changing workforce. If Suffolk County has the will to fight discrimination and correct the housing imbalance of the past, it needs this new legislation to create the authority to pursue effective remedies. We believe the amendments before you will create meaningful studies, enable the County to provide effective enforcement and strengthen fair housing protection for all of our residents. Thank you.

D.P.O. VILORIA•FISHER:

Thank you. Elaine Gross.

MS. GROSS:

Good evening, everyone. If I had spoken first, it would have been a little

clearer that the amendments they were referring to were the amendment that ERASE Racism has proposed to IR 2027. As you most of you know, ERASE Racism has been engaged in a series of negotiations since May of last year with the Suffolk County Executive and his staff regarding amending the Suffolk County Human Rights Laws pertains to fair housing. And the purpose of the negotiations was to devise a strong substantive law and procedurally sound and effective enforcement system.

As a result of the negotiations, we have compromised and offer amendments that we feel are essential to providing this strong substantive law and an effective enforcement system. And you all have a copy of the ERASE Racism briefing document that contains the five amendments that we strongly propose to this legislation. And since time is limited, I'm going to address two of those five amendments.

The need for an additional reporting requirement under the administrative dismissal provision, and the need for the conciliation and mediation agreements to be public. The administrative dismissal provisions permit the Commission to dismiss complaints without full investigation. We •• what we object to •• we do not object to that. What we object to is the limitation on what the Suffolk County Human Rights Commission is required to report when it disposes of a complaint.

IR 2027 requires the Commission to report the total of number of cases dismissed, the protected basis for each complainant, and the type of violation. We believe it is also essential that the Commission report the basis of dismissal in each case. Such a reporting requirement provides vital information to the Legislature and others concerned about the use of the administrative dismissal provisions. This is a reporting requirement that both the federal and state administrative systems require.

ERASE Racism also proposes a change to the mediation and conciliation provisions that would make all mediation and consolidation agreements public unless the Commission determines on its own that extraordinary circumstances exist or that the complainant and respondent both state that extraordinary circumstances exist and the Commission agrees. It is essential that conciliation agreements are public to act as an effective deterrent for potential violators of the Fair Housing Laws and to ensure victims that adequate redress does occur when you take action against housing discrimination.

If a clause allows either party to insist without extraordinary circumstances on making the agreement secret, injustice will occur. Fair housing violators will insist on the agreement not being public if the victim wants or needs immediate redress. This ensures the respondent escapes the deterrent of public recognition for his or her illegal activity. Secret conciliation agreements also impede the ability to track repeat offenders. Additionally, a victim may be more easily coerced into accepting a conciliation agreement that is unfair since the Commission and the respondent know the agreement will never be public, particularly since many victims will not be represented by attorneys.

And I should add that as the bill is now written, it would have difficulty meeting the HUD regulations for substantial equivalency by having that this conciliation agreement does not need to be public. ERASE Racism strongly opposes the provision that allows the Commission discretion to determine whether or not to refer a case to an Administrative Law Judge after probable cause has been found. And Howard Glickstein is going to provide testimony on this particular issue.

The amendments proposed by ERASE Racism would not prevent the Commission from sending cases to the New York State Division of Human Rights to avoid duplicative proceedings. If there is a case where the New York State Division of Human Rights has already started an investigation in a pattern and practice or similar type of case, the Commission can dismiss the case under administrative dismissal provisions. This would require the intake person at the Commission to call the state with a •• with a victim file •• when a victim filed a complaint to determine if there is an ongoing investigation into the respondent.

P.O. LINDSAY:

Ms. Gross, your time is up. Please wrap up.

MS. GROSS:

I'm also •• in addition to giving you my testimony, I'm giving you testimony from the National Coalition of 100 Black Women, the Suffolk County chapter. I'm also giving you testimony from Dr. John Logan who is Professor of Sociology at Brown University, and some of you may know him from his work at the •• previous work at the Louis Mumford Center, a nationally recognized expert on the patterns and trends of racial residential segregation. Also, Kate Rossi who is President and COO of Caldwell Banker, Residential Brokerage, the largest residential real estate firm on Long Island, who is unable to be here tonight. And also from Teresa Sanders of the Urban League all supporting the amendments that ERASE Racism has recommended to the Legislature. Thank you very much for hearing my testimony this evening.

P.O. LINDSAY:

Legislator Montano has a question.

LEG. MONTANO:

Good evening, Elaine. I just want to be clear because there are five points that you have raised with respect to possible amendments to the bill, is that •• and we're only talking about five.

MS. GROSS:

There are five points that are listed in the briefing document, which I will also submit again.

LEG. MONTANO:

And was that briefing document forwarded or given or communicated to the County Attorney's Office and the County Exec's Office? I am talking about the one you and I reviewed point by point the other day, have they been made privy to the points that you •• you know, you would like to see some amendments on?

MS. GROSS:

Yes. We sent letters to the County Executive and to you and to Legislator Mystal.

LEG. MONTANO:

On these five points?

MS. GROSS:

Asking for consideration of these five amendments. We have not heard from the County Executive.

LEG. MONTANO:

Okay. I'm sorry. I just want to ask the •• really, this is to the County Attorney, but I just want to make sure that those five points were addressed to the County •• I know •• I'm not going to ask you, but, I guess, through the Chair.

MS. GROSS:

They were addressed. We sent it Return Receipt Mail. We e•mailed it, we faxed it, and we received the receipt on August 16th, so they were sent to the County Executive's Office.

LEG. MONTANO:

Okay. The bottom line is that I just ••

P.O. LINDSAY:

To clarify something. Legislator Montano, we have a number of people who

want to testify. At the end of this, I intend to call the County Attorney to •• that anybody will be able to answer questions.

LEG. MONTANO:

Okay. Not a problem.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Very quick question. You've been e•mailing me, sending information about what you believe are the deficiencies in the bill that the County Executive has proposed and suggested all types of amendments. My e•mails back to you have been very simple. Obviously, there's not one of us of the 18 that can amend that bill, because we're not the sponsor. The only person that could amend that bill with the recommendations that you have made is the County Executive. Have you had conversations with the County Executive? Has he expressed a willingness to amend the bill to meet some of the concerns that you have raised?

MS. GROSS:

The County Executive has not responded to us.

LEG. ROMAINE:

Have you attempted to call him?

MS. GROSS:

We have •• we have attempted on numerous occasions to continue the conversation with the County Executive ••

LEG. ROMAINE:

But he hasn't responded.

MS. GROSS:

He has not responded, no. We have asked •• also asked the two Legislators who have been cosponsors of the bill, and Legislator Montano did meet with us, and we have not heard from Legislator Mystal on these five amendment recommendations.

LEG. ROMAINE:

Would you continue to keep me posted as to when and if the County Executive does respond to you about where this is going concerning your amendments?

MS. GROSS:

Absolutely.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

Just a very quick question. The five amendment recommendations were adopted by the County Executive. The result is •• does the bill pretty much mirror what was passed in Nassau County? Would it then be the same bill?

MS. GROSS:

It would not be the same bill. It would not offer the same protections. It's less protective than the Nassau County bill. But as I said, we started this process last year hoping that we would have the same bill for both counties, and that bi•County negotiation broke down, and Nassau County continued to work with us, and that bill was passed unanimously. So the five recommendations that we are making will not bring the Suffolk County bill up to the Nassau County.

LEG. BARRAGA:

So even with the five recommendations, the Suffolk County bill would be less strong than the Nassau County bill?

MS. GROSS:

Yes. But we do feel that the Nassau •• that the Suffolk County bill, with these recommendations could be an effective bill.

LEG. BARRAGA:

All right. Thank you.

MS. GROSS:

So that's why we wanted •• you know, these five are really critical.

P.O. LINDSAY:

Any more questions? Thank you. Will Ford. Nice to see you, Will.

MR. FORD:

I'll be brief, Mr. Presiding Officer. I thank you for the opportunity to speak to the body. I'm an attorney in private practice, I'm also a member of the County Executive's African•American Advisory Board. I want you all to know

that housing discrimination isn't going to go away because this law is passed. Housing discrimination isn't going to go away in Nassau County because Nassau County passed the law.

The demographics of Long Island are changing rapidly, and this is not the same population that was here even ten years ago. That's why it's so important that you speak now and pass this law. It's critical to the orderly functioning of our County that you as body set parameters of lawful behavior. And to that end, what you all don't say is as important as what you do say. It's also critical that each of you continue to be vigilant as we in the community will be vigilant. And if it is determined that certain provisions need to be changed, that you be open and willing to make the changes that protect the rights of all the citizens of Suffolk County.

But I'm here tonight to speak in support of this bill. I feel it's a significant step forward. And I urge you all to pass the bill. I'd like to just commend Legislator Montano and Legislator Mystal for working so hard on this. I know that it's been a difficult work in progress up to this point. But I urge passage of this bill at this time. Thank you.

P.O. LINDSAY:

Legislator Viloria•Fisher has a question.

D.P.O. VILORIA•FISHER:

Hi. Good evening. Thank you for waiting all this time. Very briefly, the bill in its present form or with the amendments that have been recommended? I just wanted to clarify that.

MR. FORD:

The bill in its present form is a significant step forward for the County. The provisions that were passed in Nassau County are also significant. It's not really a case to me of either•or, it's a case of both•and. Both counties are making significant steps forward. It's •• discrimination is not a one•size fits all sort of issue. It's •• I feel it's very important that both counties make a positive step. I would hate to see the work that's been done to this point fail, because for whatever reason, these amendments are not part of the bill. The amendments are worthy of your consideration, but it's extremely important that we make a forward leap on discrimination, and it's extremely important that the County be able to enforce the law.

LEG. VILORIA•FISHER:

Thank you.

MR. FORD:

Thank you.

P.O. LINDSAY:

Thank you, Will. Howard Glickstein.

MR. GLICKSTEIN:

Mr. Presiding Officer, members of the Legislature, I am Howard Glickstein, the Dean Emeritus and Professor of Law at Touro Law School and a member of the Board of Directors of ERASE Racism. I have two points I would like to discuss. One is the Federal Fair Housing Law, the 1968 Act, specifically endows local governments to enforce Fair Housing Laws and encourages local government to enforce Fair Housing Laws.

The theory of the 1968 Civil rights Law was that local governments were in a much better position to enforce Housing Laws, and they did the same thing with Equal Employment Laws, than the Federal Government or the State Government, that on a local level, these issues can be more easily and quickly resolved. So this is just the opposite of preemption, this is a situation where the Federal Legislature encourages strong local enforcement. And that's why we'd like to see the strongest bill possible.

Let me turn to just one of the proposed amendments and explain why it is so critical that the word may in Section 12 •• 89•12C•7C be changes changed to shall. This section now provides that after there is a determination probable cause, after there is a determination that discrimination has occurred, the Executive Director of the Commission may refer a complaint, including complaints that are filed the Commission itself to an Administrative Law Judge. We believe that a referal should be required at this point. Considerable timely elapses before there is a probable cause finding, the complaint must be rude and an investigation strategy developed, witnesses interviewed, documents reviewed, a report prepared for the Commission and the Commission itself must deliberate and decide whether there is probable cause.

Under the bill as written, after what is likely to have been a significant passage of time, the Executive Director could decide to proceed no further, instead the Executive Director could advise the complainant that he or she

had a choice of going to the Bronx to proceed before the New York State Department of Human Rights, and that's where their office is, or hiring a lawyer and suing in court. The New York State Division of Human Rights is notoriously inefficient. Although state law requires that investigations must be completed within 180 days, 73% of state investigations have taken longer and some have dragged on as long as 14 years.

This certainly is not an effective way to ensure that the housing complaints of citizens of Suffolk County are dealt with expeditiously. The law as drafted also could result in Suffolk County losing money. One goal of the law before your county is to create a system where Suffolk County could be reimbursed by the Federal Government for disposing of housing discrimination complaints. If the law before you is determined to be substantially equivalent with the Federal Fair Housing Law, the Department of Housing and Urban Development will pay Suffolk County up to $2900 for each completed case. But a case is not completed if it is referred to •• if it is not referred to an Administrative Law Judge for final disposition.

Suffolk County will not be entitled to federal reimbursement if after spending considerable time and effort to reach the probable cause stage, it refers cases to the New York State Division of Human Rights. I have a letter from the Regional Director of HUD enforcing this law that says that each •• you'll get reimbursed after each completed housing discrimination complaint, after each completed housing complaint. I'd like to submit this for the record. One objection of changing may to shall is that it would be •• tie the hands of the Commission and prevent referring cases to the New York State Division of Human Rights in instances where such a referal was in the best interest of furthering fair housing enforcement.

It's been suggested that there may be cases where a big landlord or a big realty company is already being investigated and prosecuted by the state. If

another complaint is filed against the landlord or realty company with the Commission, wouldn't it be more efficient to refer this complaint to the state to be handled with the others already being processed? It would be. And this can be done under the bill as written and with the amendments we've proposed. The bill currently provides for administrative dismissals early in the process before probable cause is determined if the prosecution of the complaint will not serve the public interest.

Complaints dismissed administratively at this early stage can be referred to the New York State Human Rights Commission for processing. In short, it is not efficient, economical or fair to the parties of a housing dispute to decline to proceed with a case after it has reached a stage of probable cause finding. The Commission has ample discretion to dispose of cases before probable cause is found. Once probable cause is found ••

P.O. LINDSAY:

Please wrap up.

MR. GLICKSTEIN:

•• the Commission should be required to refer the case to an Administrative Law Judge. I thank you very much for this opportunity to appear before yu.

P.O. LINDSAY:

Don't disappear, we have some questions for you.

MR. GLICKSTEIN:

I urge you to pass a very strong Fair Housing Law.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Good evening, Dean Glickmann (sic). My son says hello.

MR. GLICKSTEIN:

Thank you. Say hello to him.

LEG. ROMAINE:

I will. Just a couple of questions. Let me understand. With the five amendments that aren't in the bill that your organization is recommending, if we see these cases through, we have the potential of getting reimbursed to the tune of almost $2900 per case; is that correct?

MR. GLICKSTEIN:

That's correct. If the case is completed, yes.

LEG. ROMAINE:

As the law is currently drafted by the County Executive, that is not the case; is that correct?

MR. GLICKSTEIN:

If a case is •• gets up the probable cause stage and is not fully disposed by the County, but referring to New York State Human Rights Commission, you would not get reimbursed.

LEG. ROMAINE:

So this could be a money losing situation?

MR. GLICKSTEIN:

It could be.

LEG. ROMAINE:

And your organization has attempted to meet with the sponsor of the bill, which is the County Executive, in terms of amending this bill?

MR. GLICKSTEIN:

There have been discussions on various levels over the year, yeah, including these very issues, yes.

LEG. ROMAINE:

Thank you very much.

MR. GLICKSTEIN:

Thank you.

P.O. LINDSAY:

Legislator Stern.

LEG. STERN:

Thank you, Mr. Presiding Officer. Hello, Dean Glickstein, good to see you. Just to follow up on what Legislator Romaine was saying. Your funding, obviously is a critical component of this legislation and this procedure going forward and out ability to prosecution these type of cases at the County level. We are asked to consider five possible amendments to this legislation. Are you suggesting that the legislation as proposed would not substantially comply with federal law unless all five amendments are made part of the bill?

MR. GLICKSTEIN:

No, we're not saying that. I think there's some question •• some question about whether the legislation would comply with the federal law if the may is not changed to shall and if the provision dealing with the revealing of conciliation agreements is not changed. There's some question. I mean, the Code of Federal Regulations spells all this out and not •• everything isn't crystal clear, but I think there's a good chance that it might not be equivalent.

LEG. STERN:

So the Federal Codes provides for a mandatory disclosure of mediation agreements?

MR. GLICKSTEIN:

Yeah. It's mandatory disclosure unless the Commission decides that it would be in the interest of the public to disclose it. Under the legislation as drafted, it could be kept secret if the parties decide that it's not •• that it shouldn't be disclosed. There's no requirement that it be •• that there be a public interest requirement that it not be disclosed.

LEG. STERN:

If I remember correctly from a couple of speakers before, the parties can agree together not to release the contents of the mediation agreement, but there was a standard that went along with that, wasn't' there?

MR. GLICKSTEIN:

It had to be •• the Commission had decide that •• if the parties agreed that it shouldn't released, the Commission also would have to decide that it was in the public interest not to release it.

LEG. STERN:

Could you give me an example of what that interest would be?

MR. GLICKSTEIN:

There could be some case involving a plaintiff and a defendant where the issues were very delicate or something, and they decided to not to release it, or there might be a case where there was subsequent proceedings •• cases of •• a similar case was going to come up, and they didn't want the initial conciliation agreement to be released. There might be some cases where you wouldn't want to reveal the conciliation agreement.

I mean, it's hard to think of any, because I think the value of revealing the conciliation agreement is that a conciliation agreement that imposes a penalty, a serious penalty, is a deterrent. And we would most like to see happen with this law is that it just be a deterrent against housing discrimination. And my prediction is that is this law is vigorously enforced initially and the County shows that it intend to enforce it, the number of housing discrimination instances will decline precipitously. I think today people do not believe accurately that there's an effective enforcement structure.

LEG. STERN:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Glickstein. I appreciate that.

MR. GLICKSTEIN:

Thank you.

P.O. LINDSAY:

Maria Williams. After Ms. Williams is Robert O. Hawkins.

MS. WILLIAMS:

Good evening, all. I stand before you evening on behalf of the Long Island Coalition of the NAACP branches with regard to IR 2027. The Long Island Coalition of NAACP branches commends Suffolk County Legislators Mystal and Montano and Suffolk County Executive Steve Levy for introducing this piece of legislation for passage and signing into law.

As you are aware, new fair housing legislation was recently passed and signed into law by your counterparts in Nassau County. The Long Island Coalition of NAACP branches would like to see this piece of legislation passed immediately, first and foremost, because it is necessary to stem the tide of

red lining rational steering and predatory lending in Suffolk County.

It is our understanding that ERASE Racism proposed changes to the proposed legislation in Suffolk County to ensure that effective enforcement measures will be put into place as a result of incorporating these changes into the current pending legislation. Nassau County's new fair housing enforcement will meet or exceed the provisions recommended by ERASE Racism. While we agree that the legislation as it stands is stronger than the current law, we strongly urge the Legislature to seriously consider adopting the amendments proposed by ERASE Racism. These amendments strengthen the law and help it to achieve substantial equivalence with the Federal Fair Housing Act, and it will unify Long Island in its stand against racist practices and civil rights violations in the area of housing.

While our time is limited to speak on the issue, we would like to take •• we would like to point out that in particular the ERASE Racism proposed change to Section 89•12 C 4G is not unreasonable. While the Human Rights Commission is already maintaining statistics and publishing them in their annual report, it is important for the Commission to keep statistics on the reason for administrative dismissals. For Section 89•12 C7, we agree that Sections E through G should be removed, because it gives the Executive Director the discretion of turning a case over to the New York State Division of Human Rights if probable cause is found.

In our experience, the State Division of Human Rights falls short in its efforts to prosecute cases of housing discrimination and discourages victims from filing complaints. Also, the NAACP is currently engaged in lobbying to reform the State Division of Human Rights. And until such time as this division shows its intent to do what is right and necessary to help victims of housing discrimination, we stand opposed to allowing the Human Rights Commission the discretion of sending a case there rather than having it placed before an

Administrative Law Judge.

Also, because there is no memorandum of agreement between the two agencies with regard to housing discrimination, the complainant would have to start the complaint process from scratch should they be send to State Division on Human Rights. This would place an unnecessary burden on the complainant. Once again, the Long Island Coalition of NAACP branches strongly urges the incorporation of the ERASE Racism amendments into IR 2027 and the swift passage of the legislation. Thank you.

P.O. LINDSAY:

Thank you, Ms. Williams. Robert Hawkins. Robert Hawkins. One last time, Robert Hawkins.

AUDIENCE MEMBER:

He had to leave.

P.O. LINDSAY:

He had to leave. Thank you very much. Bettye Easley. Bettye Easley.

AUDIENCE MEMBER:

I submitted her testimony.

P.O. LINDSAY:

Thank you. Ellen Israelson.

MS. ISRAELSON:

Good evening. I'm Ellen Israelson, I'm the Executive Director of the Long Island Chapter of the America•Jewish Committee. Thank you for giving me this opportunity to address you on this important issue. For those of you who are unfamiliar with America•Jewish Committee, for 100 years we have devoted ourselves to protecting religious freedom and civil rights.

Our mission is to combat anti•Semitism and all forms of prejudice and speak out when the right of any group are in jeopardy. Today I am here to express our support of IR 2027 and the proposed amendments to ensure the victims of housing discrimination have guaranteed access to local enforcement and that there is accountability for the handling of complaints. We applaud ERASE Racism for championing the effort to address the ineffectiveness of fair housing enforcement systems set up to serve the victims of housing discrimination.

I was asked to come here this evening because of the experience that American•Jewish Committee and I in particular had have had with the New York State Division of Human Rights. I currently coordinate a state•wide coalition to reform the New York State Division of Human Rights. This is one of the two agencies responsible for fair housing enforcement. And I have at numerous times had to report on the gross inefficiency of mismanagement of the DHR.

For three years, we have led this battle to reform what has now been a very disfunctional agency. This evening you have already heard that the State Division of Human Rights has failed to fulfill its mission. Several years ago, the State Division's practices were exposed during a trial in Federal Court on behalf of the New York State National Organization for Women. The evidence of ineffectiveness was profound. At that time, there were backlogs of up to 16,000 cases that had languished for an average of seven years. Some cases remained unresolved for as long as 14 years.

Although the backlog of cases has dissipated, the problems at the Division remain, including misuse of administrative convenience dismissals, discouraging complainants from filing complaints, failure to conduct genuine and adequate investigation, failure to vigorously prosecute cases where probable cause is found, lack of adequate redress, failure to understand the basic principles of discrimination law and failure to create a deterrent.

And if this is not bad enough, there have been reports of outright discrimination against clients who come to bring their cases before the DHR. Just a few of the egregious examples include refusal to assist clients who require translators, and most recently, it was reported to me the trials and tribulations of an interracial couple who were trying to bring their complaint and were told that they had simply brought their trouble upon themselves.

I'd like to take a moment to discuss in greater detail some of these problems, because they illuminate pit falls that should be avoided in crafting legislation for this County. First, let's take a look at administrative convenience dismissals, which were intended to be a rarely used device to resolve cases where neither probable cause nor no probable cause finding is appropriate. Instead, it has been used all too frequently to dismiss cases that have been neglected for so long, the DHR can no longer locate complainants or respondents have gone out of business.

Additionally, it was used to dispose of cases where the Division wanted to settle a case, but the complainant believed that the offer was not acceptable. These types of dismissals deny complainants their right to be heard and have •• and to have the cases resolved in a timely manner and be fairly processed. We are concerned that the proposed Suffolk County legislation may incorporate the same ability for administrative dismissals utilized so unfairly by the Division. This loophole can be closed by adopting the proposed amendments.

Unfortunately, the problems with the Division of Human Rights at the state level do not stop here. They have decreased their backlog by discouraging victims from filing complaints and by conducting superficial and inadequate investigations. We have seen in the information we are able to garner from the DHR, which is very difficult since there's such a limited amount of information that is currently being reported, that there is a disproportionately low number of cases with probable cause findings, almost a ridiculously low number, which is the result of insufficient staff, lack of training, shoddy investigation practices and virtually no oversight or supervision. In those cases where probable cause is found, the Division does not forcefully prosecute them.

Similarly the proposed Suffolk County legislation allows too much discretion after probable cause finding. Instead of vigorously prosecuting the case, it can be referred without a hearing or without even giving an adequate explanation of why it was dismissed.

P.O. LINDSAY:

Could you please wrap up, Ms. Israelson?

MS. ISRAELSON:

Sure. I just say in conclusion, the State Division of Human Rights creates no real deterrent against discrimination, nor does it avail any of the residents of Suffolk County to adequate redress. I would strongly urge you to adopt the amendments that people have described here and to pass a strong and forceful amendment that will allow for prosecution and for upholding the housing laws here in Suffolk County.

P.O. LINDSAY:

If you could just stay at the mike, Legislator Romaine has a question.

LEG. ROMAINE:

One quick question. Was the inadequacies that you described at the State Division of Human Rights brought to the of the County Executive when he drafted this bill?

MS. ISRAELSON:

We had provided information to various parties who were working on the drafting of the amendments, but we did not directly meet with him.

LEG. ROMAINE:

May I suggest that you forward the information that you brought to us tonight to the County Executive so he can be fully aware of the situation?

MS. ISRAELSON:

Yes, I will.

LEG. ROMAINE:

Thank you.

P.O. LINDSAY:

Diane Freedman. Ms. Freedman, you have five minutes.

MS. FREEDMAN:

Thank you. Good evening. Thank you for your patience, it's been a long evening. Let me first say that Robert O. Hawkins, who we passed over, I have what he was going to say, and I have a copy for the secretary.

P.O. LINDSAY:

Could someone from the Clerk's staff get that statement?

MS. FREEDMAN:

I would like to first state that I'm a clinical social worker. I do a tremendous amount of work with the transgender community, as well as I have a long history of working in •• with fair housing. So I have a very interesting perspective on this.

Let me first read what Dr. Hawkins, who is a Professor Emeritus from SUNY at Stony Brook has to write. "My name is Robert O. Hawkins, Jr. My doctoral degree is in human sexuality from New York University. I taught human sexuality related courses at SUNY Stony Brook for most of my 26 years there. I am here to oppose the substitution of the word sex for the word gender in the Suffolk County Human Rights Law."

"The proposed changing of the word gender to sex is a step backwards in history, an unusual step for the County that is generally in the forefront of equal rights for all of its citizens. Many years ago, there was little understanding of the complexity of human development; men had to become men, women had to become women, and in doing so, their roles were strict and narrow. I grew up in the segregated South where racial prejudice was assumed to be normal, where the word transsexual was unknown, where some mentally challenged folks were deemed stupid and laughable."

"In that time, sex was not only a behavior, it was also a classification of biological composition. One was either male or female, and depending upon which, one behaved in specific ways. The male sex engaged in specific sexual activities, and the female sex engaged in specific activities. Those were the rules, and there was little to no tolerance, let alone acceptance of variation of these rules. We have come to understand more of human development, and the word gender gradually replaced sex when it comes to discussion of biological composition and human behaviors."

"In the academic discipline of sexology, we discuss the complications that can occur in the most amazing of miracles, the development of the human fetus. We call the body's basic biological composition, or the somatotype, the gender of the person. That is how the chromosomes, hormones, internal and external genitalia and gonads develop. If one denied the amazing differences in fetal development that occur, one might say that we are either xx•female or xy•male. The reality is that this is simply not so, and therefore, not acceptable as an explanation except perhaps for accepting something to a very young child."

"The sociological component consists of two concepts, one easier to understand than the other. The easiest to understand is called gender role behavior. That is how one behaves as a male or female. The concept differs across the vast span of humanity with perhaps one exception; male roles are different in different cultures as are female roles. That exception being that females as opposed to males are impregnated and males providing the impregnating substance. The concept this is less easy to understand is that of gender identity. This is an inner sense of ones gender. One way to explain this is to imagine that you are doing something that your culture has defined as feminine behavior. If you are a female doing this, there is no problem, the two concepts match. But if you are a male doing it, you will probably feel a little uncomfortable doing it. But generally, you're not going to question that you are a male in a male body, and generally will not even consider that the two concepts are different."

"The place where this concept is clearly evident is when one has the biological somatotype of one gender, but the gender identity of the other gender. In other words, the role behavior of the individual may not reflect the gender identity, which may or may not reflect the gender. But generally speaking, many of us know in our minds that we are the gender assigned to ••

P.O. LINDSAY:

Ms. Freedman, your time up. Please conclude.

MS. FREEDMAN:

Okay. "When we come to sex, sex is a behavior not a simple concept. By incorporating the word sex, we are excluding a population of people that have been protected by our Suffolk County Human Rights Law using the word gender. In helping the Fair Housing Law, we are excluding the people that identify with gender." I please request that that change from sex be made to gender to fully represent all of the people of Suffolk County. Thank you.

P.O. LINDSAY:

Thank you. Reverend Roderick Pearson.

REV. PEARSON:

Good evening to our Presiding Officer and to all of the distinguished members of the Suffolk County Legislature. I am Reverend Roderick A. Pearson, the Chairman of the African•American Advisory Board to the Suffolk County Executive. And I would like to just read a statement from the African •American Advisory Board concerning the Human Rights Commission Bill and concerning the Fair Housing.

"On behalf of the Suffolk County African•American Advisory Board, we endorse the proposed legislation strengthening the law against discrimination

in Suffolk County and bringing the local law in conformance with federal laws against housing discrimination. We would like to thank Legislators Montano and Mystal and the County Executive for their efforts in presenting this proposed legislation to us. We have had a chance to review the proposed legislation and have reviewed the comments of many of our board members. We've also had the benefit of a legal analysis of the various parts of the law, and we have concluded to endorse it as a significant step forward in the fight against housing discrimination." Thank you for allowing us to be heard tonight. And we look forward to working with you on a strong bill.

P.O. LINDSAY:

Thank you, Reverend Pearson. Raphael Vasquez. Mr. Vasquez is not in the auditorium. Angela Davis.

MS. DAVIS:

Good evening. I'm Angela Davis. I'm here to talk about my experience with the New York State Human Rights Commission. Two years ago, I went to them because I was discriminated against. I went into a retail store, which I had been in many, many times. I was in my motorized wheelchair, I was stopped at the door and told not to come in any more without an aide, which I don't have because I live alone. I went right from the store to the New York State Human Rights Commission to report it. They took a report. They called me about a week later and did another report. They mailed me some papers, which I signed and sent back.

I have yet to hear from them. Again, I don't know whether they threw the case out or investigated it. I don't have no idea. I don't think •• I think that they are overburdened. And if you refer cases to them, it probably will not be handled. Thank you.

P.O. LINDSAY:

Thank you very much Ms. Davis. Theresa Sanders.

MS. ORTIZ:

She submitted testimony.

P.O. LINDSAY:

She submitted testimony. Okay. Aldustus Jordan.

MR. JORDAN:

Good evening. Thank you for the opportunity. I'll try to be brief. I will be brief and as least redundant as possible. My name is Aldustus Jordan. I have lived and worked in Suffolk County for over 30 years. I'm Associate Dean in the Stony Brook School of Medicine. I'm also President of the Black Faculty and Staff Association at Stony Brook. I Chair the President's Task Force on Campus Climate. I'm also the Chair of the Board of Directors for ERASE Racism. In addition, I was appointed Chair of the Suffolk County Youth Board by two separate administrations for a period of over seven years.

The fact that Long Island is the third most segregated suburban region in the nations is well documented. We can now say, unfortunately, that racism is a reality on Long Island. Stony Brook University is the largest single•site

employer on Long Island. Yet, the University continues to struggle with employing a workforce that is diverse, especially those who are African •American and Latino. Housing discrimination is cited as a major barrier.

At Stony Brook, faculty, staff and students consistently report instances of housing discrimination to the Black Faculty and Staff Association. I know of specific examples where medical students of color have been offered apartments over the phone, and turned down when the landlord would see them. In another instance, a world class African•American Physicist and Administrator left the University largely because of a persistent pattern of racial discrimination in housing that was a major barrier to hiring faculty of color.

Now, we've already heard that ERASE Racism has been in negotiations with both counties. Those negotiations were the result of a study that was released in April of 2005 entitled, "Long Island Fair Housing, a State of Inequity." The study revealed what others said tonight, that the enforcement procedures in both counties utilizing the Human Rights Commission and ultimately the State Human Rights Commission was quite ineffective. It was also reported that on August 14th, the Nassau County Legislature unanimously passed legislation with strong protections and a local enforcement system that is accountable through the Nassau County Human Rights Commission.

I might add that these are not bills •• or legislation for just people of color. There are 30 •• 13 classes of people protected in the legislation. I applaud the fact that Suffolk County has sustained negotiations with ERASE Racism and that a law has been proposed that strengthens the existing law for all of our residents, however, I am opposed to the law as now written. Put bluntly, the law falls short in a key area, and that area is enforcement. As currently written, the proposed Fair Housing Legislation would encourage a practice of

relying largely on the State Division of Human Rights for enforcement with the full knowledge of that agency's shameful and abysmal record on enforcement.

I encourage the Suffolk County Legislature to accept the amendments submitted by ERASE for IR 2027, which ensures that victims of housing discrimination have guaranteed access to local enforcement and that there is accountability for handling its complaints that are submitted to the Human Rights Commission. I view this as quality of life issue, and Suffolk County residents deserve no less. I just want to quote something from a tribe in Nigeria, the Ibos, "Not to know is bad. Not to want to know is worse. Not to hope, unthinkable. Not to care, unforgivable." The moment is now, the time is right. And I thank you for your time.

P.O. LINDSAY:

Thank you, Mr. Jordan. Michelle Santantonio.

MS. SANTANTONIO:

Good evening. Thank you. I did have an opportunity to address the Public Information and Safety Committee last week. I don't want to repeat all that I said before, but I did bring copies of my statement. And what I didn't get to talk about last time, I'm going to bring that up forward first.

My name is Michelle Santantonio. I am the Executive Director of Long Island Housing Services. We are a private not•for•profit fair housing advocacy and

enforcement agency, and we have been serving in Suffolk County since 1969. Our work includes education and advocacy to promote equal opportunity and treatment, improve housing conditions, advance consumer rights and protections, especially with respect to illegal discrimination. We deal with tenancy situations, home sales and insurance and mortgage lending.

Beginning in the early 70s, Long Island Housing Services has taken a fair housing lead on Long Island in proactively investigating illegal housing discrimination using testing when feasible to gather and analyze claims and filing complaints where evidence supports the victims claims under local, state and federal law. I've worked in this area since 1977, first with the Suffolk County Human Rights Commission beginning in '77, and I left the government in 1990 to work for this private fair housing agency, because I saw that there was •• I had the opportunity to be a lot more effective in that we weren't relying solely on the State Division of Human Rights to process •• I'll say process •• to try to enforce the law.

I brought with me copies of the Federal Fair Housing Act. There have been some references to substantial equivalence today. I mean, that's the goal of this what would be landmark legislation. I want to applaud the County Legislature and ERASE Racism for taking the lead on this sorely needed legislation. I can only punctuate the remarks that have been made with respect to the Division of Human Rights' inefficiency and ineptness and really under resourced. A lot of the workers, and I'm talking about not only the investigative staff, but also the legal staff, and also, we have seen some Administrative Law Judges don't know the law. We've had to point out to them in some instances even what's on their basic intake forms in terms of protected classes that are covered under the State Human Rights Law.

I certainly want to encourage on behalf of Long Island's Housing Services

passage of this legislation. It would mean for Suffolk County an ability to get funding from the Federal Government through HUD had for processing complaints that HUD would defer to Suffolk County rather than have to rely on the State Division of Human Rights. Long Island Housing Services, as a private fair housing agency assists victims of discrimination. We're a not•for •profit. We can take that advocacy role. And we very aggressively and assertively try to gather all the evidence that would tend to support a victim.

So I'm sorry to hear so many stories of people that relied without any kind of advocate. And yet, the administrative grievance processes through the State Division of Human Rights and HUD's Fair Housing Enforcement Office are geared to give some relief to a victim and to ensure equal opportunity and treatment without having to have a private attorney going to court, Federal Court or State Court. So I brought with me from HUD's website what constitutes substantial equivalence and certification regulations that I would like to share also with you tonight, as well as copies of the Fair Housing Act. Under Section 8•10F and Section 8•17, you will find references to substantial equivalent agencies.

I also want to point out that there are 66 local City and County Fair Housing Assistance Program Agencies throughout the country. Sixty six agencies such as what could be Suffolk County Human Rights Commission administering a substantially equivalent law that would essentially mirror the provisions of the Federal Fair Housing Act. I also want to say in our very vast experience in dealing with administrative complaints not only with the State Division, but HUD's Fair Housing Enforcement Office and in Federal Court, that ERASE Racism's suggested amendments to this what would be landmark bill are needed, because often ••

P.O. LINDSAY:

Please wrap up.

MS. SANTANTONIO:

•• often victims are forced into non disclosure, and HUD's enforcement manual and procedure calls for disclosure in every case unless both parties agree. And it really hampers people's ability to know that they can get some relief from housing discrimination. I thank you.

P.O. LINDSAY:

You're welcome. Donna Riley.

MS. RILEY:

Good evening. Thank you for this time. My name is Donna Riley. I'm Director of Transgender Services down at Legal Aide. And I've been asked to read a prepared statement by a friend of mine. The statement was prepared by Tom Kurdahy, an attorney who has worked in the field of Human Rights Law for nearly 20 years."

"I regret that I cannot be at this public hearing this evening to speak out largely in support of the proposed Human Rights Law. This legislation goes a long way towards ensuring residents of Suffolk County equal opportunity in housing, and perhaps even more importantly, greatly improves the opportunity to enforcement of the laws. However, it is with this conditional support that I must publically state that I can only endorse this legislation with the inclusion of transgender as a protected status in this law."

"Indeed I am confident that we can achieve this change with ease and efficiency. Prior to the proposed change, Suffolk County granted protection based on gender and had an inclusive definition of the application of the word gender for the purposes of the law. The proposed Human Rights Law erodes these protections and, therefore, must be changed. No Human Rights Law should diminish the rights of any County citizens."

"For the past several years, I have provided legal services to the transgender community. I have learned firsthand the devastating effects that discrimination can have on the community, and a community with so few protections under the law, ensuring all individuals the safety and comfort of a home in good covenants. Any Fair Housing Law must indeed be fair for all people. I am confident that the Legislature seeks to protect all Suffolk County residents as it prepares to adopt a new Human Rights Law. However, in its present state, the law does not achieve these protections."

"I'm reminded of the quote by Reverend Martin Niemöller on this important occasion in his view of World War II. "When they came for the Communists, I was silent because I was not a Communist. When they came for the Socialist I was silent because I was not a Socialist. When they came for the Trade Unionist I did not protest because I was not a Trade Unionist. When they came for the Jews I did not protest because I was not a Jew. When they came for me, there was no one left to protest on my behalf."

Today we must stand for everyone. If we do not speak out on behalf of the transgender community, there will no one to speak out for any of us. I urge passage of an amended version as well as this well intentioned but ultimately incomplete piece of legislation. Let's leave no Suffolk County residents behind as we seek to improve our Human rights Law. Thank you for your

time. And I'd be happy to speak with any of you about this improved language for the legislation."

I'd just like to add my own comments, that I'd like to acknowledge that both the Suffolk County Legislature and the Suffolk County Executive have indicated that they want to protect transgender citizens, and yet the current version fails to do so. In many areas, the proposed amendment seeks to dramatically strengthen the majority Suffolk County citizens' rights and simultaneously eliminating protection for transgender communities. I realize there have been many conversations on how best to include transgender. I'm personally in favor of the Rhode Island Statute, which as enacted February 6th, 2001, inserting gender identity or expression, real or perceived, as a protected class.

I do understand that much work still needs to be done on educating people about the importance of gender and gender expression. If the law was properly worded, it would go a long way to helping this cause and would be a clearly worded law to point to in the educational process. I've personal done over 200 •• in excess of 200 workshops over the last six years in colleges, high schools, clinical and institutional settings. In all of these workshops, all the audience members assumes that transgender people had rights and were protected. They were surprised when I told them the lack of transgender protection and •• that currently exists for a community that is often marginalized and dismissed. One of the primary problems has always been that, to the best of my knowledge, gender and gender expression has no legal definition in the County or State Legislation. To hypothesize how any of this current verbiage could be interpreted is not acceptable. I implore the County Exec• • the County Legislature to leave no persons behind with this amendment through their actions. Thank you very much.

P.O. LINDSAY:

Juli Owens. Ms. Owens, you have five minutes.

MS. OWENS:

Hello, again. I'm Juli Owens, Executive Director of LITAC, a Long Island Transgender Advocate Group. You may recall me from a public hearing last January when we met to discuss Resolution 1048, which was a local law strengthening the procedures and remedies of the Suffolk County Human Rights Commission. At that time, we spoke about the serious negative impact the bill would have on the transgender people of Long Island. The bill, while well intentioned, lacks specific wording that would protect transgender citizens.

The current Human Rights Law we live under has wording which includes the term gender in the protected classification of people. Gender is defined as both the biological and social characteristics of being female or male. This designation is extremely important because it eliminates any uncertainty our courts may have in protecting the minority transgender population of Suffolk County. Bill 1048 removed all gender references from its wording. You may recall that that bill was tabled. You may also recall a discussion that was held that day which included the idea that the bill's wording would be modified to ensure our rights would not be affected.

As I understand it, Bill 1048 was pulled in order to make way for Resolution 2027. Unfortunately, this bill also has eliminated and reference to gender, gender identity or gender expression. Because of the wording, this bill has eliminated transgender citizens as a protected class. Because of this wording, Suffolk County will lose its position as a leader in civil rights. Suffolk County currently is one of only 70 American cities or counties that have transgender inclusive discrimination laws. I am proud to live in a socially responsible county that is concerned with protection of all minorities,

including transgendered people.

I would like to take a moment to define what the word transgender means. Transgender is an umbrella term used to describe a community of people who regularly present a gender different from the sex assigned them at birth. Being transgendered means facing a life of secrets, shame and embarrassment. Many of us cannot be the people that we are, cannot express how we feel on the inside, because we are constantly hounded be the fear and danger of discover. Our community experiences hate crimes on regular basis. Those of us whose feelings and emotions cannot be hidden face severe discrimination when securing housing, public accommodations and employment. These are exactly the three rights that the original Human Rights Bill was created to protect.

We all understand the importance of strengthening the Human Rights Commission in Suffolk County. We support this undertaking and applaud the concern that it originates from. However, if the bill's intent is to protect Suffolk County minorities, it will now exclude one specific minority group, the transgendered community.

In summary, we need you to defend us as you would any other minority. We are asking you to table this bill. We are asking you to come up with language that will protect our transgendered brothers and sisters. We are asking you to care for those who suffer because the gender they feel inside does not match the physical form they were born into. We are asking you for your help and protection, because we cannot do it alone. We are asking for basic human rights. Thank you.

APPLAUSE

P.O. LINDSAY:

Thank you, Ms. Owens. I don't have any other cards on this public hearing. Is there anyone in this audience that would like to speak? Please come forward and identify yourself for the Clerk.

MS. RUSCH:

Good evening. My name is Jessica Rusch. Thank you all for taking the time to listen to me. I'm a woman who's of the transgender experience. Now you may think this doesn't affect you, this doesn't affect anybody in this room, but it really does. I was born in a class •• middle neighborhood.

P.O. LINDSAY:

Can you please speak into the mike.

MS. RUSCH:

I was born in an upper class middle (sic) neighborhood. Maybe some of you have heard of it, Head of the Harbor. I look before you today, I'm sick, I can't get proper health care, I was fired from my job that I worked at for many years, paid taxes into, and today, I am left on Social Security, because I can't obtain employment. I was fired from my job, and I can no longer work. All because the word transgender expression or gender identity was not included in the protection, in my protection back in the Year 1998. Two years later, it was adopted into it in 2002, I believe.

But today, I have to go to the clinics, I can't get good health care, all because I lost my job because of discrimination. If any of you want to discuss the matter, I've been in the audience all night. I'm happy to sit here and sit through pain and sit through the wait. I've lost my family members due to this, I've lost friends due to this. So I'm not some abstract person to just •• you put an umbrella name of transgender. There's so many different avenues of it, so many different expressions and people covered under this term umbrella. But, please, include transgender expression and identity and keep that in the law. Thank you.

P.O. LINDSAY:

Thank you. Could someone from the Clerk's office make sure that the additional speakers sign cards. You wanted to speak, sir?

MR. RUBINO:

Hello. My name is Felice Rubino. I'm on the Suffolk County Gay Democrats. I represent the Town of Babylon. I'm also with Legal Aide. I'm on the Board. Like I said, I believe in what they're saying, the transgender. And I hope you guys pass this. Thank you.

P.O. LINDSAY:

Thank you very much. Did the County Attorney want to talk on this bill as well, or do you want to wait until the hearing? We have to recess it anyway.

MR. SABATINO:

Well, actually, both the County Attorney and I wanted the opportunity to

speak. Paul Sabatino, Chief Deputy County Executive. First of all, just to put some historical perspective into this entire process, I think the starting point's got to be where we were in the past and where we are today. Number one, I've been in the County for 30 years, and this is the first time in 30 years that a County Executive and a County Legislature working together, thanks to the efforts of Legislators Mystal and Montano, are attempting to address the very serious issue of discrimination in housing in this County.

I was here when County Executive John Klein was here, did not want to touch the issue. I was here when County Executive Pete Cohalan was here, did not want to address the issue. I was here when County Executive Mike LoGrande was here, didn't have enough time, but I don't think he was inclined to deal with the issue. It was not on Pat Halpin's radar screen during his period of time. It clearly was not on the radar screen of County Executive Bob Gaffney. And, in fact, when Legislator Postal attempted to go forward in 2002 and address this very issue for the very reasons that have been articulated today, she met resistance, no cooperation from the County Attorney's Office, no cooperation from the County Executive's Office. And that's why we're here today with the need to try to get the right kind of legislation in this County to address the issues.

So the starting point today is that we have no law on the books that effectively deals with the issue of discrimination in the sale, rental or financing of housing in this County. To the credit of, again, Legislator Mystal and Legislator Montano and the County Executive, we have two years, I have personally been involved since April or May of 2004, the County Attorney was involved since March of 2004, the County Executive has been involved literally on a line by line basis going through the various drafts of legislation to get to this historic moment in time when we can really make a difference and pass a law that is going to actually have an impact on routing out discrimination.

So we're at 97% of what may be an absolutely perfect bill, and I think that the debate has shifted away from reality, which is that right now we have nothing. There is nothing on the books that provides protection. We keep getting, with all due respect to ERASE Racism, what I consider to be a shifting list of •• of changes and proposals and amendments. I mean, for two years, I've personally been involved. And I've got the patience to deal with difficult legislation. I've drafted some of the toughest bills and most dramatic bills in the history of this County where I had to deal with a lot more groups than just one, you know, using the Smoking Bill as an example.

And this is like trying to nail Jell•O to a wall. We reach agreement on 15 provisions, I think that we've nailed it all down. I specifically say in a phone conversation, "Are these the last 15 issues?" And I literally on the telephone go through one, three, four, right through the list. Yes, we have had agreement. We nail down the language on those bills. We clearly state two of three of those issues, philosophical differences between the County Executive and ERASE Racism, and then two days later is a new demand for seven different changes that were never discussed in the prior conversation. So that's been the history for two years.

At some point, you really just fish or cut bait. We think we're at that point. There's one additional modification that we're going to be making based on some conversations I had with Legislator Cooper and Legislator Mystal earlier today with regard to very technical wording in the issue of gender, you know, versus sex to try to deal with this other issue based on previously existing legislation, which I don't think will be a problem. But at some point there has to be finality. And this notion that somehow ERASE Racism contacted either myself or the County Executive or the County Attorney in the last two weeks either by telephone or by letter is simply not true.

I was literally handed by the County Attorney two minutes before I got up to

the podium a copy of this latest list of proposals, which Legislator Montano was kind enough to give to the County Attorney, I guess, maybe 15 or 20 minutes ago. In looking at the list really quickly, a couple of those points are simply philosophical in nature. The County Executive has basically said that he just doesn't agree on a couple of points. What's one of the big points? One of the big points is that this notion of being able to refer matters to the State of New York. Put this, again, in perspective, okay? The surest way of letting the New York State off the hook with respect to all of the problems that have been alleged before, and we agree, all these problems exist, but the one way to guarantee that those problems are never solved is to say absolutely under no circumstances will another case ever be sent to the State of New York.

Our view of the world, which is a slightly different philosophical one is that you lead by example, you put the pressure on the state and you keep the spotlight on them. So we believe that if we pass our legislation, we start to make an impact, we start to prosecute the cases, you show the State of New York that it can get done, it can be done. You keep the pressure on them so that in those instances in which it might be more advantageous to link together the multiple cases that might be occurring by one large renter in more than one county, it might make sense •• if one of these particular realtors is engaging in the same activity in 32 counties, it might make sense to have the State of New York pick up the 32 cases in 32 counties. That would be an example of a referral.

So, again, we think you keep the spotlight, you lead by example, that's how you bring about change in the State of New York. Another comment that was made about the $2900 reimbursement that may or may not be lost if the cases are referred to State of New York, let me be really clear about this. This legislation is not about making money. The comment was made that, well, you'll be able to make money. It's not about making money, it's about getting a tough first•of•its•kind historic anti•discrimination housing bill on the books in Suffolk County.

As a practical matter, $2900 for an individual case is not going to cover the cost. So this notion that somehow we're losing out because we refer one case to the State of New York that might have state•wide implications is going to have a dramatic impact on Suffolk County's revenues is simply not true. And the close out point is that some comments were made, which this is first time I've heard these, tonight, was that our legislation as proposed is not going to provide substantial equivalence with the federal requirements. It's simply not true. It's been stated over the last two years that we have had this conversation that the proposed changes we're making do bring us into substantial compliance. So that's totally completely a red herring. In terms of any specific questions about these three or four provisions that were mentioned in the letter to Legislator Montano, the County Attorney will be here to address those.

D.P.O. VILORIA•FISHER:

Paul, I just had ••

P.O. LINDSAY:

Before you sit down, Paul, there's a couple of questions. Legislator Viloria •Fisher then Mystal.

D.P.O. VILORIA•FISHER:

Paul, I just have a procedural question for either you or Legislative Counsel. As you know, we have a rule in the Legislature regarding substantive changes when we've already had public hearings. Now, if we were to make •• if they were to make changes •• if you were to make changes on this, for example,

changing the word sex to gender or any other changes or amendments, would you have to reintroduce, or because it's still being recessed, it's okay to make those changes?

MR. SABATINO:

Well, there are two answers. One answer is that for technicals reasons the hearing is going to be recessed anyway, but even if it were not, the change we're talking not with respect to gender is not substantial in nature for the simple reason that we've already got case law that says the wording we've got already covers the issue, but just like a belt and suspender approach, we're going to modify that language to reenforce it. Si it would not a substantial change. But either way, we're okay.

D.P.O. VILORIA•FISHER:

Okay. So if you made changes while we're recessed ••

MR. SABATINO:

We'll be fine.

LEG. VILORIA•FISHER:

We'll be fine.

MR. SABATINO:

You can still vote on it at a subsequent meeting, hopefully the first meeting of September.

LEG. VILORIA •• FISHER:

Okay. Thank you.

P.O. LINDSAY:

Legislator Mystal.

LEG. MYSTAL:

Good evening, Paul. Just taking a historical perspective, this has been, for me, a 16 year fight as you know. When Maxine first came to this Legislature, you know, the first thing we tried to do when you were the Counsel, we tried to fashion a bill like that. In 2002, when we finally •• and I can say I was intimately involved, I more or less wrote that bill with your help, and we sat for many days, you know, in your office and tried to craft a bill that would be acceptable to the then majority in the Legislature and then the County Executive, it went nowhere.

When I first took office in March of 2004, the first thing I did was to introduce the bill, and I let the bill •• not because I didn't think I had the vote, I didn't think •• well, A, I know I didn't have the vote to pass it, but, B, because I was conscious in trying to make amendment after amendment after amendment after amendment. This has been an ongoing process of amendment after amendment and discussion after discussion, discussion after discussion. We are at a point right now where we can pass the bill. Is

it perfect? Probably not. But if it's not perfect, I think I'm going to be here next year with the law, you know, granting me one more year, I don't know if the voters will put me back in office in November of 2007, but I know I'll be here next year if I'm not dead. Quite possible I could be dead, but if I'm not dead, I will be here next year.

If this bill with the changes that we do make, if we do make some changes, my intention is to pass the bill. If I need to tinker with it, if I need to fix it, if it is not working, I have next year to revisit it, because I've been at it for 16 years now. And where I come from, you know, we have an old saying, you've been in jail •• you were sentenced for 101 days and live for 100 days and you hang yourself on the 100th day. I'm not going to do this. I'm not going to hang myself on the 100th day. If I can pass this bill with minor changes, I will pass it. And if I must revisit it next year to make changes to it because it's not working and it's not the way I want it, and if I can get people to agree with me at that point to change it, I will do that. But at this point, I have the votes, I think. I'm looking at my people around here, you know, because this is •• for people who do not understand the fluidity and the making of this Legislature, it is very, very possibly that this bill will pass with ten votes. Maybe. And it's very, very possibly I won't get ten votes. But if I have ten votes now, it doesn't mean I will have ten votes a month from now or six months from now.

LEG. ALDEN:

Keep talking, you are losing them.

LEG. MYSTAL:

You got it. I'm going to shut up then.

P.O. LINDSAY:

You want to take a vote on hanging yourself on the 100th day? Legislator Montano.

LEG. MONTANO:

Thank you. Paul, you know, I want to compliment you and the County Executive, because your historical perspective is correct. This bill is a long time in coming. I'm not competing with Elie, but I was the director in 1981 when we first •• when you were in the County and we first wrote a bill. And we have finally reached a point where we have a real good bill on the table. But there are •• you know, I did fax over this afternoon a copy of five points that were raised by ERASE Racism, and while I haven't agreed to any changes or proposed changes, I would like an opportunity for us to discuss those five changes or recommendations to see whether or not they are substantive, whether or not they, you know, they are actually needed. And this is •• we rolled our bill, when I say we, I mean Legislator Mystal and myself, we rolled our bill into the County Exec's negotiations so that we would have a unified bill. We have a really good bill.

I think this bill •• this hearing has to be recessed in any event because of the technicality, but I think it is important. Now we have definitively •• and I don't know the history of your relationship with ERASE Racism, I've heard reports, both sides, I really don't want to get involved in that, we have five issues that are concretely on the table, the County Attorney, I understand, is aware of them now. I've had a meeting with ERASE Racism, I don't think Elie was •• Legislator Mystal was able to be there, so I haven't briefed him on that. And then we have the other issue, which had to do with the

transgender, which really I believe was an oversight on both occasions.

I would like an opportunity for us to meet before any changes, because this is a bill that really has three prime sponsors; the County Executive, Legislator Mystal and myself. So rather than go in three directions, I think we need an opportunity to just sit down and see whether or not these •• and I think you got short changed with respect to your notice of the requested changes. These are in writing. I don't know why that happened, and I really don't care at 11 o'clock. But the point is that we do need to get together on that. And I just want to make sure that we don't have changes, so that we don't change it once, twice or three times. I think we can agree on that; am I correct?

MR. SABATINO:

I absolutely agree. We welcome the dialog as long as it's governed by the rule of reason. You know, these are the final five statements in that piece of paper, we'll take one more look at the, governed by the rule of reason.

LEG. MYSTAL:

As long as it's not tomorrow. I'm not meeting with anybody tomorrow.

LEG. MONTANO:

Well, tomorrow will be in 50 minutes, Elie, so don't go anywhere. All right. Thank you, Paul. I appreciate that. And I hope that satisfies the concerns of ERASE Racism and the transgender community. We are going to look at this and then come up with a final product real soon; am I correct?

MR. SABATINO:

Yes. We are committed to making historic legislation get achieved at the next Legislative Meeting in September.

LEG. MONTANO:

And I really have to commend you on this one. I really do. Thanks.

MR. SABATINO:

Thank you.

P.O. LINDSAY:

Christine, did you have any other comments?

MS. MALAFI:

If anyone has any questions.

P.O. LINDSAY:

All right. I'm make a motion on IR 2027 to recess.

LEG. MONTANO:

Second.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

2028 (A Local Law authorizing the establishment of a Suffolk County Local Development Corporation for the purpose of developing WI•FI Network in Suffolk County). I don't have any cards on this issue. Is there anyone in the audience who would like to speak on 2028? Hearing and seeing none, I'll entertain a motion to recess by Legislator Horsley, seconded by Legislator Barraga. All in favor? Opposed? Abstentions.

MR. LAUBE:

16.

P.O. LINDSAY:

2029 (A Charter Law to simplify and clarify Operating and Capital Budget Property Tax Impact Statements). I have no cards on this issue. Is there anyone in the audience who would like to speak on IR 2029? Seeing none, I'll entertain a motion by Legislator Mystal to recess, I'll second that motion. All in favor? Opposed? Abstentions.

MR. LAUBE:

16.

P.O. LINDSAY:

Public hearing on **Procedural Motion Number 7 (Review and modification of Agricultural Districts in the Towns of Brookhaven, East Hampton, Riverhead, Southampton and Southold).** I have no cards on this issue. Is there anyone in the audience who would like to speak on this issue? Seeing none, I will make a motion to recess, seconded by Legislator Viloria•Fisher. All in favor? Opposed? Abstentions.

MR. LAUBE:

16.

P.O. LINDSAY:

I'd like a motion to set the date for the follow public hearings of Tuesday, September 19th, 2006, at 2:30 p.m. at the General Meeting of the

Legislature in the Maxine Postal Auditorium in Riverhead, New York; the 2007 Operating Budget, the Southwest Sewer District Assessment Role and IR 2045, a Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenue.

[SUBSTIUTION OF STENOGRAPHER • DIANA KRAUS]

P.O. LINDSAY:

Motion by Legislator Viloria•Fisher. Do I have a second? Second by Legislator Barraga. All in favor? Opposed? Abstentions? Okay. Back to the public portion.

MR. LAUBE:

16.

P.O. LINDSAY:

I'm going to do this very quickly. Call your name once. Hopefully you're not here, we'll move on. Nelson Klein? Charles Cassar? Gregory Truiz? Jack Monti, Jr.? John McConnell? Michael Cerce? Nick Guida? Joanne Steigerwald? Dr. Arnold Wallace? Douglas Steigerwald?

MR. STEIGERWALD:

Okay. I have something to wake you up with.

P.O. LINDSAY:

Okay. Mr. Steigerwald, you have three minutes.

MR. STEIGERWALD:

My name is Douglas Steigerwald. I am supporting Kate's resolution to close the trap and skeet. My wife and I moved into the area a year ago. And we did our due diligence. Just to wake everybody up, this is what we listen to in the community. This is a 30•second clip.

(Tape recording was played for the Legislature)

This is •• these are (inaudible) doing a study on. (Inaudible) registered 75.5 decibels at a meeting on July 25th. This is five days a week, nine in the morning until five o'clock at night. Children are are leaving their homes because when they're sick they can't sleep well. People who need to sleep during the day cannot. An autistic child could not attend a party the other night during the afternoon.

(Tape recording finished)

This is the kind of stuff that goes on in the community. You've heard from the supporters that gun noise is not a problem. You're welcome to come over and have lunch with us on a Sunday morning and see if you stay. Joanne and I did our due diligence buying our home and contacted our then Legislator Foley and was told there would be a slim chance that the range was to open; town noise laws existed to protect us. There would be good sound mitigation put in place if this was to open. There are no environmental

concerns. And also the County website stated that this facility was closed.

After volunteering close to ten years with Brian Foley, I know that Brian would not make a decision to open a dangerously unhealthy facility that forces people to live a living hell; breaking laws •• local law and polluting the environment.

The only conclusion I have, then, is that Legislator Brian Foley along with many other Legislators, based their decision on mis•information in deciding as a Legislator to add something more to do in a park of the County •• makes sense and also protecting your residents. What's failed here is a park that protects the residents. There's no sound mitigation that's properly put in place. And there's no plans to put such in place that we see today. Commissioner Foley has stated that a wall would be too expensive. It's long and it's going to be very ugly. I don't think that's a reason to put us in a living hell.

Today Town Supervisor Brian Foley, Council woman Keppert and their legal department are gathering information to prove the violations that are going on in the Brookhaven Town which has control over the noise that comes off range per the County lawyers. Sound mitigation has always been a problem. Back in the 1960's, the {Glover} family was paid a monthly stipend not to complain. Today there is still nothing there to protect us. I'm also the liaison to Connie Keppert.

P.O. LINDSAY:

Could you wrap up, Mr. Steigerwald?

MR. STEIGERWALD:

Surely. Some of the things I've had to report, a family had to leave their home with a sick child that could not sleep. New York City fireman, Howard Karpluk, could not sleep during the day; and there are others. A family with an autistic child could not attend a family gathering this weekend. Autistic

children cannot handle loud noises. We had a family who moved into the area, two prematurely born babies. They were scared to death that something was going to go wrong. This is what goes on in our community. We're not against the sport. We're just against where it is today. There's also lead •• there's many other concerns. I know it's very late.

P.O. LINDSAY:

Please wrap up.

MR. STEIGERWALD:

I will. There is handicapped access at the park in Ridge. That's about it. You basically have everything. I support Kate Browning. She's been very good with us standing up and hopefully affect a positive change. I'd just ask you all today to right a wrong because the decision was based on •• not complete information in place at the time. Thank you.

P.O. LINDSAY:

Joe Cavaliere. I believe he left already. No. Are you Joe Cavaliere?

MR. CAVALIERE:

Yeah. There was another one here before. That was about the immigration. Yes, my name is Joe Cavaliere. I'm from Yaphank and I support resolution 1738. I ask any Legislator opposing Kate Browning's resolution 1738 to ask themselves the following. Have you been down to the gun range to hear

what a war zone sounds like at nine AM Sunday morning and try to tolerate this noise for eight hours? Have you studied the affects of repetitive noise on the human nervous sytem? Have you taken the time to study the effects of lead dust dangers from outdoor ranges? Lead dust is a separate issue from the ground contamination. Are you aware of the town noise laws which are violated everyday? Are you concerned for the children's safety since 1200 feet of fence are wide open and the range still operates? Are you cognizant that the County revenue from the vendor is only $29,000 a year; add financing to this and you need almost 30 years to break even. Do you realize that the shooters for the past five years have simply shot at nearby ranges like Ridge?

There are no logical or moral reasons not to vote for Kate Browning's 1738 if you believe family, children and homes trump shooting clay birds. I do not •• I did my due diligence when I bought my house. There were two noise laws in effect at the time; the County and the town and the Pine Barrens Protection Act of 1993 to protect me. The County did not do their due diligence because they were well aware of the tremendous and valid opposition to the shooting of guns next to the peoples' homes. Your job as elected officials is to make a positive difference in the lives of residents. And certainly locating a hobby that creates noise and lead pollution in the middle of a residential area is not conducive to enhancing anyone's life.

Each time shooters come up here to speak, they make the same •• they make only one point. My name is John Doe. I'm from Wantagh or I'm from Woodbury or Northport or Islip. I want to shoot my gun next to your house and I could care less about your home, your family or your children. What kind of justification is this for ruining our lives? The second amendment says nothing about wrecking neighborhoods and parks. The NRA website today has asked its entire nation wide membership to contact our local Legislators to pressure them into appeasing the shooters and in turn ruining our neighborhood. But I have faith you will vote as if this were your own homes and family and do what any clear thinking person would do. Vote yes to

1738 and put our homes and family ahead of shooting clay birds. Please don't succumb to the NRA re•election threats. Thank you very much.

P.O. LINDSAY:

Thank you, Mr. Cavaliere. Al Santos? Al Santos. Charlie Stacke? Charlie Stacke? Ken Christensen? Gil Anderson? Gil must have gone home. Jiulio Verrelli? Jiulio Verrelli? No. Joan Cergol? Diana Weir? Ken Christensen? Allan Binder.

MR. BINDER:

This is my nightmare. Welcome to my nightmare. Of all the meetings I could have come to, this had to be the one. Of all the joints. Again I'm here. I'm representing Association of Builders and Contractors. I'm here to talk about 1884, which you're looking at voting tonight maybe if you get to the resolutions. The concern with this legislation basically is a number of things. There's no due process involved with this. This is a local law to ensure payment of fair wages and enforcement of job site safety standards on public projects. We care very much about safety on public projects, on job sites. Our record is very positive. In fact we did a ten•year study in the middle of the '90's and actually non•union job sites were safer than union job sites. But when you look at this, what you have is a bill that has no due process. If you're convicted or determined by the Department of Labor or the County of Suffolk for violation of the whole chapter 31 of the Labor Law in New York State, or Chapter 347 Laws of Suffolk County or any provision of state or local law protecting workers' safety, or it could be interpreted that way, that means it could be determined by Suffolk County •• who in Suffolk County I don't know •• but if someone determines that a company in Suffolk County is determined to have violated maybe one provision, one tiny small provision •• because what it doesn't say is what level of violation. You don't have to be convicted, just determined to be. And then you are now not a responsible bidder. And so that's a real problem.

And on top of it you have •• at the end of it you say that it could be gone over by the Commissioner. They can take a second look depending on the size and the violation. We don't even say which Commissioner. So you don't even know who the Commissioner is that can take a look at it. I would hope at minimally you would table this. I would like to •• I guess I'm going to call the County Exec's Office and see if there's something we can talk to them about; if there's something he wants to do. We don't mind if someone has a real solid violation of safety for workers and that they're not responsible, well, that's fine. But it should raise to a level of not a small mistake. It should be a real safety problem; maybe a pattern of safety problems. Maybe two, three, four, you know, it's a regular thing that happens. And then it's understandable.

So what I would ask is that hopefully you won't go forward with this at this point. And that there be some reconsideration. And we can have •• or ABC would like to have some dialogue with the County Executive and we'll do that. And maybe we can amend this a little bit more so this would be something that really should be passed to protect the safety of workers in Suffolk County. Thank you for your attention and I'm going home so have a good time, guys. I can.

P.O. LINDSAY:

Andy Nevros? Andy Nevros. Okay.

MR. NEVROS:

Good evening. Thank you for your time. I appreciate it. Question for you. Have any of you gone out to Suffolk and actually shot out there? Tried it

out? My father gave me the bug around '71, '72. And I've had it ever since. My dad four years later in '76 formed the Long Island Trap Shooting Federation. It put Suffolk Trap and Skeet on the map nationally because they tied it in with the ATA, which is the Amateur Trap Shooting Association; made all our shoots that we had there sanctioned which brought in multiple shooters from throughout the country when we had major shoots. And he also ran the winter league which also brought out other shooters from the tri •state area. They came from New Jersey. They came from Connecticut as well as Upstate New York because it was run that well out there. It's a great sport. And it goes through generations to build it up so that, you know, it just grows and it doesn't stop. That's basically all I have to say. Anyone have questions?

P.O. LINDSAY:

Thank you, Mr. Nevros. Thank you.

MR. NEVROS:

Okay. Thank you.

P.O. LINDSAY:

Tom Breeden. Is Tom still here? Nope. Denise Bartolomeo? Denise Barolemeo? Stephen Anderson? Jim Claffey? Ruth Gaines? Michael Leleygand? It's very hard to make out •• I might be mis•pronouncing it now. Larry Cowden?

MR. COWDEN:

Good evening, ladies and gentlemen. My name is Larry Cowden, United States Navy retired 21 years, submarine and surface ships. What I am is an avid sportsman. I'm a hunter, a father as well as a supporter of the right for the Trap and Skeet Range to remain open. There are a number of reasons for that. I am not from here as some of you may assume. I'm a transplant from Nebraska. Now back there we have a little bit different take on this issue here. Our take is that guns •• and the way I was brought up, it's a way of life with us. Guns are a tool. The guns bring families together; is a sporting event as well as a means of self•defense and means of practice for future occasion should they arise. Right now we have one going on in Iraq. The boys and girls that are over there right now, my fellow veterans that are fighting over there, many received their basic training probably from their fathers as they grew up. Just as I have taught my children from the age of seven on up. I started them with black powder rifles as my dad started me with a rifle when I was six.

So the issue of the Trap and Skeet Range remaining open is highly critical to the safety and welfare of your children as well as other children because for every child that is taken to that range and given thorough instruction in the handling of firearms and safety, you have guaranteed the survival of not only that child but his children and the generations that follow. I can attest to this in my 52 years on this planet. I have had the misfortune of having been shot at and hit. I've also been shot at and missed. Fortunately the last time I was shot at, the guy was such a poor shot that he missed me despite four rounds; however three rounds from my 12 gauge discouraged him and he took off.

I've also had the unfortunate circumstance of getting called home because my son had to defend the home with a shotgun against a forced break•in. I've had to defend my home against a forced break•in with shotguns. It is the sad nature of the way life is today. But since I've been on this Island from 19 •• well, actually from 2001 on, I have watched a steady and slow increase in the rate of home envasions using violence to break in in which on homeowners have been killed. There have been some turn arounds in which

the homeowners were successfully able to defend themselves with the use of firearms.

Ranges such as the Suffolk County Trap and Skeet when they implement firearm safety courses ••

P.O. LINDSAY:

Your time is up, Mr. Cowden. Please wrap up.

MR. COWDEN:

•• as well as teaching •• okay •• as well as teaching their children and bringing the families together is a means of assuring family security. As to those that would have the range closed for their own profit gain, we have a saying back in Nebraska that you just can't legislate common sense sometimes. If you don't like the smell of the hog farm, don't move there. Move some place else. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Thank you very much.

LEG. MYSTAL:

I have one question. I have one question, sir.

P.O. LINDSAY:

Hold on.

LEG. ALDEN:

Public portion. You can't ask questions.

D.P.O. VILORIA•FISHER:

You can't ask questions. It's public portion.

LEG. MYSTAL:

Oh, no questions?

P.O. LINDSAY:

Mitchell and Matthew Weygand. Ted Lucki? Nancy Bruno? Michael Cohen? Lisa Collie? Reinaldo Torres? Jim Castellane? Michele Schwarz? Brian Russell? Christopher Fausett? Ricky King? Edward J. Ferrelly? Dale Rosenblatt? Michael Potter? Shirley Aldalbo? Gustavo Oliva? Sophia Toya? Michele Lynch? Donald Cusack? Captain Adam D'Angelo?

CAPTAIN D'ANGELO:

Good evening and thank you for your time, ladies and gentlemen. I was actually out shooting at the trap range about a week or two ago when we had a sixteen•year•old kid that was on the line shooting trap with us. And I was just thinking, you know, the kid was doing so well at 16•years•old that, who knows, he might be the next kid that could be in the Olympics and bring home the gold medal for us. He could also shoot his way through school because colleges do give scholarships for shooting. So, to close down the Suffolk Trap and Skeet would be terrible because it would give people a place that, you know, they would not be able to practice. And the father said to me, he said, the reason we don't go out east is because it's too far and we have other obligations on a Saturday or Sunday. But the kid is able to get there early in the morning with his father and practice for an hour or two. And to take that away would be terrible so I'd like to see Suffolk trap and skeet stay open forever. Thank you.

(APPLAUSE)

P.O. LINDSAY:

And the last card is Peter Lanteri. Peter Lanteri?

[RETURN OF STENOGRAPHER • DONNA CATALANO]

P.O. LINDSAY:

Okay. We're going to go to the agenda. If you bear with me, I want to

address •• take, like, four bills out of order that are time sensitive, and then I'll entertain any other motions and we'll go to the agenda.

First I'd like to do the Consent Calender. And if you go to Page 7, there's two bills at the top, 1927 and 1928, have been withdrawn by the County Executive. So I would entertain a motion to approve the Consent Calender with the exceptions of 1927 and 1928. Motion by Legislator Barraga and seconded by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I'm jumping around a little bit, and I'm doing it for a reason. If you go to Page 15, resolution •• IR 2032 is a rule change, and the reason that that is being taken out of order is because it would affect in some of the other bills that we're going to address right after it, all right? It Takes affect immediately. **2032 (To amend Resolution No. 2 • 2006, the Rules of the Suffolk County Legislature).** It's the rules of the Suffolk County Legislature, so it becomes effective immediately. I would entertain a motion.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, do I have a second?

LEG. MYSTAL:

Second.

P.O. LINDSAY:

Second. I'm going to ask Counsel to explain the rule change.

MR. BARRY:

Earlier we passed a Charter Law that incorporated some of the early rule changes that went into affect about closing a public hearing and then making amendments that were substantive. We then changed the Charter to say that if you close public hearing and make substantial changes, the public hearing doesn't need to be •• you don't need to refile the bill, you can just reopen the public hearing. This rule change just incorporates some of those Charter Law changes. We're passing it now before we hit any other resolution on the agenda. It just makes for a cleaner outing.

LEG. COOPER:

I don't know if I have to change my motion to a motion to take it out of order and approve.

P.O. LINDSAY:

Yes, you do. I'm sorry. So the motion •• maybe we should do it again. Legislator Cooper, you made a motion to take it out of order and approve, I'll second that motion. And I'm going to recall the vote for the sense of accuracy.

MR. LAUBE:

18.

P.O. LINDSAY:

Does anybody have any other questions on ••

MR. LAUBE:

Vote to?

P.O. LINDSAY:

We'll entertain a motion to take it out of order, I'll second that motion. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Now, motion to approve the resolution Legislator Cooper, and I'll second it. Are there any questions on 2032?

LEG. COOPER:

Cosponsor, please.

P.O. LINDSAY:

Seeing none, all those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

The next thing I'd like to take out of order is the Deputy Sheriff contract. I know the Deputy Sheriff, Mike Sharkey, has been in the back. I know our Labor Relation Director is still in the audience, he listened to us. He probably drank about 10 cups of coffee since we last saw him. Resolution 2004.

D.P.O. VILORIA•FISHER:

Motion to take it out of order.

P.O. LINDSAY:

Motion to take it out of order by Legislator Viloria•Fisher, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

D.P.O. VILORIA•FISHER:

Motion to approve.

P.O. LINDSAY:

Same motion, same second. Okay. Motion to approve, same second. Does anybody have any questions about the contract? I believe we have the contract in our packets. Anybody have anything, any questions of Mr. Tempera or Mr. Sharkey about it?

LEG. KENNEDY:

Mr. Chair, if I can just pose ••

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

•• just pose a quick question to BRO to tell us about the cost, I guess, and the ability to go ahead and have the cost absorbed by what we have in the budget at this point?

MS. VIZZINI:

Yes. You have in your packet a brief memo done that was done by the office. Our fiscal impact statement is within about $100,000 of the fiscal impact statement prepared by the County Executive. The first year costs •• it's a two year agreement. The 2005 costs are going to be attributable to the 2005 budget. The first year costs are about $987,000, and the second year would be that and then an additional approximately 987,000.

LEG. KENNEDY:

Based on our estimated revenues and where the budget sits at this point, it's within the parameters we have?

MS. VIZZINI:

Yes, it is. There was a contingency fund set aside for salary increases, and there are sufficient appropriations.

LEG. KENNEDY:

Good. Thank you. Thank you, Mr. Chair.

P.O. LINDSAY:

Any other questions on that? All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Next, I'd like to go to the college budget vetoes. I want to make a motion to consider all the line items vetoes contained in **Resolution 804•2006 (Amending the Suffolk Community College recommended Budget 2006•2007 to properly resource an affordable education for the residents of Suffolk County)** including all references to expenditures, revenues, positions and Resolved Clauses at one time.

LEG. LOSQUADRO:

I'll second the motion, Mr. Chairman.

P.O. LINDSAY:

Second on the motion by Legislator Losquadro. All in favor? Opposed?

Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I'll make a motion to override the veto.

LEG. HORSLEY:

Second.

P.O. LINDSAY:

Any discussion? All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Do we need a roll call?

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

P.O. LINDSAY:

Yes.

LEG. MYSTAL:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

MR. LAUBE:

18.

D.P.O. VILORIA•FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Next, I want to go to Page 11. And there's two bills that are subject to referendum, and we have to approve them tonight. On Page 11, Budget and Finances, **1646 (A Charter Law to establish a fiscally sound, flexible policy for managing budget surpluses).** I'll make a motion to take 1646 out of order.

LEG. COOPER:

I'll second that.

P.O. LINDSAY:

Seconded by Legislator Cooper. Motion and a second to take it out of order. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I'll make a motion to approve.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. This is •• gives us certain provisos that we've talked about this in the Operating Budget a number of times. Just that there was a change made after the public hearing, but it was viewed to be not substantive. Yes, Legislator Romaine.

LEG. ROMAINE:

Yes. I am going to support the effort to put this on referendum. I always believe people should have a choice. But I do have my reservations about the substandard part. But this leaves me the opportunity to campaign for or against this since this is going to referendum, correct me if I'm wrong.

P.O. LINDSAY:

Yes, it's to go to referendum. Any other questions on this issues? Any explanation? Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Same page, next resolution down. **IR 1685 (A Charter Law to clarify and strengthen provisions limiting amendments to the Capital Budget and Program).** I'll make a motion to take it out of order, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. And I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Second by Legislator Losquadro. Legislator Romaine.

LEG. ROMAINE:

And again, this is to put this on the ballot to allow the people to decide.

P.O. LINDSAY:

Yes, it is.

LEG. ALDEN:
This is sewage, right?

P.O. LINDSAY:

Well, what this has to do with is the Capital Budget, that you can't use a sewer project to offset a general Capital Program project and that, you know, it would be figured differently when we figure what we spend on a Capital Budget. If it isn't credited to the general public, it wouldn't be included. It would be included for that sewer district that the residents pay for. It's just a more honest budgeting resolution. Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

And I have one more that I wanted to take out of order. That's **IR 1933 (Requesting Legislative approval of a contract award for a Minority Advertising Campaign for the Suffolk County Police Department).** It's on Page 14. It's the resolution that has to do with the contract to hire the PR firm for minority recruiting for Police Department. The Police have been kind of haunting all of us that they want to move on this issue as quickly as possible.

D.P.O. VILORIA•FISHER:

The contract is in the packet.

P.O. LINDSAY:

Okay. I need a motion to take it out of order.

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloria•Fisher, seconded by Legislator Mystal.

D.P.O. VILORIA•FISHER:

I'd like to make a motion to approve.

P.O. LINDSAY:

Motion to approve, same second •• All in favor? Opposed to take it out of order?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Motion in now in order and a second. And I believe Legislator Romaine had a question on the issue.

LEG. ROMAINE:

I just wanted to set the record straight. At our last meeting it was intimated that somehow the Clerk's Office was responsible for not having the contract attached. I believe that proved to be false, and I do want to put that on the record, because I do not wish people to make a statement that we rely or intimate to and then prove that it's false later. The Clerk's Office was not responsible for the contract not being there, that was the failure of the Exec's Office. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second if there's no other questions about

this. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I recognize Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Resolution 2022 is also time sensitive, so I'd like to make a motion to take that out of order. Page 11.

P.O. LINDSAY:

IR 2022 (Authorizing use of Francis S. Gabreski Airport property by the Boy Scouts of America for a "Camporee"). You want to make a motion to take that out of order.

LEG. SCHNEIDERMAN:

I make a motion to take that out of order.

P.O. LINDSAY:

Seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. SCHNEIDERMAN:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Schneiderman.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Horsley. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. NOWICK:

I'd like to make a motion. I have a motion, Mr. Chair.

P.O. LINDSAY:

Legislator Nowick.

LEG. NOWICK:

I'd like to make a motion to take 1738 out of order since we have a lot of people still here.

LEG. BROWNING:

I second that.

P.O. LINDSAY:

We have a motion to take **1738 (Directing the Department of Parks, Recreation and Conservation to cease operation of the trap and skeet shooting range at Southaven County Park, Town of Brookhaven).** Out of order, seconded by Legislator Browning. All in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

Now it's before us. Do I have a motion on this resolution?

LEG. BROWNING:

I would like to make a motion to approve.

P.O. LINDSAY:

Motion to approve the resolution.

LEG. COOPER:

I'll second.

P.O. LINDSAY:

Seconded by Legislator Cooper.

LEG. SCHNEIDERMAN:

Roll call.

LEG. BROWNING:

On the motion.

P.O. LINDSAY:

On the motion.

LEG. BROWNING:

Do we have the Parks Commissioner still here?

P.O. LINDSAY:

Yes, we do.

LEG. BROWNING:

Good morning, I think.

COMMISSIONER FOLEY:

Not quite.

LEG. BROWNING:

I have a couple of questions for you. One of my questions is the range is, according to the license, the operator is responsible for securing the facility. However, I know the fence is required by •• the County is required to put that fence in, correct?

COMMISSIONER FOLEY:

That's correct.

LEG. BROWNING:

There's 1200 feet of fencing that's missing. Do you consider the Trap and Skeet Range to be secure?

COMMISSIONER FOLEY:

I do.

LEG. BROWNING:

Okay. Also, what has the County currently spent to date on opening up the Trap and Skeet?

COMMISSIONER FOLEY:

The number is around $250,000.

LEG. BROWNING:

And how much has the vendor spent to open up?

COMMISSIONER FOLEY:

About 175.

LEG. BROWNING:

So you're talking almost 300,000.

COMMISSIONER FOLEY:

I'm talking about 425.

LEG. BROWNING:

Okay. Another question I have is I believe that the estimated revenue that the County will receive is about 30,000 a year?

COMMISSIONER FOLEY:

I'll accept your guess. I don't recall.

LEG. BROWNING:

Okay. I do have a question, I guess, it's more of a legal question. If Counsel would like to answer the legal question. My question is there's 1200 foot of fencing that has not been put in place yet to close off the Trap and Skeet Range. It's accessible for any child, animal to walk into. Is the County negligent or liable if someone was to get onto the Trap and Skeet Range and be hurt?

MR. BROWN:

If the County •• if the Law Department may be heard on that one question, through the Presiding Officer? Just that the issue negligence and liability, the County's liability on that property, may be best left for Executive Session rather than this General Meeting.

MR. BARRY:

I think it's a general enough question that it can be answered in this General Session. The issue of liability on something like that is pretty fact sensitive. You can't make the statement now whether or not a hole in the fence will be negligent and subject the County to liability. It's very fact sensitive. And there are a lot of legal issues involved in the contract and the licensing agreement. So it's very hard to say at this moment in time exactly.

P.O. LINDSAY:

Are you done, Legislator Browning?

LEG. BROWNING:

I believe I am done. I do believe there was a resolution passed to provide a wall, a sound wall, for noise.

COMMISSIONER FOLEY:

The funding was appropriated to do that and other things, yes.

LEG. BROWNING:

And at what point are we going to have that wall at the Trap and Skeet?

COMMISSIONER FOLEY:

Any changes we make there now are going to have to be subject to a full blown plan and review by a number of regulatory agencies, and I can't tell you exactly when that will happen.

LEG. BROWNING:

Okay. And you're familiar with the Town of Brookhaven, the noise ordinance and the numbers?

COMMISSIONER FOLEY:

I'm familiar with the Town of Brookhaven, yes.

LEG. BROWNING:

Okay. And have you got the information on the noise ordinance as to what the numbers are?

COMMISSIONER FOLEY:

I know the noise ordinance exists.

LEG. BROWNING:

And we are not in violation?

COMMISSIONER FOLEY:

No one has notified us that we are.

LEG. BROWNING:

Okay. Well, I think that's all. I still would like to make a motion to approve.

P.O. LINDSAY:

You already did. Legislator Romaine.

LEG. ROMAINE:

Quick question. Has the Park Trustees taken a position on reopening the Trap and Skeet?

COMMISSIONER FOLEY:

The Parks Trustees discussed it, and since it was reestablishing a preexisting use, they did not vote on it.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. Has there been any impact as far as use in the balance of the park relative to the operations at the Trap and Skeet? There was some comment in the testimony tonight about sound and impact as far as, you know, other areas, be it boating areas, barbecue, this, that or the other thing. Have you seen or has the Parks Department observed any kind of

impact associated with use of other areas of the park?

COMMISSIONER FOLEY:

None that I'm aware of. I did talk to one equestrian person one morning, opening day, and it was in full operation and she was not opposed to it, didn't seem to be affected by it.

LEG. KENNEDY:

How long has the range been in operation now?

COMMISSIONER FOLEY:

Since the 15th of July, so a little over a month.

LEG. KENNEDY:

Okay.

P.O. LINDSAY:

Okay. Any other questions? Legislator Romaine.

LEG. ROMAINE:

It's the same question. I think we have in our packets from the Board of Trustees of the Suffolk County Parks and Recreation and Conservation Resolution Number 1 of 2006, where, in fact, they have had approved by unanimous motion support of the Trap and Skeet Range. Commissioner.

COMMISSIONER FOLEY:

I'm sorry, I forget that.

LEG. ROMAINE:

Okay.

LEG. BROWNING:

One question.

P.O. LINDSAY:

I'm going to have to take a motion to the extend the meeting very shortly, so you have one question.

LEG. BROWNING:

Okay. My last question. As far as the County Parks are concerned, we have residents fees and non residents fees. With the Trap and Skeet, when people use the Trap and Skeet Range •• you know, we've spent $400,000, $400,000

was spent to open this place. Is there •• if I'm a Nassau County resident and I come to us the Suffolk County Parks, do I pay a non resident fee?

COMMISSIONER FOLEY:

No. In the case of concessioned operations like a catering hall or restaurant, Trap and Skeet, there is no residential differential. The operator sets a fee schedule, we review it and approve it. We theorize that those people are trying to do business and they need a standard set of fees and charges. It doesn't matter where you're coming from, you get married, the fee is what they set it at.

LEG. BROWNING:

Okay. Thanks.

P.O. LINDSAY:

I don't see anybody else on this matter, so I'm going to call a role on this particular vote because of interest on it.

(THE ROLL WAS CALLED BY TIM LAUBE• CLERK OF THE LEGISLATURE)

LEG. BROWNING:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

No.

LEG. STERN:

No.

LEG. MYSTAL:

No.

LEG. HORSLEY:

No.

LEG. NOWICK:

No.

LEG. KENNEDY:

Pass.

LEG. BARRAGA:

No.

LEG. ALDEN:
No.

LEG. MONTANO:

No.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

No.

LEG. CARACAPPA:

No.

LEG. SCHNEIDERMAN:

No.

LEG. ROMAINE:

No.

D.P.O. VILORIA•FISHER:

No.

P.O. LINDSAY:

No.

LEG. KENNEDY:

No.

MR. LAUBE:

3.

P.O. LINDSAY:

Okay. Unless I hear of somebody else who wants to take something out of order, we still have four minutes, I'm going to go back to the agenda.

MR. ZWIRN:

Mr. Presiding Officer.

P.O. LINDSAY:

Yes.

MR. ZWIRN:

We have one CN.

P.O. LINDSAY:

Okay. If you go to the red packets, the CNs, **IR 2078 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the County share for participation in the reconstruction/widening of CR 3, Wellwood Avenue Bridge over the Southern State Parkway, Town of Babylon (Capital Program Number 5851).**

P.O. LINDSAY:

Which one of you Babylon guys would like to make the motion?

LEG. MYSTAL:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Mystal and seconded by Legislator Horsley. And this is • • this is the bonding resolution.

MR. ZWIRN:

There's a bond with it, we need two votes.

P.O. LINDSAY:

Right. Well, the first one we're going to take is on the bond, okay? Any questions on the bond, bonding resolution? We have a motion and a second. Roll call.

(THE ROLL WAS CALLED BY TIM LAUBE • CLERK OF THE LEGISLATURE)

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:
Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second, same vote on the CN.

MR. ZWIRN:

Thank you very much.

P.O. LINDSAY:

And the late starters •• where are the late starters?

MR. LAUBE:

18.

P.O. LINDSAY:

In the last minute, I'll take a motion and a second to lay the following resolutions on the table: 2077 to Budget and Finance; 2079, Ways and Means; 2080 to EPA; 2081 to EPA; 2082 to EPA; 2083 to EPA; 2084 to EPA; 2085 to EPA; 2086 to EPA; 2087, Ways and Means; 2088 to EPA. Okay. We have a motion and a second to lay the late on the starters on the table •• waive the rules and lay the late starters on the table. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We are at the bewitching hour. I am going to recess the meeting until September 5th at 930 a.m. to conclude the agenda and the public hearings.

(*the meeting was recessed at 12:16 A.M.*)

{ } Denotes being spelled phonetically