

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

CONTINUATION OF TWELFTH DAY

SEPTEMBER 5, 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 9:45 A.M.*)

P.O. LINDSAY:

Mr. Clerk, start calling the roll.

MR. LAUBE:

Good morning, sir.

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

LEG. ROMAINE:

(Not present).

LEG. SCHNEIDERMAN:

(Not present).

LEG. BROWNING:

Here.

LEG. CARACAPPA:

(Not present).

LEG. LOSQUADRO:

Present.

LEG. EDDINGTON:

Present.

LEG. MONTANO:

Present.

LEG. ALDEN:

(Not present).

LEG. BARRAGA:

Present.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. MYSTAL:

Here.

LEG. STERN:

(Not present).

LEG. D'AMARO:

Here.

LEG. COOPER:

(Not present).

D.P.O. VILORIA•FISHER:

Present.

P.O. LINDSAY:

Here.

MR. LAUBE:

12.

P.O. LINDSAY:

This is the continuation of a recessed meeting from August 22nd. There will be no public portion. We will be starting the agenda immediately, and at 10:30 we will go into public hearings. Before we start, I would like everybody to rise for the Pledge let by Legislator Kate Browning.

SALUTATION

P.O. LINDSAY:

Before everyone sits down, I'd like you to remain standing for a moment of silence for two rescue workers in our community that have lost their lives since we last met. First, Lieutenant Howard J. Carpluk, who is a constituent •• or was a constituent of Legislator Browning in Yaphank. Lieutenant Carlpuk, believe it or not, spoke at the public portion at this recessed meeting on August 22nd. And he was killed in the line of duty while fighting a fire in the Bronx. And also for Wilber Ritter, who was a 59 year volunteer for the Sayville Fire Department that had a heart attack after responding to a call. So, please, let's have a moment of silence.

MOMENT OF SILENCE

P.O. LINDSAY:

Okay. To my colleagues, if we go to Page Two on the agenda under Tabled Resolutions.

IR 2022, (Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport redevelopment of LI Jet Center East, Inc., Town of Southampton).

P.O. LINDSAY:

Do I have a motion?

D.P.O. VILORIA•FISHER:

Motion to table.

P.O. LINDSAY:

I'll second the motion to table. On the question, no one? All in favor? Opposed? Abstentions?

MR. LAUBE:

13.

P.O. LINDSAY:

1157, (To promote fuel efficiency by requiring the purchase of hybrid vehicles for Legislative use). I'm not seeing Legislator Cooper.

LEG. D'AMARO:

Mr. Presiding Officer, I think there is a motion to table by Legislator Cooper •• at the request of the sponsor.

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

We have a motion to table by Legislator Cooper, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

1393, (A Local Law to amend the membership of the Hispanic Advisory Board).

LEG. MONTANO:

I'm going to make a motion to table.

P.O. LINDSAY:

Motion to table by Legislator Montano, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

IR 1414, 1414A, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to the HYO Suffolk County Complex Field (CP 6503). It's a bonding resolution.

LEG. KENNEDY:

I'll make a motion, motion to table.

LEG. NOWICK:

Second.

P.O. LINDSAY:

Motion to table by Legislator Kennedy, seconded by Legislator Nowick. All in favor? Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

1415, (Establishing a policy and procedure for the naming of County facilities).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper, seconded by Legislator Barraga. All in favor? Opposed? Abstentions?

MR. LAUBE:

15 •• 16.

P.O. LINDSAY:

IR 1515, (Amending the 2006 Operating Budget and transferring funds for the Village of

Greenport and Vail•Leavitt Music Hall). I'll make a motion to table being that I don't see the sponsor here.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

16.

P.O. LINDSAY.

1525, (A Local Law to establish responsible euthanasia standards at animal shelters).

LEG. ALDEN:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Alden, seconded by Legislator Barraga. I didn't recognize the voice, the voice was much deeper, geez.

LEG. MYSTAL:

He shaved.

LEG. ALDEN:

I've been practicing.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

1586, 1586A, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with the planning and improvements at Raynor Beach County Park).

LEG. KENNEDY:

Mr. Chair, I'll make a motion to table on this, but I would just like to speak briefly for a moment on the motion.

P.O. LINDSAY:

The floor is yours.

LEG. KENNEDY:

Thank you. At the urging of my colleagues, I have once again reached out to the Town of Brookhaven. They indicate they will be able to secure some funding through the Community Development Program, and in essence, bring approximately 50,000 to the initiative, so that hopefully we can achieve the consensus and hopefully we'll be able to pass this in next cycle allowing the sidewalks to go on. I appreciate my colleagues' continued support. I'm hopeful next month we could get it done.

P.O. LINDSAY:

So you intend on amending this resolution?

LEG. KENNEDY:

Yes, I will.

P.O. LINDSAY:

Okay. We have a motion to table, do I have a second?

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

17.

P.O. LINDSAY:

The next one on the agenda is **IR 1592, 1592A, 1592B, (Appropriating funds in connection with improvements to lighting and paving on CR 100, Suffolk Avenue, Brentwood, Town of Islip (CP 5185))**. But we don't have the bonding resolution, so we have to table it. I'll make the motion to table, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

And the same thing with 1592 B. I'm going to do same motion, same second, same vote. And 1592 has to be tabled as well. Same motion, same second, same vote.

1604, 1604A, (Appropriating funds in connection with the Brownfields Pilot Project (CP 8223)). Is the bond is in order?

D.P.O. VILORIA•FISHER:

I'll make a motion to approve.

P.O. LINDSAY:

Motion by Legislator Vilorina•Fisher and I'll second.

LEG. COOPER:

I believe that the request of the sponsor •• he had requested to table the resolution.

D.P.O. VILORIA•FISHER:

Ben just said that it was ready to go.

MR. ZWIRN:

This is at Gabreski Airport, this one is ready •• ready to go.

P.O. LINDSAY:

No. You got the •• this is the Brownfields Pilot Project.

MR. ZWIRN:

At Gabreski.

P.O. LINDSAY:

Okay. Okay. So we have a motion and a second. Roll call.

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

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

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.

P.O. LINDSAY:

1604, same motion, same second, same vote.

1629, (Granting permission to the Shanti Fund to use Suffolk County Seal for Mohandas Karamchand Gandhi Commemorative Coin).

MR. ZWIRN:

Mr. Presiding Officer, if we could ask this to be tabled.

P.O. LINDSAY:

I'll make a motion to table.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

IR 1684, 1684A, 1684B, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014). I'm going to make a motion to table. There's still a problem with the bond. Do I have a second?

LEG. CARACAPPA:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1684 B.

MR. NOLAN:

Actually, there's not a problem with the bond on those particular resolutions. This is actually a resolution that should be withdrawn because there was a competing resolution put in for less dollars for the same purpose, which was approved. And I believe there's another resolution that's been introduced to appropriate the rest of the money.

P.O. LINDSAY:

Well, in that case, why don't we reconsider and remove it from our agenda?

MR. NOLAN:

You could ask the sponsor to withdraw it.

P.O. LINDSAY:

It's my bill. But we just tabled it. Okay. I'll make a motion to withdraw 1684 A, B and 1684.

IR 1748, (To appoint Director to the Suffolk County Local Development Corporation (Patricia M. McMahon)). Motion by Legislator Horsley, seconded by Legislator Mystal. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1877, (Authorizing planning steps for implementation of Suffolk County Workforce Housing Program (SCTM No. 0400•094.00•03.00•026.002)).

LEG. COOPER:

Motion to table.

P.O. LINDSAY:

Motion to table by Legislator Cooper, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1885, (Implementing sales and compensating use tax exemption for clothing and footwear sales in 2007 to celebrate the Memorial Day Holiday, Thanksgiving Day Holiday, and Labor Day Holiday). I'll make a motion to table, seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1894, (Electing a cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel, in lieu of the percentage rate of such taxes, pursuant to the authority of Article 29 of the Tax Law of the State of New York in a fiscally responsible and prudent matter). I'll make a motion to table.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2030, (To extend the deadline for the Homeowners Tax Reform Commission). I'll make a motion.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1897, (Approving the reappointment of Edward Nielsen III as a member of the Suffolk County Home Appliance Repair Licensing Board).

LEG. NOWICK:

Motion.

P.O. LINDSAY:

Motion by Legislator Nowick, seconded by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1898, (Approving the reappointment of Lynn Blasso as a member of the Suffolk County Electrical Licensing Board). I'll make a motion.

LEG. MYSTAL:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1899, (Approving the reappointment of Robert Ruggiero, as a member of the Suffolk County Plumbing Licensing Board). Motion by Legislator Mystal, seconded by Legislator

Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1900, (Approving the reappointment of Anthony T. Warrenski, as a member of the Suffolk County Plumbing Licensing Board). I'll make a motion, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1901, (Approving the reappointment of Michael S. Towers, as a member of the Suffolk County Electrical Licensing Board). I'll make the motion.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1902, (Approving the reappointment of Christian B. Lister, as a member of the Suffolk County Plumbing Licensing Board).

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1903, (Approving the reappointment of Daniel J. Meehan, as a member of the Suffolk County Plumbing Licensing Board).

LEG. COOPER:

Motion.

P.O. LINDSAY:

Motion by Legislator Cooper.

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1929, (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Decarmine property) Town of Smithtown (SCTM NO. 0800•075.00•05.00•038.000 & 039.000).

LEG. NOWICK:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick, seconded by Legislator Cooper. All in favor? Opposed?
Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1982, (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Manzi property), Town of Riverhead).

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator Romaine, seconded by Legislator Schneiderman. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1999, (Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the estate of Ralph Capurso property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300 •019.00•02.00•016.001 & 016.002, 018.001, 018.002 & 018.003). Motion by Legislator Schneiderman, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2000, (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Ralph Capurso, Jr., property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300.019.00•02.00•018.004 & 018.007). Same motion, same second, same vote. Does that work for everybody?

MR. LAUBE:

18.

P.O. LINDSAY:

2001, (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Burke property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300•019.00 •02.00•016.003). Motion by Legislator Schneiderman. Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

2002, (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Ronald Capurso & Eileen Schutt property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300•019.00•02.00•061.000). What are we buying, all of Montauk?

LEG. SCHNEIDERMAN:

This is one block of land. It was an approved subdivisions, and these are the undeveloped parcels with that subdivision. So the only way you could do it since they're a single separate ownership is to do it the way the County has done it.

P.O. LINDSAY:

Okay. Same motion, same second, same vote. **(VOTE:18)**

2003, (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the estate of Edna Capurso property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300•019.00•02.00•016.004, 018.005, 018.006 & 020.002). Same motion, same second, same vote.

MR. LAUBE:

18.

P.O. LINDSAY:

2010, (Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, and appropriating funds in connection with the Robinson Duck Farm County Park Habitat Restoration Feasibility Study (CP 8710.113).

D.P.O. VILORIA•FISHER:

Motion.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Viloría•Fisher. All in favor? Opposed?

LEG. ALDEN:

Opposed.

LEG. ROMAINE:

Abstain.

LEG. LOSQUADRO:

Abstention.

P.O. LINDSAY:

We have two abstentions and one opposition; is that correct?

MR. LAUBE:

15.

P.O. LINDSAY:

2012, (Authorizing acquisition of land under the Suffolk County Multifaceted Land

Preservation Program • Open Space Preservation Program • for the Houde property • Emerald Estates (Town of Huntington • SCTM No. 0400•168.00•02.00•085.000, 0400•170.00•01.00•001.000 p/o & 0400•170.00•01.00•002.000).

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

2013, (Authorizing acquisition of land under the Suffolk County Multifaceted Land

Preservation Program • Open Space Preservation Program • for the Borelli property • Emerald Estates (Town of Huntington • SCTM No. 0400•168.00•02.00•087.000). Same motion, same second, same vote.

LEG. LOSQUADRO:

What are we buying, all of Huntington here?

P.O. LINDSAY:

Yeah. It's a competition between Huntington and Montauk. God help us in the middle, you know.

LEG. ROMAINE:

East versus west again.

P.O. LINDSAY:

2014, (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Open Space Preservation Program • for the Cooper property • Emerald Estates (Town of Huntington • SCTM No. 0400•168.00•02.00•079.000 p/o). Jon, do you want this?

LEG. D'AMARO:

Motion to approve.

LEG. STERN:

Second on the Cooper property.

P.O. LINDSAY:

Motion by Legislator Stern, Legislator D'Amaro seconds. All in favor? Opposed? Abstentions?

LEG. COOPER:

It's a lovely property.

MR. LAUBE:

18.

P.O. LINDSAY:

2015, (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund • Open Space component • the Estate of Guccione property • Forge River Watershed (Town of Brookhaven SCTM No. 0200•750.00•06.00•018.000). Legislator Browning.

LEG. BROWNING:

I make a motion.

P.O. LINDSAY:

Motion by Legislator Browning.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

Seconded by Legislator Losquadro.

D.P.O. VILORIA•FISHER:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

I would just like to point out once more that the County continues through its Land Preservation Program to protect the watershed in the Forge River area which is very endangered.

P.O. LINDSAY:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2016, (Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program • for Parkland purposes • for the Hertlin property • (Town of Brookhaven • SCTM No. 0200•623.00•01.00•001.000). Legislator Caracappa, seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2020, (Authorizing the Director of the Division of Real Property Acquisition and Management to enter into contract for appraisal services).

D.P.O. VILORIA•FISHER:

Motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher. Did you want to talk on this, John?

LEG. KENNEDY:

I was just going to ask Counsel for an explanation.

P.O. LINDSAY:

Okay. Let me get a second first. I'll second it. Legislator Kennedy has a question.

LEG. KENNEDY:

Thank you, Mr. Chair. I was just going to ask Counsel if he can give an explanation on this.

MR. NOLAN:

This is just approving a pool of appraisers that the Division of Real Estate has solicited and identified that they're going to use.

LEG. KENNEDY:

Since I'm not in the committee and I didn't have an opportunity, I guess, to hear some of the dialog at the committee level, is there any attempt to expand the pool or to refine the time frames associated with this? I know each and everyone of us has gone through some of this as far as the Division goes. So I'm just curious how it's going to manifest itself.

P.O. LINDSAY:

I have a list. Legislator Vilorio•Fisher.

D.P.O. VILORIO•FISHER:

As far as I know, it's not going to refine the time frame, but it does refine the pool. And there are •• there are several of us here who serve on the ETRB and have seen some appraisers that we •• are less than stellar, and they're no longer in the pool. So we will have a greater number to choose from with the addition. And with this legislation, we'll have a greater number of appraisers from which to choose. I believe that Legislator Losquadro asked a number of questions in committee with regards to this.

P.O. LINDSAY:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. The time line is set forward by the original legislation that we passed. I believe, in April of 2004, which established the Environment Trust Review Board and set forward the new process by which we acquire land. So that time line will not be change by this resolution. But Legislator Vilorio•Fisher is exactly right, even though we are an Executive Committee in the Environment Trust Review Board, I can say that we offer substantial feedback on the quality of appraisals that we receive, and the criticism can be quite harsh at times if we don't like what we see. So I believe that the Division of Real Estate took into account, removing some of the individuals who were providing services to us and soliciting some new vendors. So I'm hopeful or at least optimistic that we will receive a better product by changing the composition of some of

the people that we were receiving appraisals from.

LEG. KENNEDY:

Through the Chair, if I may, what is the actual time frame from the time that the Division of Real Estate, I guess, seeks appraisers in order to go ahead and render them for a particular property? Do we know what that is?

LEG. LOSQUADRO:

I believe ••

D.P.O. VILORIA•FISHER:

It's either 30 or 60 days.

LEG. LOSQUADRO:

It's either 30 or 60 days. There's someone here from Real Estate that could clarify that. I know it is set forward in the legislation, and they do adhere to that as part of the RFP.

LEG. KENNEDY:

All right. I'll take up with the department then and go back to the original legislation. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. Any other questions? Seeing none, all in favor?
Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. LINDSAY:

One abstentions. You got it, Mr. Clerk?

MR. LAUBE:

16.

P.O. LINDSAY:

1932, (Approving the appointment of Dorothy A. Wendel to the Suffolk County Disabilities Advisory Board • Group D). I'll make a motion, seconded by Legislator Mystal. All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1884, (A Local Law to ensure payment of fair wages and enforcement of job site safety standards on public projects). I'm being informed by Counsel that it has to be tabled because it was amended. I'll make a motion to table, seconded by Legislator Barraga. All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1906, (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Incorporated Village of Patchogue, Town of Brookhaven for affordable housing purposes (SCTM No. 0204-004.00-06.00-008.000). Legislator Eddington.

LEG. EDDINGTON:

Motion.

P.O. LINDSAY:

Motion by Legislator Eddington, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1907, (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes

(SCTM No. 0200•973.80•01.00•026.000).

LEG. BROWNING:

I'll make a motion to table. Since committee, 1907 and 1913, I've had some people that have come to me saying that they're concerned because they're by the Forge River watershed. They're also ones on wetlands. I'm really not sure of all the details on it, so I'd like to make a motion to table at this time.

LEG. MYSTAL:

I'll second.

P.O. LINDSAY:

We have a motion to table, we have a second by Legislator Mystal. Any other discussion on it? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1910, (Authorizing the sale of County-owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200•035.00•04.00•004.000).

LEG. BROWNING:

I'll make a motion.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, seconded by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1911, Authorizing the sale of County•owned real property pursuant to Section 72•h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200•959.00•02.00•032.000).

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Same motion, same second, same vote. (VOTE:18)

1913, (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to the Town of Brookhaven for affordable housing purposes (SCTM No. 0200-973.80-04.00-020.000)).

LEG. BROWNING:

Motion to table for the same reasons.

LEG. COOPER:

Second.

P.O. LINDSAY:

Motion to table by Legislator Browning, seconded by Legislator Cooper. All in favor?
Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2009, (Amending the Suffolk County Classification and Salary Plan in connection with a new position title in the Department of Health Services (Director of Services to Children with Special Needs)).

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría•Fisher, second by Legislator Mystal.

LEG. LOSQUADRO:

Explanation, please.

P.O. LINDSAY:

Explanation, Legislator Losquadro.

LEG. LOSQUADRO:

I see here that it's abolishing a Coordinator of Special Education, Grade 29 and creating a Director of Services to Children with Special Needs, Grade 32. It sounds very similar, like we're just changing a title, but we're going up three grades in salary. I would like to know what the additional responsibilities of the job are to warrant that change in job title and commensurate salary increase.

D.P.O. VILORIA•FISHER:

Okay. Legislator Losquadro, we asked that question in committee. And when you have the director of Special Needs, it deals with a lot of early intervention programs that have grown a great deal throughout Suffolk County and for which we have responsibility. So the level of the supervision for the person who would be taking this title is a much greater level of supervision, there are a lot more people under that person's supervision, because of the growth of the Early Intervention Program throughout the County.

P.O. LINDSAY:

Does that answer your question?

D.P.O. VILORIA•FISHER:

And Counsel is giving you more technical information, but that's what I recall from the conversation in committee.

LEG. LOSQUADRO:

I have a couple of questions regarding it. Number one, is someone in the capacity now serving as Coordinator of Special Education, and will they be ascending to this new position, that's question one. Question two is I have to say that the County program has been outstanding. I actually have a niece who has been in need of these services and received them several years ago, and the program was magnificent. And I know that this program has grown over the years, but it's not as though this is something that's happened all at once. This program has been of a substantial size for quite sometime. So as I said, is there a particular number of individuals more that they are going to have to supervise? I don't see the need right now. I don't have an explanation as to why this position is being created. Perhaps someone from the County Executive's Office could offer an explanation.

P.O. LINDSAY:

Okay. So you want an answer from the Executive's Office?

LEG. LOSQUADRO:

Well, number one, I guess it would have to be from the Executive Branch or from Civil Service perhaps, is someone in this position now, and are they going to be moved •• are they going to ascend to this new higher paid position?

D.P.O. VILORIA•FISHER:

I think there was a desk audit as well done on this that indicated this. That's my recollection from the committee.

P.O. LINDSAY:

I just saw someone from the administration run out to get one of the County Executive's staff people. How about if we skip over this?

LEG. LOSQUADRO:

Sure. Thank you, Mr. Chairman.

P.O. LINDSAY:

All right. **2011, (Approving the appointment of Thomas P. Cleere as a member of the Suffolk County Public Employment Relations Board).**

D.P.O. VILORIA•FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Vilorina•Fisher.

LEG. COOPER:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1930, (Authorizing the use of Smith Point County Park property, Cathedral Pines County Park, Southaven County Park, and Smith Point Marina by the Long Island 2 Day Walk to Fight Breast Cancer, Inc., for Breast Cancer Walk).

LEG. BROWNING:

I make a motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Motion by Legislator Browning, Legislator Alden has seconded that. All in favor? Opposed? Abstentions?

LEG. ALDEN:

If I'm not on as cosponsor, add me, please.

MR. LAUBE:

18.

P.O. LINDSAY:

1957, 1957A, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with roof replacement at Meadowcroft County Park, Sayville (CP 7510)). We have to table this because the 5•25•5 waiver doesn't kick in until later on in the month, we'll take it up next time. So I'll make a motion to table, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1987, 1987A, (Appropriating funds in connection with improvements at County campgrounds (CP 7009). I'll make a motion.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. Roll call.

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

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

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.

D.P.O. VILORIA•FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

On 1987, same motion, same second, same vote.

1988, 1988A, (Appropriating funds in connection with improvements at County golf courses • Timber Point (CP 7166).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. BARRAGA:

Second.

P.O. LINDSAY:

Seconded by Legislator Barraga. Roll call.

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

LEG. COOPER:

Yes.

LEG. BARRAGA:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

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.

P.O. LINDSAY:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

1988, same motion, same second, same vote.

1989, 1989A, (Appropriating funds in connection with improvements to water supply systems in County Parks (CP 7184).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, seconded by Legislator Stern. Roll call.

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

LEG. COOPER:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. MYSTAL:

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.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

1989, same motion, same second, same vote.

2006, (Authorizing use of Southaven County Park by Contractors for Kids for their Picnic and Barbecue Fundraiser).

LEG. NOWICK:

Motion.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Motion by Legislator Nowick, Legislator Viloría•Fisher seconds. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

2007, (Authorizing use of the Long Island Maritime Museum by the Children's Foundation

of Suffolk for their Annual Pig Roast Fundraiser). I'll make a motion.

LEG. BROWNING:

Second.

P.O. LINDSAY:

Seconded by Legislator Kate Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1545, (Establishing an Environmentally Sound E•Waste Policy for Suffolk County).

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper, do I have a second?

LEG. STERN:

Second.

P.O. LINDSAY:

Seconded by Legislator Stern.

LEG. ALDEN:

Explanation, please.

P.O. LINDSAY:

Explanation is asked by Legislator Alden.

MR. NOLAN:

This resolution would establish a County policy to achieve to the fullest extent practicable the reuse and recycling of electronic products, directs all County departments to employ strategies to reuse electronic equipment, strategies to include donation of the equipment to not•for•profits or reuse of the electric equipment, to address the situation with properties not auctioned or donated by the County. The resolution authorizes the Department of Public Works to issue an RFP to identify an electronic waste recycler. And finally, it directs departments that they will •• when they're bidding electronic equipment purchases, to have the bidder propose a program, which the bidder will take back the products at the end of their useful life for reuse, recycling or disposal.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

So the new part of that, because most of that is County policy right now, is finding somebody to recycle electronics. And that last part as far as •• our policy would be purchasing things that we can possibly recycle. So those are the two new parts? Because most of this is current County policy right now.

MR. NOLAN:

I don't know what policy is being followed by the County right now, but probably the part about issuing the RFP to identify somebody to recycle the products if we can't reuse them or donate them is probably the main part.

LEG. ALDEN:

Who makes that determination that would be required? Is it up to the Commissioner to just say, you know, we can do this or we can do that?

MR. NOLAN:

The resolution is worded that when it is practicable to do so.

LEG. ALDEN:

Good. Thanks.

P.O. LINDSAY:

We have a motion and a second. Just to clarify what •• I think it is policy. This would put into law, a lot of it is now, that isn't •• because I was just informed by staff that we currently do a contract with PK Metals to recycle a lot of this stuff now. So this would just make it a statute rather than a policy.

LEG. ALDEN:

Right. We'd have to wait until that contract expires and then ••

P.O. LINDSAY:

Yeah. The contract is in place. And I think that contract would probably satisfy much of the requirements •• the vendor would be able to satisfy much of the requirements of this bill.

LEG. ALDEN:

Good. Thanks.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1736, (Approving extension of license for Sayville Ferry Service, Inc for cross bay service between Sayville, New York, and the Fire Island Communities of Fire Island Pines, Cherry Grove, Water Island and Sailors Haven). I'll make a motion.

LEG. LOSQUADRO:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

1958, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with strengthening and improving County roads (CP 5014)). This is the other resolution that we •• when we withdrew, this is the replacement one. It still has to be tabled until the next meeting to become eligible because of our waiver of the 5•25•5. So I'll make a motion to table, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1959, 1959A, (Amending the 2006 Capital Budget and Program and appropriating funds in connection with application and removal of land markings (CP 5037)). Same issue here, we can't vote on this until the next meet because of the waiver. I'll make a motion to table, seconded by Legislator Montano •• Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1972, (Authorizing public hearing for approval of rates for Fire Island Ferries, Incorporated). I'll make a motion, seconded by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1978, (To conduct a feasibility study for the expansion of the 7D Bus Route). Legislator Romaine.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion.

LEG. ALDEN:

Second.

P.O. LINDSAY:

Seconded by Legislator Alden. I see our Deputy Commissioner of Public Works. Would you like to weigh in on this, please?

MR. ANDERSON:

Yes, sir. Ladies and gentlemen of the Legislature, I would briefly like to just take time to provide a brief statement on this initial resolution. At the last Public Works Committee, the committee reviewed and passed initial Resolution 1978 to further it on to this •• at this time. The resolution which involves conducting a feasibility study for the expansion of the 7•D bus route in Mastic •Shirley/Yaphank area. This resolution involved reviewing expansion of the bus line to include routing a line although the Yaphank Industrial Park. Although the initial resolution was approved and passed on, some information crossed my desk after the Public Works Committee, which I'd just like to make available.

Pursuant to authorization from County Executive Levy earlier in the year, the Suffolk County Department of Public Works has been in the process of executing an agreement with the transportation consultant (Abrahms, Chuani and Associates) to analyze the entire County bus system systemwide as well as each bus route within the County's bus system individually. This \$430,000 contract is almost entirely funded through outside sources with 80% of the cost being reimbursed from the Federal Government and 10% funded by the state.

Our bus system has not been reviewed systemwide in over a decade. Changes in demographics and increased development throughout the County over that have warranted that our system be reviewed to ensure that we are providing the best system possible for the funding available. Our study will determine the opportunities for increased ridership and provide recommendations for a effective service. The analysis will be based on the cost, ridership impact, quality of life considerations and opportunities for transit alternatives. The consultant will develop the services and schedule enhancements as well as assist in the County •• assist the County in procurement and initiation of computer software that will further enhance the bus systems ability to respond to the community.

Work is anticipated to be completed within 15 months of the contract signing. As the 7•D bus route has been a concern of this department for some time, would be •• it would be one of the initial routes studied under this agreement. While this work will not be completed within the 120 days noted under the resolution, we expect to obtain a timely response on these matters and hope to include the intent of this resolution as part of our overall report.

Finally, the findings which are obtained from the study currently underway could impact any findings made under this proposed initial resolution. The County•wide study could potentially negate or revise any improvements recommended under the localized study. Thank you for the time and consideration on these matters. If you require any information, please contact by office. Thank you.

P.O. LINDSAY:

Gil, before you go there's a couple of questions, but the Clerk would just ask that you give your name for the record.

MR. ANDERSON:

Sure. Gilbert Anderson, Chief Deputy Commissioner of Public Works.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Hi. Now, you said that we have a contract in place or there's a contract being drawn up now.

MR. ANDERSON:

The contract is being drawn up. It's being sent over to the consultant for signature. It was approved, I believe. I just this found out a day after the ••

LEG. ALDEN:

The Legislative body approved it?

MR. ANDERSON:

That I'm not sure. There is a contract, I know, that went over to the consultant, and that's why I wanted to bring this, you know, forward.

LEG. ALDEN:

All right. Supposing that, you know, that it's going to go with the consultant, what you're recommending then is a freeze for approximately two years of any of the bus routes, any changes to the bus routes.

MR. ANDERSON:

My concern is essentially a duplication of effort that might result in both of these going on. There's one that's currently being established with the consultant, which is what I was speaking about, and then there's the one proposed. I understand it's •• well, 15 months is the extent of the contract. So from the time they would sign it, 15 months, we have to have a package.

LEG. ALDEN:

Right. That would probably indicate more than two years before we could implement any of those recommendations. So I have a big concern over that, but also, don't we in•house have the ability to make even minor changes to any of our routes? Because that's all this is asking for, this is just asking for a quick assessment and if we should extend it into a, you know, certain area, just similar to the •• you know, I guess it's the process that we use right now, isn't that so?

MR. ANDERSON:

Yes. My concern was to make this information available. You know, what it is decided by, you know, you all ••

LEG. ALDEN:

We rely on you, though. You are the expert, and if you're saying that you can't do it or that you'd rather wait two years to make any changes ••

MR. ANDERSON:

I would •• as an engineer it just seems to me that it would make more sense to wait for the full study County•wide and look at each individual bus route and look at the whole system overall rather than changing it just based on the initial route.

LEG. ALDEN:

Do we have the manpower to do •• to implement this resolution right now in•house?

MR. ANDERSON:

Yes, sir, but I know we are backed up.

LEG. ALDEN:

Okay. But we do have the ability to look at an individual route right now and possibly recommend changes and things of that nature.

MR. ANDERSON:

Yes.

LEG. ALDEN:

All right. Thanks.

LEG. CARACAPPA:

Mr. Chairman.

P.O. LINDSAY:

I have a list. Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Thanks for being here, because I have a couple of concerns about what you just reported as well, and they're really along the same lines as Legislator Alden. We have a bus system, which really does need a lot of tweaking as our demographics change, population shifts occur. And this is certainly one of the areas where we need to extend our bus service. And I am concerned about this large study and the time by which it would be completed and then we could begin to act on it. So I'm going to ask the question again, because I wasn't certain of the answer. Are we saying that we won't have any small route changes during the next two years because of this large study being done?

MR. ANDERSON:

No. This in no way inhibits the Legislature's ability to approve the resolution. It's just I wanted to

make you all aware that this contract is out there and we are studying that, and before ••

D.P.O. VILORIA•FISHER:

No. Actually my question was does the department •• is the department saying that you don't want to make any changes in the bus service while the study is going on, is that what ••

MR. ANDERSON:

We are recommending that at this point, yes.

D.P.O. VILORIA•FISHER:

Okay. All right. Thank you, Gil.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Myself and Legislator Browning are cosponsoring this resolution, and our proposed expansion is a very short expansion. If anyone knows William Floyd Parkway immediately south of the Expressway across from the Seventh Precinct, there is an industrial park that employs several hundred if not several thousands of people, and believe it or not, the bus goes right past and doesn't go into the industrial park to even drop passengers off. And what we'd like to do is have the Department of Public Works •• I'm so happy you are here, because the purpose of this study would be to canvas the employers and the employees in this park, which is a simple letter to everyone that's in the park, and you can get that addressed from the Economic Development

Department in the Town of Brookhaven, and see if there's any interest, because after all, the purpose of public transportation is to try to provide transportation to people who would use it rather than clog our highways.

What better place than factory workers in an industrial park that the bus passes right by? And I think that Legislator Browning would concur with me, and that's why we are cosponsoring this just to get a feasibility •• have the Department of Public Works in•house take a look at that, canvas the employers to see if any of their employees would be interested in taking public transportation, because right now, the bus drives right past the industrial park without stopping. We think there's a better way, we certainly would like to take a look at it, and that's all we're asking for. It's not a huge area that we are looking for. We're looking for the buses to go into the industrial park, make a stop, turn around and come out. And I think Legislator Browning would concur with that.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

I got my answers. Thank you.

P.O. LINDSAY:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Gil. Certainly I support a comprehensive review. I think it's needed. I've seen all

kinds of comprehensive reviews on the town level, I've seen the comprehensive look at our shoreline which has taken about 40 years since it first started. And these comprehensive reviews are prone to extending deadlines. And I think it's important that we are able to, even while we do a comprehensive look, address some of the issues like we did with the S•92 in adding additional lines. If we had to wait even knowing that people were being turned away from the bus, left behind at bus stops, we couldn't wait two years or maybe three years.

So this situation actually has been looked by the County. We had •• Bob Shinnick was here at the committee meeting saying we once looked at this particular route that's the subject of this resolution. And there was some problems, but it could be looked at again, it wouldn't be that hard, I think, to take the review that they had done a few years ago and update it.

And maybe the ridership is there, and maybe they can resolve some of the turnaround issues that he spoke of. So I am going to support this. And there are other things that I may come forward with, like the Sunday bus issue, which can't wait three years. If you drive around my district on a Sunday, you'll see all the people hitching to work that normally ride the bus. We have a problem with that. And we need to figure out ways to move forward and still look at the picture. Thank you.

P.O. LINDSAY:

Legislator Eddington.

LEG. EDDINGTON:

Yes. My certain is that I have had numbers of constituents from Gordon heights come to me about the bus route. And when I had heard about the study, I didn't put in any legislation to work on that. And now I am kind of perplexed to see •• maybe I should put mine in individually too, because people say it takes five hours to get a round•trip to this area. So I am very concerned, and I have some questions also that I want answered.

MR. ANDERSON:

That •• again, our current study will address all the individual bus routes as well as County•wide as a whole.

LEG. EDDINGTON:

But what I am sensing now is that Yaphank will get their study done quicker, and the people of Gordon Heights will have to wait the two years.

MR. ANDERSON:

The study will still look at the 7•D line as well even though •• you know, if the legislation is passed and we do the in•house study and we do make the change. It still will look to address, again, not to be repetitive, but the overall County if we find that, you know, it's worth realigning certain bus routes, taking from one to bring to another. That will be done as part of the study.

LEG. EDDINGTON:

Okay. Maybe I'm missing it, but I'm getting a sense that if we I put in legislation for the bus route, and I forgot the number at the present time, but then it seems like there will be a work priority list; Yaphank, Gordon Heights whoever else wants to want put in legislation for their particular area and then to me, it's first come, first serve to help your constituents, if we all start putting in individual legislation.

MR. ANDERSON:

Agreed.

LEG. EDDINGTON:

Thank you.

P.O. LINDSAY:

Legislator Caracappa.

LEG. CARACAPPA:

I'm sorry, one thing did pop into my head. The information is relatively easy to gather with relation to ridership, because the pol on buses, they hand out leaflets, things of that nature, and they can, you know, data base on what ridership would be. And then you could basically gauge the cost to the County relatively quickly. But the problem is •• and this is to my colleagues •• you need to start as early as possible when you're extending bus routes, because though you won't be able to get into this year's Operating Budget, you have to prepare for next year's Operating Budget with the information that is gathered, because sometimes fare box fees just don't cut it as it relates to the extending of the routes. And you have to, based on •• based on wear and tear of the buses and maintenance and then just overall expenses, have to add that additional expense into the budget as an additional budget line. Just for your information.

P.O. LINDSAY:

I know Legislator Stern wants to speak too, but I guess to you, Mr. Anderson, sometimes when a route is reconfigured, it doesn't necessarily cost more money, right.

MR. ANDERSON:

Correct. Sometimes.

P.O. LINDSAY:

Sometimes. Legislator Stern, did you want to say something?

LEG. STERN:

Yes. Thank you. My question is to either DPW or maybe to the sponsors. There had been a study that was done not too long ago, maybe a couple of years ago, I guess my question would be what, if anything, has changed substantially from the time the last study was done until now?

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Since that time, there has been extensive development in the industrial park. For example, Amos' Famous Cookies, which was a new factory that was just put up there, there are several other factories that are opening up there, and it's scheduled actually for a hotel to be built in the industrial park. It's right out of Exit 68, which is William Floyd Parkway, immediately south of that. So that industrial park has shown additional growth in the last few years as the economy has grown and land further west has become scarcer. And this land has become more available and far less expensive than lands to the west, you're seeing industries move out there. The industrial park is just about filled out. And at this point •• and all the that growth has taken place in the last five years.

I think it's time to simply take a look. And you don't even have to hand out fliers or leaflets, just canvas the employers to ask their employees whether they would willing to take bus transportation and at what time. It's not a very complicated feasibility study, but it's best left to DPW to do. It doesn't involve a lot of time or effort. But it certainly could •• I think our goal with bus transportation is to get more people into public transportation whenever we can. And this

certainly would avail us of that opportunity.

P.O. LINDSAY:

Last word, because we have to go to public hearings.

LEG. BROWNING:

Okay. You know, we do have a medical type facility there also. And my district is a very working class district. And with the price of gas, people are looking to use the buses more. And I do have a lot of constituents working there and need to get to work. You know, we want to make sure they have a bus or some kind of way to get there. So, again, you know, with the gas price problem •• like I say, it is developing as Legislator Romaine has said. So in two years, things have changed.

LEG. STERN:

Thank you.

P.O. LINDSAY:

We have a motion to approve, am I correct.

MR. LAUBE:

Yes, you do. You have a motion and a second?

MR. LAUBE:

Yes, you do.

P.O. LINDSAY:

All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. We are going to resume a number of public hearings that were recessed from the August 22nd meeting. I would ask anyone that spoke at the August 22nd meeting to see if you can refrain from speaking again. Your comments are already part of the record. It would just lengthen the record and lengthen the process. If you do insist on speaking a second time on the same subject, there is a law within •• a rule within our rules that limit you to three minutes the second time around instead of the five if you hadn't spoke. And we're going to try and keep track of that.

LEG. CARACAPPA:

Mr. Chairman, parliamentary inquiry, please.

P.O. LINDSAY:

Yes.

LEG. CARACAPPA:

We recessed the last meeting until today. What was the posting for the public hearings that are going to resume today? What did that say, that they would be held today, because essentially, we are in the meeting as a week and a half ago, two weeks? And I don't know if we're allowed to recessed to the same meeting essentially within our rules.

P.O. LINDSAY:

The problem, Legislator Caracappa, is that there was a misplaced posting in one of the newspapers. So we really have to legally go through it again. Although it was posted in one newspaper, it wasn't posted in the other.

LEG. CARACAPPA:

Correct. But when you originally made the recessing motion, can you recess a public hearing to the same meeting, or do we have to wait for the next General Meeting of the Suffolk County Legislature, which would be our regularly scheduled meeting in two weeks?

P.O. LINDSAY:

Well, why don't I turn it over to Counsel.

MR. NOLAN:

We wrestled with this question, believe me. At the August 8th Meeting, we approved the public hearings for August 22nd for all of these various public hearings. They were not advertised correctly. We are in the same meeting, so given a second bite at the apple, having this meeting recessed until today, we believe we could advertise these public hearings for today and have the

legal public hearing where it's been properly advertised. We have •• we've been using the word recessed for those •• for those hearings that were not properly advertised, perhaps that's not correct, because this is really the proper first time we've held the public hearing legally.

P.O. LINDSAY:

Although I'd like to point out that the comments that were made in the last meeting have been incorporated as part of the record. I don't want anybody that's sitting out there to think that their comments weren't included in the record.

LEG. CARACAPPA:

I fully understand the situation that we were in last meeting, Mr. Chairman, and the lengthy public hearings that we had and the improper posting of the notice, but my main concern here and the reason why I am asking this inquiry is I don't want to set a precedent in the future that we recess a public hearing in one meeting and then reopen it later on in the evening when other people may have showed up or things of that nature which would through off the whole skew of the Legislature.

P.O. LINDSAY:

If the posting was done correctly the first time, I wouldn't entertain any other comments on a hearing until we •• until our next meeting.

LEG. CARACAPPA:

I just wanted that on the record so that we stood clear in the future.

P.O. LINDSAY:

Thank you.

MR. NOLAN:

For the record, I did speak with the County Attorney's Office, because they have to certificate that the law is legally adopted, and they concur that this will work.

LEG. CARACAPPA:

Very good.

P.O. LINDSAY:

Okay. So we are going to start on the public hearings. What I'm going to do is if you had already spoken on a hearing, again, you'll be limited to three minutes. And the people that have not spoken will go first.

IR 1951, (A Local Law to protect consumers from predatory town practices). I have no cards. Legislator Cooper.

LEG. COOPER:

Motion to close, please.

P.O. LINDSAY:

Motion to close. Do we have a second. Seconded by Legislator D'Amaro. All in favor?

Opposed? Abstentions?

MR. LAUBE:

15.

P.O. LINDSAY:

1952, (A Local Law to require proper supervision at hotel and motel swimming pools). And I have two cards. Eileen Compitiello.

MS. COMPITIELLO:

Good morning. I represent the Montauk Soundview, which is one of the hotels out in Montauk that would now be required to have a full time lifeguard at the pool, whereas to this point, we have never been required to have such a person. I believe that the accident that occurred this summer in which a young child was drowned occurred at a hotel that was not in compliance with the Department of Health regulation that is assured that every customer that comes into the hotel is given a list of rules and regulation for safe swimming. Among those rules is one that says that unsupervised swimming is not permitted. And of course that would be up to the parent of the child or someone, the adult with the child, to see to it that the child was properly supervised in the pool.

With that in mind, the cost of hiring a full time lifeguard for many of the hotels and motels out on the East End at this point, where we are struggling anyway because of the price of gas and, you know, the lack of •• the lack interest in our area because it's so far away would just add to, you know, the fiscal responsibility for the hotel and motel owners and operators. In my case, our place is a cooperative resort which is owned by 30 individual families and is put out to a rental by a management agent, in that case, it would be me. However, I just feel that it just needs to be noted that, you know, we have a pool that's opened at least 12 hours a day, seven days a week. If you think about the additional cost of probably 12 or \$15,000 in lifeguard salaries, it would put a tremendous strain on the hotels, which I think at this point are already feeling, you know, the

crunch.

P.O. LINDSAY:

Thank you very much. We have a question from Legislator Nowick.

LEG. NOWICK:

Good morning. The pool at your establishment, should I assume that that is completely fenced in?

MS. COMPITIELLO:

Yes, it is.

LEG. NOWICK:

And how tall is the fence?

MS. COMPITIELLO:

The fence is about five feet tall.

LEG. NOWICK:

Five feet. So it's fenced and it's locked •• it's gated and locked.

MS. COMPITIELLO:

Yes, it is.

LEG. NOWICK:

Now, if people are going to go into your pool, I assume that they have to go to the front desk, get the key and go in and that's how they get in there.

MS. COMPITIELLO:

Well, the pool is opened at a certain time of the day and closed at a certain time in the evening. It is actually unlocked for several hours a day. However, it is in direct view of the office. And while we have, you know, never been required to have a lifeguard on duty, we do have and are required to have signs posted all around the pool as to where the emergency facility is, where the nearest telephone is. We as motel operators are all required to be certified pool operators, which means that we know CPR.

LEG. NOWICK:

Well, I understand all that. But my concern maybe more would be can a child walk in there?

MS. COMPITIELLO:

Well, the type of gate that I have on our pool would not be conducive to a child under the age of ten being able to open by themselves, because it's difficult to do. It's that wire fencing that is self-closing and you have to push down on it and push it in, and then when you go in, it closes behind you.

LEG. NOWICK:

Okay. I understand that. And I do understand what you are saying about so many hours and a lifeguard, but I don't know the answer to this, but there must be a way •• if this legislation is not passed there may be a way that you and Legislator Cooper could talk over or you and the hotel •motel industry could talk about a way of locking a gate. And, yes, that might be a pain in the neck, but if it saves one life, that might be the way to go. Homeowners do that all the time. It's a thought, there might be other ways.

MS. COMPITIELLO:

Totally agree.

P.O. LINDSAY:

Thank you very much. Moke McGowan. I saw him earlier. Mr. McGowan. I don't see Mr. McGowan. That's all the cards I have. What would like done with this, Legislator Cooper?

LEG. COOPER:

Motion to recess, please.

P.O. LINDSAY:

Motion to recess, I'll second that. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

IR 1971, (A Local Law strengthening smoking prohibitions at Suffolk County facilities). I have one card, Michael Seilback.

MR. SEILBACK:

Good morning. My name is Michael Seilback, Senior Director of Coalitions and Policies for the American Lung Association of New York State. I'm here to speak in favor of Introductory Resolution 1971•2006, which will strengthen and clarify smoking prohibitions in County facilities.

The American Lung Association of New York State supports this bill because we believe it will further protect Suffolk County residents from the affects of secondhand smoke. The US Surgeon General recently released a report detailing the affects of secondhand smoke. The Surgeon General declared that there's no safe level of exposure to secondhand smoke. Secondhand smoke simply is not an annoyance that one endures on the way to work. Even a quick walk through a cloud a tobacco smoke on the was into this building is enough trigger an asthma attack.

The Surgeon General's report stated that even brief exposure could cause immediate harm. Additionally, secondhand smoke kills. In fact, secondhand smoke is responsible for 54,000 deaths each year in the United States. The United States Environmental Protection Agency class classifies secondhand smoke as a Group A known carcinogen. There is no safe level exposure to group A carcinogens like secondhand smoke.

Now, I'd like to just spend a brief second talking directly to this bill's critics. I'd like to discuss the idea of what •• so•called smokers rights. Let me illustrate it for you. I think all of us agree that I can go into a pro shop and buy a set of golf clubs, I think we'd also agree that I do not have the right to swing those golf clubs while standing in front of this building surrounded by a group of people. The fact remains that smokers are not a protected class. There is no set of rights afforded to them as smokers, but this Legislative body does have the authority to restrict how the affects of secondhand smoke affects your constituents. This legislation will reduce the public's exposure to a major health threat. For this reason, the American Lung Association of New York State supports this resolution, urges its enactment, and strongly, strongly suggests that the County Executive sign this bill into law.

P.O. LINDSAY:

Thank you. That's the only card I have on this subject. I'll make a motion to close.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

LEG. NOWICK:

I want to cosponsor the smoking.

P.O. LINDSAY:

You want to cosponsor?

LEG. NOWICK:

The nonsmoking.

P.O. LINDSAY:

Okay. Would you list Legislator Nowick as a cosponsor.

1976, (A Local Law to provide fair and equitable cost containment for residents in certain emergency service districts). I have no cards on this subject. Is there anyone in the audience who would like to speak on this subject? Seeing none, Legislator Schneiderman, what would you like to do?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close, seconded by Legislator Vioria•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

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

LEG. COOPER:

Motion to close.

P.O. LINDSAY:

Motion by Legislator Cooper to close, do I have a second? Seconded by Legislator Browning. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

2023, (A Local Law to add ecological health and marine productivity as acceptable criteria for County dredging projects). I have no cards on this subject. Legislator Schneiderman, what's your pleasure?

LEG. SCHNEIDERMAN:

Motion to close.

P.O. LINDSAY:

Motion to close.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

14.

P.O. LINDSAY:

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). The first card, James Claffey.

MR. CLAFFEY:

Good morning. Jim Claffey, Long Island Community Foundation. I'd like to speak in opposition of 2025. I'd like to introduce it by saying that like every other immigrant advocate that I know, I am not in favor of open borders. I think we need to bring some perspective into the discussion.

At the last public hearing, we heard a lot about ethnic invasions and lethal diseases coming across the border. It sounded for all the word like this legislation is going to solve Suffolk County's biggest problem, and I just don't think that's true. I don't think it is the biggest problem, and I think we ought to maintain some perspective around this discussion.

I'd also like to think •• I'd like to suggest that we need some context. Like everything else, the bill is introduced into a certain context, and the context in this case is Suffolk County. And without taxing the memory, some incidents come to mind of the recent past. We have two people in jail for attempted murder, two neo•nazi types who were, quote, out to get some Mexicans, unquote. We all know that one. We have a family in the same hamlet who had their •• a Latino family had their house firebombed in the middle of the night. We have a mixed racial •• a racially mixed couple wake up one morning to find a burning cross on the lawn, enough to chase them out•of •state. We had some youth running around a high school chasing Latino young people with a Chainsaw. And we also had the face of a Latina candidate for Town Council on the East End posterred all over town with her face in a toilet bowl. Just a wonderfully diplomatic gesture.

So this is the context, I think, in a lot of ways in Suffolk County into which this bill is introduced. We also have invitation by the County to •• a Unity Day. And the County Executive in his invitation states, "When we commit to the Suffolk County Community Unity Day, we commit to quality of life for all people of Suffolk County." Well, a lot of us don't think so, because how can we believe that when in the course of the same week, fair housing legislation is introduced without enforcement provision, and then employer sanctions without adequate anti discrimination provisions?

It's hard to believe that we actually are pushing initiatives here to bring all people together. Bill 2025 is redundant, incomplete, does obviously not improve federal legislation, and in the end, serves only to widen the gap between reasonable and unreasonable people on a very complicated issue. The Legislature would do much more for its people by supporting comprehensive national immigration reform and by creative efforts to acquire additional federal tax revenue to defray the initial costs that new comers might occasion for the County. Thank you very much.

APPLAUSE

P.O. LINDSAY:

Paul Sabatino.

MR. SABATINO:

Thank you, Mr. Chairman. Paul Sabatino, Chief Deputy County Executive. I want to take this opportunity just to bring you up to date on what's transpired with respect to this law since we last met on August 22nd.

We will be asking the Legislature to close the public hearing today, because the public hearing process has worked. We've listened to the voices that were raised in terms of trying to make it a better bill, and we've incorporated the following changes over the past two weeks. Number one, we have clarified some of the definitions, because I thought that some of the questions that were raised at the last session did indicate that there was some confusion in the minds of individuals and businesses with respect to who was covered, who was not covered. So we've incorporated definitions for contractor, subcontractor and wholesaler, which I believe go a long way in terms of addressing those concerns.

So that it will be very clear now that if you are part of a national corporation and you've got a facility or place of employment here in Suffolk County, the certification provision will apply to all of the employees you have in the Suffolk County facility, obviously not in the California facility or the Texas facility, because we don't have that kind of long arm jurisdiction.

A second message or second voice that was heard was the LIA raised concerns about due process hearings and the ability to be certain that no fines would be imposed or penalties collected or contracts terminated without due process. So we reworded Section 9 and expanded it to provide the kind of due process hearings that people would be entitled to. We felt they were covered in other sections, but just to avoid any •• any concern on the part of the groups that would actually be

covered by the legislation, we wrote in the due process provisions.

A third concern that I think was just mentioned by the gentleman a moment ago was this notion that there are no protections against people who somehow discriminate against prospective employees or actual employees. Let me preface my remarks by first saying that with respect to people who engaged in violence and people who engage in attacks on individuals, this County Executive unlike the previous County Executive, when those incidents arose, is out there in the trenches criticizing those people and showing solidarity with the victims and having the Police Department go out pursue those cases. Previous administration, there was an absence, there was a silence when those kinds of despicable acts took place.

So I want to make the record very, very clear that Steve Levy does not endorse those kinds of attacks on individuals, and, in fact, does the opposite. He goes out and he publically, publically attacks the people who do those things. But putting that aside, in the legislation itself, again, even though there's preexisting legislation, which deals with the issue of discrimination against employees, we thought it was important to add an additional two paragraphs into this bill specifically stating, specifically stating that if anyone engages in a retaliation, coercion, intimidation, threats or either prospective employees or existing employees in the context of the certification process that there will double barrel protection.

You will have the civil fines and penalties that are associated with the current legislation imposed on those employers who engage in that kind of activity. And the second double barrel, even though it already exists in legislation, is being specifically referenced by incorporation here that the criminal, the criminal unclassified misdemeanor penalties which are up to year in prison and \$500 per day per individual under the existing Human Rights legislation, which protects employees in an employment situation under Section 89•13 of the Suffolk County Code will also be applicable. So there will be double barrel protection with respect to any individuals who feel they were threatened or intimidated.

The close•out thought is that the LIA also asked for some references to the ability to have businesses raised as an affirmative defense, specifically raised as an affirmative defense, this notion that you've engaged in good faith. And, again, even though we believe that earlier version

incorporated that, we specifically in very excruciating detail wrote in the affirmative action defense for those individuals that engage in good faith in attempting to comply with the statute.

So in closing, we would ask the public hearing be closed today after the final testimony has been taken. We believe the public hearing process has worked, because as you can see, the comments that have been brought to our attention have been responded to. And, again, the overarching purpose and goal of the legislation remains the same, which is, A, to try to lead by example by showing here in Suffolk County to the Federal Government that ultimately we need a national solution. But, you know, somebody's got to prod the Federal Government into doing that. And number two, we want to be sure that County tax dollars are not being used to facilitate illegal activity on the part of contractors who may, then in turn be securing an unfair competitive advantage versus those contractors who do comply with the law. I thank you for your time. And we hope the hearing gets closed today.

P.O. LINDSAY:

Thank you. Legislator Romaine, did you want to ask Mr. Sabatino something?

LEG. ROMAINE:

Yes. Yes, I did. Just for the record, the due process hearing that a •• if a contractor operated in good faith relied on documentations that may or may not be good and he was allowed a due process hearing, explain how that would work, who would be the hearing officer, how would the adjudication take place?

MR. SABATINO:

The due process hearing will be conducted by the Labor Department. In this particular legislation, that's the agency which has jurisdiction. The hearings will be held in a manner or fashion that's similar to what Consumer Affairs does when they bring in licensed occupational contractors to

listen to allegations that are raised with respect to whether you're in compliance with the law or not. The way it works is there's like a seven day notice hearing before the hearing can be held, you're afforded that opportunity to appear with or without an attorney, you know, with or without witnesses, produce your testimony. Then there are •• subsequent to that there are other built in time lines.

At the conclusion of that process, after you as an individual or an entity have been afforded the opportunity to respond to the allegation, the hearing officer would make a determination, either impose a fine, not impose a fine. If in fact, the fine were imposed or in a multiple scenario with a third violation the contract was terminated, then the individual would still have the opportunity for what's known as an Article 78, judicial review of that particular action. So we think we've built in the normal kind of give and take safeguards that you see on an every day basis, for example, in Consumer Affairs.

LEG. ROMAINE:

Another quick question. Although it's not referenced in the bill, I'd like to talk a little bit about the enforcement procedures. There was an estimate in Newsday that about 6000 contractors in Suffolk County would be covered by this bill. How much staff is going to be needed to review these contracts, to investigate, to handle this, and where will the funding come from for this?

MR. SABATINO:

That's an important question, which I think we partially addressed at the last hearing, and I think it deserves more attention. Number one, there are roughly 10,000 contracts in the County, as you know. All of those contracts have to already go through what they call the prevailing wage review and analysis. That law has been in place now for about four or five years, and the Labor Department's done a pretty good job on a rotating basis evaluating and auditing those contracts and relying to a large degree on the random, you know, audit process and also the reality that most of the laws in this country really are self executing.

Now, when I drive home at night, I go through nine stop signs ••

I pass nine stop signs, but I stop at each of the nine stop signs, not because there's a police officer standing behind each of the nine stop signs, but because there's a deterrent effect in knowing that if you pass that one stop sign and there is a police officer and you're caught, there are going to be sanctions. So to a large degree, this country is built on the notion that there's a respect for law.

Number two •• I'll also add that that in and of itself is not enough, you still have those audits out there where people know that they're being reviewed and the documents are being looked at. Number two, about a year ago if you remember, the Legislature passed another law which was the Fair Share Health Care Act, which again is going to have a significant impact. Right now it's not being enforced because the matter is currently in litigation. But again, it would be a similar situation where the Labor Department would be required to review all of those large retailers to see whether they're in compliance or not.

Having said all of that, we believe that the same staff that would be looking at enforcing those two statutes, which currently consists of a couple of individuals may have to be supplemented, and this is the week that we're looking at it, we're making our final decisions in the budgetary process. There's one of two possibilities, either we will •• we will, you know, be able to add something through funding in the budget, or there's a possibility of a redeployment within the Labor Department, because there are currently some federal and state cutbacks that are impacting another part of the state •• I'm sorry •• the County budget for the Labor Department. And there might be a situation there where to avoid a layoff of somebody, we could do a redeployment.

But the bottom line is that we are going to take the same measures that we took to successfully enforce the Prevailing Wage Law and which we anticipated when and if the Fair Care, you know, Health Share Act (sic) is ultimately implemented, we'll deal with that. But it will all be in the same place. The point I'm making is that these are all contractual Labor Department issues. That one unit would be responsible for all three laws.

LEG. ROMAINE:

One last question. What steps will you take in terms of the enforcement of the anti discrimination provision? How is that going to be enforced? How are you going to ensure that discrimination

does not take place? Just for the record. Thank you.

MR. SABATINO:

Well, I think it's multiple. Number one, because the Human Rights Commission is tied into it by preexisting statute and, again, be reincorporation here. The word is going to get out that the Human Rights Commission, which by the way, is going to have some beefed up staffing in the upcoming budget will put the world on notice that •• that the resources are there to track people.

Number two, the County Executive himself is personally committed to ridding the County of this notion that people can discriminate or engage in acts of violence. And, again, it will be part of just a public announcement, the County Executive for •• if four square against that. And of course, we'll have, you know, the Police Department in the ordinary course of events available to pursue those claims or those complaints that are specifically raised with respect to implementing the legislation.

LEG. ROMAINE:

Thank you very much.

P.O. LINDSAY:

Wait a minute, Paul. Paul, there's some other questions. Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Hi, Paul. I have a couple of questions. With the notion of self enforcement and respect for law, there has since 1986 been a federal law requiring just the same requirements that this particular law detailed. Therefore, why can't we assume that there's self enforcement of an existing federal

law that has been on the books since 1986?

MR. SABATINO:

I think the distinction is that the federal law does not look at it from the perspective of federal dollars being expended on contracts. So Suffolk County's concern is a different perspective. Our perspective is not to take over immigration issues, to take over border enforcement. Our perspective is to make sure that County tax dollars are not being expended in a manner that would be facilitating the circumventing of the Simpson-Mizzoli Act. So we can't make the same assumption with respect to the feds only because the feds aren't looking at it from the perspective of trying to avoid federal contracts being executed or carried out in connection with the Simpson-Mizzoli Act.

D.P.O. VILORIA-FISHER:

But I'm looking at it from the perspective of the bigger picture, that employers do know that I-9s are required, that there is a federal statute on the books and has been on the books for 20 years. And so to extrapolate from the notion that you had mentioned earlier, which was that there is a self enforcement of the law, that stop sign is there, they know this •• every employer knows that that stop sign is there. So if, in fact, we're not going to expend a lot of money on enforcement, we're going to expect this self enforcement, as you mentioned, if we are going to just do spot checking, then this law becomes, and I have seen it, duplicative and nonenforceable and actually meaningless.

MR. SABATINO:

I think the difference is that we're putting the additional economic inducement of knowing that here at the local level, unlike at the federal level, there's the potential risk of losing the County contract.

D.P.O. VILORIA-FISHER:

The direct impact.

MR. SABATINO:

My point being that •• I said before, it's not self enforcement by itself. Self enforcement is the starting point for all of our statutes, whether it's prevailing wage or the fair hair •• Fair Care Health Share Act or this particular bill, but it's coupled with •• in this particular instance, we think the economic inducement of potentially being permanently barred from that contract that will make it a more viable statute than the one that's happening at the federal level.

As I said before, the overriding goal is two things. One is to try to lead by example, to get the Federal Government to do a better job enforcing the Simpson•Mizzoli, that currently has been the case. So again, this one of those •• those laws which Suffolk County has been famous for doing where you try to bubble up to the top where something emanates at the local level to try to get either national or state•wide attention to try to solve a problem, that to this point simply hasn't been solved. So I don't mean to imply that this bill by itself, you know, with this self enforcement and the economic inducement is going to solve all of those problems, but the belief is that just like we were successful in other areas or County legislation that you lead by example, you can ultimately try to push and prod a higher level of the government to try to solve the problem.

APPLAUSE

P.O. LINDSAY:

All right. Come on. Stop with the applause. We have 50 some odd speakers.

D.P.O. VILORIA•FISHER:

I have another question with regards to definitions, because I'm looking at a different IR, Number 1884, where we speak about a responsible employer, a responsible contractor or bidder,

responsible bidder. Now, under the definition of a responsible bidder, and this is speaking about safety, on the job safety and the adherence to state and local laws. Don't bidders at this point in time have to adhere to State Labor Laws, and are they not required to have documentation that their workers have Social Security Cards or any of those number of documents that we're all required to have when we go apply for a job •• not apply for a job, but sign up as a wage earner?

MR. SABATINO:

Right now, the law you are talking about, which is the Responsible Bidder Statute, and the Responsible Bidder Statute, you know, A, you have to show, you know, that you can physically and •• you have the capability of doing the actual work. Number two, you have to actually have a bid that is the successful, you know, lowest bidder. We have specific statutes right now that say, for example, you can't be a convicted •• I think it's a convicted •• you can't have a convicted •• you have a felony conviction in the prior ten years.

D.P.O. VILORIA•FISHER:

Well, can I just narrow my question, because we're taking a long time. Just this part of the legislation that says adheres to local •• state and local laws. Are there state laws about employment that require that there be verification of concern documents?

MR. SABATINO:

But the section you're reading from is underlying, that hasn't been adopted yet. That's proposed changes.

D.P.O. VILORIA•FISHER:

But that's just the question I'm asking. Are there state laws that require that?

P.O. LINDSAY:

Let him answer the question.

MR. SABATINO:

It's Simpson•Mizzoli, which is the federal law, which is what requires the certifications, not the state.

D.P.O. VILORIA•FISHER:

Okay. What are the state laws? What do they require with regards to ••

MR. SABATINO:

State Labor Laws deal in terms of hourly wages, individuals under the age of •• I don't if it's 16 these days or 15, you can't employ people under the age of 16 for X number of hours. There are Labor Laws that deal with safety in the work place, you know, certain kinds of standards, but not specifically ••

D.P.O. VILORIA•FISHER:

But there are Wage Laws.

MR. SABATINO:

Absolutely Wage Laws, absolutely. And hours of employment, those are the basic ones, right.

D.P.O. VILORIA•FISHER:

Okay. So a bidder has to pay a certain wage and has to be a responsible bidder.

MR. SABATINO:

To be a responsible bidder, you have to be in compliance with legislation that deals with hours of employment and wages.

D.P.O. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Legislator Montano.

LEG. MONTANO:

Good morning, Paul. Paul, I just want to go back to Legislator Romaine's question. I haven't really gone through the amendments, though, just bear with me. With respect to enforcement, if someone is allegedly a victim of discrimination, someone who is eligible to work, has proper documentation, you know, citizen, whatever, what is their remedy? Because I thought you were saying that the enforcement would be handled by the Labor Department, but at the same time, there would be a reference to the Human Rights Law. So where is •• in that type situation, if I feel victimized because an employer doesn't want to hire me because of a Spanish surname or physical characteristics when I'm, in fact, entitled to work, legal, etcetera, what is my remedy, and where do I take it?

MR. SABATINO:

Right now, if this legislation were not even to be adopted, if this legislation ••

LEG. MONTANO:

No. I'm talking about under this legislation.

MR. SABATINO:

Let me finish, because that's the predicate to answering the question. Right now here's a section called Section 89•13 of the Suffolk County Code, which imposes civil as well as criminal sanctions for discrimination in employment in the work place. Those were amendments that former Legislator Postal had enacted back in 2002. So it's already on the books, what I consider to be anti discrimination in the work place provisions.

What we did was in this legislation we're proposing, the one that is the subject matter of this hearing, we said notwithstanding the fact that that's already on the books, we're going to reiterate that if somebody comes to the Labor Department with a complaint, that matter would then be referred to Human Rights Commission, because Labor Department would be able to simply say, okay, you've made this allegation that you're being threatened or intimidated or coerced, or whatever the circumstances might be, it would be referred to the Human Rights Commission for pursuit of the employment discrimination provisions. Those are criminal and civil in nature. So in effect, you'd have two places to go now, because you'd be going to the Labor Department in the context of this bill, and you'd be going to the Human Rights Commission in the context of a preexisting bill.

LEG. MONTANO:

Is the remedy under the Human Rights Law criminal in nature?

MR. SABATINO:

There's a criminal section. If there's a willful intentional act, I believe it's as high as an unclassified misdemeanor, I believe, up to \$1000 in fines.

LEG. MONTANO:

Against the employer?

MR. SABATINO:

Against the party that would be •• in an employment situation, it would be the employer, right.

LEG. MONTANO:

That penalty is payable to whom? Is that penalty payable to the County?

MR. SABATINO:

The civil penalties in that section are payable ••

LEG. MONTANO:

No. I'm talking about the criminal penalties.

MR. SABATINO:

The civil penalty will be payable to the County, the criminal penalties are paid •• the State of New York has •• the State of New York has a system, which divides it up. I believe that when the underlying statute that's being violated is a County statute, the proceeds •• or a municipal statute, the proceeds go to the municipality, but some portion is kept for the state. I don't know what the formula is.

LEG. MONTANO:

But I'm assuming then that the criminal and the civil penalties are paid to a municipality as opposed to an alleged victim; is that correct?

MR. SABATINO:

That's correct.

LEG. MONTANO:

In other words •• what you're talking about the criminal and the civil penalties under Section 83 whatever, those penalties are applicable and apply to •• even though they are on behalf of the victim, they go to the County or to the State Crime Victims Fund; am I correct?

MR. SABATINO:

That's correct.

LEG. MONTANO:

Now what about •• that's what I'm getting at. If you have an alleged victim under this new statute you have, what is their remedy? Do they go now to the Labor Department and make a complaint,

and is there an adjudication in the Labor Department?

MR. SABATINO:

The Labor Department would make a preliminary investigation and determination and/or, and/or, depending •• it's going to be very fact sensitive •• and/or refer the matter to the Human Rights Commission.

LEG. MONTANO:

That's what I'm trying to get at. So a person has two remedies. They go to the Labor Department, there's an investigation by the Labor Department, and then they also go to the Human Rights Commission, and there's an investigation by the Human Rights Commission and then there's a hearing, there's a hearing at the Labor Department and there's a hearing at the Human Rights Commission.

MR. SABATINO:

Like I said before, there's a double•barrel protection here, which is that the employer who engages in the act of discrimination can get hit for all of the fines and all of the remedies and all the penalties that I described earlier with respect to graduated penalties of up to \$5000 depending on what stage you're at or ultimately being terminated as a vendor with the County. So the ultimate penalty in the Labor Department side of the equation could be that you could be barred for life from having a contract from the County. That wouldn't preclude, however, a parallel track with the Human Rights Commission exercising its jurisdiction under Section 89•12, which would be a combination of civil and criminal penalties for the violation of Section 89•12.

LEG. MONTANO:

I understand what you're saying, and I'm not going to belabor this. But theoretically, an employer who is alleged to have created a violation, even if, in fact, they haven't created •• they're not guilty of the violation, they're still subject to a hearing process through a Labor Department and a

hearing process through the Human Rights. And I assume under the new law that we're going to pass, that gives the Human Rights Commission the authority to enforce its own laws and to have Administrative Law Judges hear these cases; am I correct in that? Do you follow where I'm going?

MR. SABATINO:

Well, I'm not sure where you are going, but I can tell you where we're going in terms of the statute. We are going with what I call a double-barrel, two-track, you can be barred for life in the Labor Department.

LEG. MONTANO:

Well, that's the penalty, that's the penalty. Okay. You know what? We will take this up in committee. Thanks a lot. I haven't read those.

P.O. LINDSAY:

Thank you. We have three more Legislators that have questions, and we have 43 cards. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I will try to keep the comments brief. Some of them, I guess, I'm going to probably going to suggest to Paul that I want to speak with him about in a different setting. At the last hearing, I engaged in a debate, I guess with •• or a questioning with the County Attorney, with Ms. Malafi, to go ahead address some of the concerns or questions that I had regarding preemption. I've read the revisions here, again, quickly as we see them here. I still struggle with the way the bill is prepared as far its applicability with 100% County funding. Yet, when I go and look in the enforcement Section in 7A Sub 4, I see that there is this distinguishing thing made regarding, in particular, Public Works projects.

MR. SABATINO:

Just to correct the record, it's not just 100% County. It's two components, it's 100% County funding and Public Works projects irrespective of the level of state and federal funding. Those are the two large categories of contracts or vendors that are covered.

LEG. KENNEDY:

It also includes as illustrations, community development block grants, which are essentially 100% federally funded monies, IDA funds.

MR. SABATINO:

IDA money is 100% County funding. The third category you're looking at is ••

LEG. KENNEDY:

Well, it is unwritten. It is private funding, which is underwritten 100% County.

MR. SABATINO:

The third category you're looking at, which is where the County provides just direct grants of money or financial assistance to people, 100%. IDA would be an example of 100%. A community development block grant would not, that would be an example of something not covered, because it's not 100% County funded.

P.O. LINDSAY:

I'm going to just interrupt here. You know, we had to recess this hearing because of the Three Hour Rule last time, you are going to have a chance to review the particulars of the bill at committee as well as when we debate it on the floor. I don't mean to cut off questioning, but I have an awful lot of comments from the public that I think we really owe them the opportunity to say what they want to say.

APPLAUSE**LEG. KENNEDY:**

I will yield, Mr. Chair. Mr. Sabatino's time is valuable. Thank you.

P.O. LINDSAY:

Thank you. Legislator Alden.

LEG. ALDEN:

I just have a point of order. I think it's •• with all due respect, I think it's improper for us to take comments from other elected officials and enter into a debate. This is, and I'm going to go back to what our rules are •• this is a public hearing. That's an opportunity •• and by definition •• of the public to come down and give us their opinion of a bill. It's not a shouting match, it's not an argument, it's not a let's•shout•the•person•that•I•disagree•with•down or let's have a fight. It's an opportunity for you, the public, to come down and for up to five minutes tell us what you feel about the bill, not to enter into a debate. And if our rules aren't clear on this, I think that we should clarify it, because, Paul, what Paul just had to say to us is very important for us to here when we're debating the bill, the merits of the bill. But this is the public's time. And as you pointed out, there's a Three Hour Rule, which we just used up about over a half an hour of that time, which I would say we should strike that off the clock and go back to the full three hours, because this is more of a debate of the bill rather than what the true intent is.

P.O. LINDSAY:

I'm not going to strike it from the time limit. Legislator Browning, last word.

LEG. BROWNING:

Yes. Mine will be quick. My question is say we didn't have this bill, it doesn't exist or this Legislature was devoted, say no. Administratively, can Suffolk County enforce what the laws are without a bill and just do it administratively?

MR. SABATINO:

No. The reason •• the reason it can't be done by Executive Order is that you cannot by Executive Order administratively impose fines or penalties, that requires Legislative authorization.

LEG. BROWNING:

That's not what I'm asking, talking about Executive Orders. I'm saying can the Department of Labor enforce this law with contractors without a bill and without an Executive Order?

MR. SABATINO:

No even with an Executive Order. No. No without the Legislature approving or authorizing, period.

P.O. LINDSAY:

Thank you. Mardythe DiPirro.

MS. DIPIRRO:

I'm the child of recent Welsh and Irish immigrants, so my real name is Mardythe O'Mara, but I married a DiPirro, so it makes a thud in the middle, but only in America.

P.O. LINDSAY:

You're on the clock, go.

MS. DIPIRRO:

It's going. It's going. As the child of immigrants, I was fortunate to have a Welsh background who taught me my music and a wonderful Welsh grandmother who learned wonderful recipes from the other wives of minors where her husband worked and made the most delicious food. So every family gathering was an international feast, because she learned all the best recipes in the world.

My Irish •• they came to America speaking Welsh•{Commerik}, that's how I got my first name. And my Irish family were very different. They had been forced to learn English in their own county. They remembered every wrong done to them by the English and told it often. And all together they taught me one wonderful thing that I've carried throughout my life, and that is the way we were treated when we came to this country wasn't fair, don't pass it on.

That's why I wanted to come and speak today, because this bill is unnecessary, it's duplicative of the Department of Labor Rules and much too expensive to enforce on County funds. Ed, your point is well taken. And it is dangerous because it does fan the fires of prejudice that are already smoldering. And I think that we just heard today so many changes and amendments and adjustments, this law could not have been well thought out before it was written and proposed in the first place. And that makes it suspect as well.

There is a real problem that we need to face and to answer. And that is that good employers, people who pay their workers decently, people who collect the papers, who abide by the law can be undercut by those who pay under the table and don't obey the law. That has to be addressed, because it's not fair. But the point is we have an opportunity here where after all the unfunded state mandates you as elected officials have been given and all of us serving on school boards have been given, here's your chance to get the State Department of Labor to do the enforcement at their expense and save us some money. It's a wonderful opportunity.

The other possibility that you really should seize would be to support the efforts that are being made to establish hiring sites for workers so that the employers who come in are required to fill out the proper paperwork and to abide by the wage, benefit and safety laws that are on the books already. This law is not needed.

I don't know when your families came over to this country, but the chances are somebody gave them a hard time when they came. I'm passing on my family's advise, which is it wasn't fair then, it's not fair now, don't pass it on. I sat defeat IR 2025, because you can do much better. Thank you.

P.O. LINDSAY:

Stop with the booing and the applause. Stop it. Antje Katcher.

MS. KATCHER:

It's a Dutch name. And I've been an immigrant in this country for some 30 years, ten of which I spent debating with the immigration, because while I worked under legal provisions, it is complicated and process and many people who are here and going for statute adjustment •• status adjustment will understand.

I would •• as a citizen who swore to uphold the Constitution of this country, I would urge you to not to spend your energies on this bill, not to spend the resources of this county on enforcement of immigration laws, which is properly the job of the Federal Government, and instead to spend the resources on the enforcement of fair labor practices and prevailing wage and health laws. Thank you.

P.O. LINDSAY:

Thank you, Ms. Katcher. Andrea Callan, and it has another name too. Is one of you going to speak or both of you speaking?

MS. CALLAN:

I'm speaking. Good morning. My name is Andrea Callan. I'm a resident of Suffolk County and a member of the Board of Directors of the Suffolk County New York Civil Liberties Union. The NYCLU is the New York State affiliate of the ACLU. And we're a nonpartisan organization with 5000 members here in Suffolk County alone and 48,000 state•wide.

I stand before you today to testify in strong opposition to Introductory Resolution 2025. The proposed legislation is unconstitutional and will only result in discrimination against Suffolk County residents who look Latino or foreign born, regardless of their actual citizenship status. The legislation attempts to enter the national debate over immigration reform by inserting the County into an area that is beyond its constitutional authority. Moreover, the legislation will lead to expensive lawsuits against both the County and private employers. I for one do not want my tax dollars going to defending lawsuits that can be prevented here today, nor do I want to expose Suffolk County employers to new liabilities under Federal Civil Rights Law.

This resolution is unconstitutional since it functions as a regulation of immigration and legislates in an area preempted by federal law. State and local governments simply do not have the authority to make laws of this kind, which are being debates here. The Supreme Court has long

held that under the United States Constitution, which is the supreme law of the land, might I remind, the Federal Government is the only body that has the power to regulate in the area of immigration. The Federal Government has done so through the Immigration and Nationality Act and through the establishment of a comprehensive system of laws and regulations who may enter •• on who may enter or work in the United States.

If IR 2025 passes today, it will be impossible to fulfill the requirements of the federal law and the local law simultaneously since in certain areas the two laws conflict directly and since Congress has already acted by legislating in this field with the INA. The Supreme Court has long stated that when federal and local legislation conflict or when Congress intended for federal law to block similar local legislation as is the case here, then the two cannot survive simultaneously and federal law will preempt local law.

The proposed legislation is drafted so vaguely and broadly that employers will have no idea how to comply with it, thus exposing employers to serious liability. Further, there is no real need for IR 2025 because the INA already provides for many of the provisions in this bill. Many of the Legislatures have already pointed that out here this morning, including the prohibition against employers on hiring undocumented immigrants and sanctions against employers who fail to comply with this law.

Suffolk County should not be using its valuable resources to duplicate a law that is already preempted. Let's not forget that we are a country with a bleak past dealing with issues of racism, equal rights and protections. If this legislation passes, we will only expose our immigrant friends and neighbors to rampant discrimination just because they appear to be from certain countries. Employers will face discrimination lawsuits because they may deny jobs to anyone they suspect is an undocumented immigrant, exposing them to serious financial liability and hurting all County residents.

Isn't it our duty to strive for a path of equality? As a County, we must not make decisions that will only drive a further divide between the immigrant community and all other County residents. Instead, Suffolk County should be known as a place which promotes tolerance in its communities and amongst its vast diversity of people here. For the reasons I have stated before you today and

as a member of your constituency, I urge you to vote in opposition of 2025. Thank you.

P.O. LINDSAY:

Mr. Ofer, you spoke at the last hearing, so we'll put you at the back of the list. You'll have three minutes.

MR. OFER:

I'm just saying that we're submitting written testimony.

P.O. LINDSAY:

That's fine. Michael O'Neill. While Micheal is coming to the podium, I'm just going to make one statement. I will not tolerate the booing, the applauding, regardless of which side you are on this. And if that persists, I will have the Deputy Sheriffs ask you to leave the auditorium.

MR. O'NEILL:

Hello. My name is Micheal O'Neill. I am from Sag Harbor, a neighbor of Ben Zwirn and a member of the East Hampton Anti Bias Task Force and a member of the East Hampton Democratic Committee. And I would like to say how ashamed I am that a County Executive who claims he is Democrat would push this law, as his spokesman said, to prod the upper levels of government.

I'm sure he did not imply that the bubble that was to go up an blow up in front of the Federal Government would be a bubble he would also rise up on. But I think that it is indicative that his Labor Commissioner stated last week that he could not enforce fair and prevailing wage laws, because it was a state duty, but yet, he seems not to be mindful that it's a federal duty to enforce

the immigration laws that we all agree do need an overhaul.

Since age 17, I've worked in kitchens, starting as dishwasher, moving on up from salad on, grill, to become a chef and later a restaurant owner. Of all the restaurants I worked in, I'm 62 now, only two were on the books. Restaurants and bars are well known for workers •• for putting working off the books. It is no secret. There are many other related sectors of the economy that also operate on a cash basis that are well known for having employees work off the books. Almost all jobs whose income •• whose income is augmented by tips, most of them are off the books.

It is not by accident that our Executive has chosen not to go after the well known businesses known for the underground businesses •• for the underground economy. The reason is, I believe, that this bill provides a cheap photo op on the backs of immigrants. And certainly, this would not be the first time that many courageous politicians have targeted a segment of the population that do not vote. I think we can all admit that the real target of this bill is not to provide fairness for the contractors, or else you might think a law would be proposed that would ban contractors who have cheated on their income tax, God forbid, or any other means of cheating that is much more prevalent.

We know what it's going after. It's going after a targeted segment of our community. We have seen this over and over again in this hearing itself. We know that people are talking about securing the borders, but they only mean the southern border, against terrorists and invaders they say. But yet, we know there has not been one terrorist from south of the border. Immigrants, we are told by another racist here are vectors of disease and they are the cause the distress of •• the economic distress of hospitals and the catastrophic health delivery to the middle class as if immigrants are the cause that 45 million of our neighbors do not have health coverage, as if 65 million of our neighbors do not have health coverage at some point during the year.

It is also said that immigrants are a menace and raise crime rates. That's been stated here by several people of the Minutemen. That is a complete falsity. In fact, the rate of crime committed by immigrants is only slightly higher, only slightly, fractionally higher than the rate committed by members of Congress. It is .48% of the immigrant population are incarcerated, while .41% of Congress is incarcerated •• well, they were in Congress until they went to jail, while 3.8% of the

general population are incarcerated. So these are false statements. And finally, we come down to the ••

P.O. LINDSAY:

Could you wrap up, Mr. O'Neill, your time is up.

MR. O'NEILL:

Okay. I hope you do not pass this bill, it's ugly and mean.

P.O. LINDSAY:

Just stay there for a minute, Mr. O'Neill, Legislator Eddington has a question for you.

LEG. EDDINGTON:

I just would like to get clarification that you came up and said that you have worked for years off the books violating the law.

MR. O'NEILL:

I didn't say I did not violat the law, I'm just saying I had to work or I would not have a job. It's common practice.

LEG. EDDINGTON:

You chose to work off the books.

MR. O'NEILL:

That's right.

LEG. EDDINGTON:

And that you now are a restaurant owner.

LEG. MONTANO:

No, I was a restaurant owner.

LEG. EDDINGTON:

And that people worked for you off the books.

MR. O'NEILL:

That's correct.

LEG. EDDINGTON:

My problem is that when people point the finger at others, they should always look at where the rest of the fingers are, facing them.

MR. O'NEILL:

That's very true. And that's why I would hope that you would stop pointing the finger at this targeted group that will bear the burden of this proposed law. Thank you.

P.O. LINDSAY:

Pastor Roseann Vita.

PASTOR VITA:

Good morning, Elect Representatives and Members of the Public. I'm Roseann Vita, Lutheran Pastor of Incarnation Lutheran Church in Bridgehampton, also an appointed member from the Southampton Town to the Anti Bias Task Force. I'm Cofounder of Concerned Communities for Alternatives to Jail. I am founding President of LION, the Long Island Organizing Network. I am presently an active member of the East End Clergy Concerned.

I come to you really as a resource, a background, to talk a bit about our language and they way we are framing the question around immigration. I'm going to make a scripture statement, two points and a closing summary, and then I have for your resource copies of an article that has been put out by the Rockridge Institute called, "The Framing of Immigration, by George Lakoff and Sam Ferguson. I have 18 copies, which I'll ask for to be distributed. I also have a statement that was a joint statement by the East Hampton and Southampton Town Clergy, "Exploring Immigration Through the Lens of Faith." And this was made •• published in the newspapers on the South Fork.

My scripture statement. In the beginning of the scriptures, one of the first sacred jobs that we as humans have been given was the job of naming. Very early in the creation story, God said to the human being, "Whatever your name, that shall be it's name." And the human being named all things, all things on the earth. And whatever name that was given, that was its name. Now my

two points. It's not true that sticks and stones will break my bones, but names will never harm me. If you call someone vermon, it leads to extermination. If you call someone an illegal alien, then it has to lead to criminal activities, criminal punishment. What if you call someone an undocumented worker or a man leaving a country where there was so much poverty because of our fair labor trade, which subsidizes our own agriculture so that people in other countries can't make enough to feed their own family? What if we refrained our language? It might refrain the way we act.

My second point. It is true that if you build it they will come. I was here speaking to you about a year and a half ago about the building of the super jail. When we were building prisons throughout the State of New York, when the crime rate was going down and there were many more beds than inmates, if you build super jails with empty beds, you will find a way to fill those beds.

My closing statement. You have been elected to be our thought process, you have been elected to help lead us into the common good. And so it's on this basis that I leave these resources with you and our prayers, because what's faced before you is a very complicated issue, but really the future of our generations depend on the common good. Thank you.

P.O. LINDSAY:

Legislator Caracappa has a question for you.

LEG. CARACAPPA:

Just quickly. You mentioned to us and to the audience that we should refrain from calling individuals illegals or undocumented, law breakers, border jumpers, whatever name you want to come up with. And you urge that. I would hope, and I hope •• this is a question •• do you urge that people who are illegal alien supporters or undocumented worker supporters, do you urge that they don't call people who have problems in their communities with things associated with illegal aliens that you urge them not to call them racists, that you urge them not to call them xenophobic and other horrible names that are so easily thrown around by a certain side in this issue? Because,

you know, it's getting really tiresome that certain people come up and point the finger and call these hard working •• I'm asking a question.

P.O. LINDSAY:

I'm not talking to you, I'm talking to the audience. You continue your thought.

LEG. CARACAPPA:

Let's be fair. If you're going to come up and attack one side, let's make sure that you're properly recognizing the other side and the real concerns that they have, instead of just, you know, when they make a valid point, pointing your finger at them and calling them a racist. It's unfair, it's unjust and it does nothing but inflame the situation. So I hope as much as you're saying being tolerant to one side, you're saying be tolerant to the other side.

PASTOR VITA:

Yeah. I'm saying we really need to learn how to talk with one another. That's an art that we have lost as a community. We talk at one another. So I'm in total agreement with you. Thank you very much.

P.O. LINDSAY:

Thank you. Reverend Ronald Richardson.

REVEREND RICHARDSON:

Good morning. My name is Ronald Richardson. I'm a Roman Catholic Pastor of Queen of the Rosary in Bridgehampton. I find myself in a funny position, because I listened to the Deputy

County Executive speaking about the necessity for this type of legislation as an initiative coming from a local segment of our country. My own Roman Catholic tradition actually applauds that idea. We have a principle that's called the principle of subsidiarity. The concept is that if there is a problem, the best way to go about solving the problem is at the level where the problem is to be found, at the lowest level, and then if that doesn't work, to work one's self or to work up the ladder.

I'm opposed to this legislation because I don't think that this is a good idea for Suffolk County to take this type of initiative despite my own and my church's belief in subsidiarity. And the reason why I say that is because our country has faced other issues in the past where initiatives were taken locally. And they proved to simply not solve the situation and even inflame the situation. I'm thinking of the 1950s and the 1960s in terms of the Civil rights Movement where local municipalities did have legislation about voting rights and were quite satisfied with those •• those pieces of legislation. But it became clear that the Federal Government really needed to address the issue so that we could have fairness in the country.

That's why together with others who have spoken, I really think that this is a part of the piece of a much, much bigger issue that needs to be addressed at the federal level. I think there is a role for Suffolk County. I think the most recent exchange that just took place between the Pastor and the Legislator highlights it. I think there is a need for a quality of life in Suffolk County. And by the way, I spend about 40 of my 45 years as a Priest in Suffolk County, so I'm not unfamiliar with this territory.

I think there is an issue that we need to look at in terms of quality of life. There's been a lot of inflamed rhetoric and a lot of heated debate that goes on and spills out into sometimes actions that others have spoken about prior to me that are really quite •• quite detrimental to the quality of the life that we need here.

I do work with a community of Latinos along with the Whiter Anglo community in my parish. And some of the things that I see them bringing, the Latinos bringing to our parish but also to the community of Bridgehampton, the East End and Suffolk County would be several qualities that I think we could well benefit from. Things like, they are people who are family people, and family

life is under attack. We've been told that over and over again. They're family people. They're people of faith. And from every poll that I've ever read, Americans are very much in favor of going to church and respect people of faith. And they have a tremendous work ethic. That's very beneficial to us. Thanks for the opportunity to speak.

P.O. LINDSAY:

Thank you very much, Father. Cesar Malaga.

MR. MALAGA:

Good morning. Cesar Malaga, President of Hispanic American Association. Let me start by saying that many of us, you know, we are not, you know, in favor of illegal immigration, but immigrants are here to stay. They have children and they have families here who were born here, and they are US citizens. We are many of us asking for the immigration reform by our Federal Government. And this bill, 2025, is anti immigration for legals or illegals, it discriminates against Latinos, and it should not be approved.

There's a federal law, you know, Title 8 of the United States Code Section 1324 A that some mentioned earlier. And that has all the trimmings, you might say, all the law that requires to enforce this law that you are trying to pass here. I'm sure that most of you read that, you know, 1324 A, you're familiar with that. Now, why duplicate a law that supposed to be enforced by the Federal Government? The laws of our country, you know, protects immigrants whether they are legal or illegal. I'm sure many of you are not familiar with the many immigration laws that protect the citizens of the other countries who are here in the Untied States of America. The bashing of immigrants •• the bashing of immigrants by our County Executive Levy and some of you, it's not only directed to undocumented immigrants.

I want to bring to your attention that Latinos who are US citizens like myself are not allowed to ask questions or make any statements at a school board meeting. I was humiliated, insulted and called a liar at a meeting just after the school budget meeting. The President of the School Board told me in a loud voice, "How dare ask about school expenses." You know, all of us Latinos are

suffering under these conditions. I always, you know, went to school board meetings as a Board Member of the Taxpayers Association. As you can see, school boards in my district discriminate against Latinos. It is time that elected officials stop bashing Latino immigrants.

Our country, as you are aware, is a country of immigrants. Most of you are descendants of immigrants. Previously that some of your families were also discriminated against, such as the Irish, Italians and others, but they were allowed to work hard and accomplish the American Dream. The proposed worker •• Levy's worker bill, IR 2025, is directed to people who are here to offer their services and in return get paid so they can provide food and other necessities to their families here in the United States and also back in their home, which could be anywhere in the world.

This bill if passed will deny any work to the good honest people who are to care for families. One thing I want you to be aware of also is that there are many US senior citizens who live in Mexico, Central and South America. There are thousands of them. Should the government of those countries order all senior US citizens to leave their countries because they are not paying the required salaries to their servants in these countries or they overstay too long in these countries? Just think of the laws that protect all immigrants here in the United States and other countries around the world. The proposed IR 2025 is anti immigrant, anti Latino.

I said that this country is a country of immigrants. Our country welcomes immigrants. If you've visited Governor's Island •• if you've visited, you know, where the Statue of Liberty stands, you might have read the words, "Give me your poor, your tired." It also mentions "Send the homeless, tempest•tossed to me." County Executive's Levy's bill, IR 2025 wants to ignore what our country stands for. We ask you to kill this IR 2025.

I should also mention to you that probably you did hear on the news yesterday that our country needs Latino workers in the agricultural industry. Also, you know, very soon they will need workers in the construction business. Just take look at the East End. In the East End, many Latino workers build homes, mansions, and who's benefitting from that? The County and towns, they're collecting taxes. You know, those homes were not built •• of course, you know, the problem is a lot of them would still be there, many also many of us are force to the structure of the

farmland. What I'm asking you is just think •• think that you are immigrant •• decedents of immigrants. People are here to make a living. And what we are asking, as I say, is that our immigration reform is done by our Federal Government.

P.O. LINDSAY:

Mr. Malaga, your time is up.

MR. MALAGA:

Yes. Please kill this IR 2025. Thank you very much.

P.O. LINDSAY:

Sonia Palacio •• Grattola

AUDIENCE MEMBER:

She had to leave. I'll leave her statement.

P.O. LINDSAY:

Donald Solar.

MR. SOLAR:

Good morning, it's not afternoon yet. My name is Donald Solar. I grew up on Long Island. I'm now Emeritus Professor at Long Island University where I taught Economics for three and a half decades. I want to start just by quoting from an article, which recently appeared on the OpEd page of the New York Times, the author is Roger Mahoney, Cardinal Archbishop of Las Angeles. And Father Mahoney said, quote, the unspoken truth of the immigration debate is that our nation

benefits economically from the presence of undocumented workers. While we gladly accept their taxes and sweat, we do not acknowledge or uphold their basic labor rights. At the same time, we scapegoat them for our social ills and label them as security threats and criminals to justify the passage of an anti immigrant bills.

The key word was scapegoat. For example, a roofer in Bay Shore, unable to win public jobs in Suffolk County, puts the blame that scapegoats the undocumented workers who make it possible for an out•of•state contractor to successfully low•ball bids for roofs at public schools on East End. However, there are other frustrated contractors who do not consider illegal immigration to be an important part of the problem. They consider Mr. Levy's policy initiative to be misplaced. Example, Metropolitan Construction Systems, a unionized firm in Holbrook, told Newsday that they, quote, can't win a public job mainly because government won't enforce what they already have, the prevailing rate and a certified payroll which verifies that those wages are paid to workers. Those rules could be enforced.

But these kinds of criticisms of 2025 are apparently being ignored by the County Executive. And Mr. Levy also ignores immigrant advocates, ministers and unions who have criticized the bill saying it would create discrimination against workers based on their background. I met Steve Levy when he came to speak at the retirement center where I now reside. In the discussion which followed his remarks, I expressed to him my concern about Long Island having become one of the most racially divided suburbs in the nation. He seemed to share my concern. So I'm here today as a member or ACORN to beseech Mr. Levy to withdraw a bill that will only promote more decision than already exists. Thank you.

P.O. LINDSAY:

Thank you, Mr. Solar. Nina Costanza•Walters?

THE AUDIENCE:

(Inaudible)

P.O. LINDSAY:

Oh, all right. I missed that. But thank you for your ••

LEG. ALDEN:

Honesty.

P.O. LINDSAY:

Honesty, is right. Cathy Carballeira. Cathy Carballeira. Okay.

MS. CARBALLEIRA:

Good morning. My name is Carballeira, as you so elequently pronounced it. Thank you. I am a child pyscho•therapist and a social worker. And I'd like to address the consequences and the dangers of IR 2025 for children.

I have serious concerns about the devastating effect that separating and deporting undocumented parents can create for a generation of children. Recent studies at Harvard have documented the damage that parental removal has on children; even on infants. Children react to loss and family relational trauma differently from adults. Children can become depressed, angry, anxious and even psychotic when they're abandoned by their parents. You're asking for a Sophie's choice here for parents. Parents who came here to seek a better life for their children, such as {Elvita Edelyonda} a Mexican woman in Chicago who sought sanctuary there for her special needs child.

You're putting parents in a situation which they're now faced with the prospect of deciding between returning with their children to their country of origin where needed services and opportunities are not available or leaving them behind; a choice no mother or father should have to make.

The other issues that •• if the children return to their respective countries with their undocumented parents, what we have effectively done in this country is to deport American citizens violating the 14th amendment. If parents do not have the resources to bring their American born children with them, they will be left behind to fend for themselves in foster care as wards of the state and wards of the County I might add.

I urge lawmakers to be mindful about these concerns not only out of respect for the humanity and dignity of people and that deepest bond of all between parents and children, but also out of respect for the constitution of the United States of America. You are treading on hallowed ground. And it is not for you as County personnel to be making these decisions since the reverberations will be felt throughout the country. In the name of family values, I implore you to consider what you're doing. Thank you.

P.O. LINDSAY:

Thank you. Reverend Richard Edwards.

REV. EDWARDS:

I'm Richard Edwards. I live in Stony Brook at 10 William Penn Drive, and work in Stony Brook at 216 Christian Avenue. I'm a United Methodist Minister.

Ladies and Gentlemen of the County Legislature, thank you for the opportunity to speak with you. I want to point out that in the New Testament, Jesus spoke of two laws upon which all other law hinges; one is the law for the love of God, the second, love your neighbor as yourself. That

law he found in the 19th Chapter of Leviticus in the 18th verse. Just a few verses later, as if to expound upon that and to explain it, occurs this further word, "When an alien resides with you in your land, you shall not oppress the alien. The alien who resides in your land shall be to you as the citizen among you. You shall love the alien as yourself, for you were aliens in the land of Egypt. I am the Lord, your God."

Were we to pass IR 2025, we would put some people in the position, people of faith, people of conscience, in the position potentially of having to choose between obeying God's law and obeying the law of the County. I hope that they would not have a lengthy debate with themselves about which law commands their greatest loyalty.

Jesus didn't say, "When I was hungry and had passed through all the INS hoops, you fed me." No, he may set no conditions upon it. I find it appalling that we would consider making it illegal to assist people who are in need by preventing them from working to support their families.

Moses and the Israelites were strangers in a strange land and the people of Israel lived in exile for many years making their homes in foreign countries. Jesus and his family traveled to Egypt for safety. And we, the holy people, children of God who have come to live and work and build a life here and to do their part as taxpayers, hardworkers, and law abiding people. It is more appropriate for us, more faithful not only to the Biblical law which is the basis of our law, but it is also a truly American response not to oppress them but to welcome them, to love them, to respect them, to embrace the gifts they bring. And it is incumbent upon us all to insist that our laws reflect the hospitality that our hearts would offer, and therefore to be faithful to that vision which one of the previous speakers mentioned in quoting the words of Emma Lazarus at the Statue of Liberty; "Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest tossed to me, I will lift •• I lift my lamp beside the golden door!" Let's not slam shut the golden door. Let's not extinguish the lamp of hospitality. Thank you.

P.O. LINDSAY:

Would Reverend Edwards please come back, Legislator Eddington has a question for you.

LEG. EDDINGTON:

It just brings me to mind when you mentioned scripture that the 10th Commandment is, "Thou shall not covert your neighbor's house." Isn't that part of what I hear is people saying is happening?

REVEREND EDWARDS:

That would be the case where I think people are actually taking other people's houses. I would point out another law in Leviticus in the 23rd Chapter, chapter •• Verse 22, which speaks to the issue of there being something for the alien in the land; "When you reap the harvest of your land, you shall not reap to the very edges of your field or gather the gleanings of your harvest, you shall leave them for the poor and for the alien. I am the Lord your God."

(Applause)

LEG. EDDINGTON:

So I gather that whoever reads the scripture can come up with some justification on either side.

REVEREND EDWARDS:

Certainly, friend, we all interpret scripture. I would like to simply affirm that the tradition that I represent interprets these scriptures and the new testament correlates to them as imposing upon us an obligation of hospitality to aliens. Thank you.

P.O. LINDSAY:

Wait a minute. Legislator Alden.

LEG. ALDEN:

You're interpreting this bill as an anti•host type of bill towards aliens or illegal aliens, or some kind of class of citizen, or not citizen, and you're calling the scripture. And one thing that pops to my mind is when Jesus was asked on a direct question if people should pay taxes, his direct response was, "Render unto Caesar what is Caesar's and unto God what is God's." I fail to see how you can, you know, make that jump, and maybe you can explain it to me, where you're interpreting this legislation to go as an anti•person bill when it seems like it's more towards an economic effect.

REVEREND EDWARDS:

Your point is a useful point to make. At the same time, I simply want to point out that rendering unto Caesar is something that a great many undocumented workers in this country are doing and a great deal of taxes are being paid from the labor of undocumented workers.

LEG. ALDEN:

Okay,thanks.

REVEREND EDWARDS:

Thank you.

(Applause)

P.O. LINDSAY:

Legislator Caracappa.

D.P.O. VILORIA•FISHER:

Legislator Caracappa.

LEG. CARACAPPA:

Thank you, Pastor. I appreciate you coming down today.

REVEREND EDWARDS:

Thank you, sir.

LEG. CARACAPPA:

It's a crazy world we live in today, isn't it? You're absolutely right.

REVEREND EDWARDS:

Indeed.

LEG. CARACAPPA:

Indeed. Do you feel that either being Methodist, as you are, Catholic, Jewish, Muslim, that that brings us all together, that that is the equalizing force •• equalizing force in this world, this crazy world that you just admitted that we live in, or is it something else? Because as a devout Catholic myself, I come from a very religious family and I am myself, I personally say that religion divides us even more. And I can just go through the categories as I just did and many, many more. What do you think is the equalizing force in this crazy world we live in; what is it? What makes us all equal? Is it the Koran, is it the Bible; what is it?

REVEREND EDWARDS:

It is the fact that we are all creatures of one creator.

LEG. CARACAPPA:

Well, I was taught that we were all created equally under the law, and I think that's what's being forgotten here by some of the people who are coming up to speak against this bill. We're Legislators where we have to follow the law. We have to create laws that protect the taxpayer and the citizens of this County, and it's nothing more and nothing less. You know, we all have feelings, we all have desires to help the alien or whoever it may be that reaches out for help, but we are bound by an oath, just as you are, to do our job effectively. And we can agree to disagree but, you know, the only •• my point was to make, and I didn't do it so eloquently, was only one thing keeps us equal and that's the law in this land.

(APPLAUSE)

REVEREND EDWARDS:

Thank you for your comment. I simply say that also we're all subject to the ultimate accountability. Thank you very much.

D.P.O. VILORIA•FISHER:

Debores Davis. I don't know if I'm saying the first name; right. D•o•b•r•e•s? Davis. Followed by Marc Klein will be next in five minutes.

MS. DAVIS:

My name is Delores Davis. And I'm a member of ACORN speaking on behalf of Nassau and Suffolk. The Suffolk County ACORN Office is at 82 East Main Street in Patchogue 11772. ACORN members have been fighting against racial discrimination especially in housing for the

last several years. We have tested real estate companies, schools and parks and found a drastic difference in the way people of color are treated everyday. We're tired; we're disgusted. We still have to endure this kind of discrimination so many decades after the Civil Rights laws were passed.

We're very disappointed as Legislators would consider a bill that would promote more discrimination that already exists. It's a double whammy. You're considering making laws in Suffolk County the weakest on the Island. And you're considering at the same time this employment bill a bill that would only foster an atmosphere of suspicion and encourage employers to further discriminate ultimately affecting citizens and non-citizens alike. Do we really want a law passed that would reduce tolerance for people of different races? ACORN members say no, absolutely not. We urge this Legislature to stop this bill now.

(APPLAUSE)

D.P.O. VILORIA-FISHER:

Marc Klein.

MR. KLEIN:

Marc Klein, labor background: President of Long Island's first AF of L/CIO Professional Union during its embryonic stage and currently member of the steering committee of Suffolk County's Working Families Party.

On August 22nd for over three hours you and I listened to sincere, intense passion anecdotal evidence and sound and fury signifying people are hurting. The question is what do we do about it? Note we in Suffolk are not alone. More than 500 bills have been introduced this year alone already in state legislatures aimed at cracking down on undocumented immigrants and employers who hire them.

I submit this flood of legislative proposals is a manifestation of the economic frustrations, uncertainties, anger and anxieties of working people. It is a reaction to the current two tier economy that is re•distributing wealth upward while abandoning the working man and woman. However, these bills in 2025 do not address the underlying economic challenges and questions assaulting the middle class such as is there an end in sight to stagnating wages, disappearing benefits and corporative outsourcing? Why is the middle class shrinking? Whatever happened to upward mobility? Inherent in these bills is a tragically false explanation of a plight of the middle class.

Some perspective. Four items. First, wages have been stagnant in this country in terms of the CPI for approximately 30 years, long before the current immigrant influx. Wage erosion didn't happen overnight and is not subject to a quick fix. The economic working class distress is due to a multitude of causes. I'd be happy to delineate and explore some of these factors. But a link to immigration as a causative factor has not been demonstrated.

Second, the Nassau Academy of Sciences has reported that immigrants do not unbalance, cost our society money but add to 1 to 10 billion to the US gross domestic product.

Third, more than 500 independent economists including five Nobel Laureates have declared in open letter to President Bush and Congress that gains from immigration outweigh losses. Here on Long Island new•comers have revived fading downtown areas and broad local economy such as in Freeport, Elmont and Lawrence.

Fourth, when comparisons are made for areas with a high ratio of immigrants to native workers as opposed to areas with a low ratio of immigrants to native workers, there's no significant consistent difference in unemployment rates.

What 2025 will accomplish economically for the working class is more than highly questionable. But an unintended consequences, that is certain, that it will be perceived by some as an official green light approving encouraging the open rejection and negative treatment of newcomers. Let us not let that message go forth. I urge you to reject 2025 in that it proffers a hollow remedial promise, a deceptive economic analysis and a dangerous social message. Now is the time not for polarization but vision; not for driving the problem underground, not for exacerbating it. We in Suffolk are better than that. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Thank you, Mr. Klein. Sue Grant.

MS. GRANT:

My name is Sue Grant and I live in Farmingville. And I'm here today to support •• I hope you all vote to pass 2025 as the step in the right direction. This law is not being addressed to one particular group. This bill addresses all illegal workers in this County without correct documents. The fact is the President's whose job it is to enforce immigration law is not doing so. It is now up to the citizens to encourage local governments and the state to pass legislation to deal with this lack of •• lack of enforcement. You must decide if you want to restore law and order to the County or do you want this chaotic situation to continue? Legislators who vote against this bill or abstain to vote on it lack the courage to put aside their personal feelings and stand up for the rule of law.

The illegal alien advocates use the weakness of the President on this issue against the citizens by saying it is only the federal government's job to enforce immigration law and the citizens and local government do not have the power. Not so. This is a government of the people. If the government is not doing its job, it is up to us, the people and the states to do it for them. President Bush is not our king and we do not live in a monarchy.

Please to not let the ACLU and the PDL who I understand is funded by the ACLU to intimidate you into inaction on this issue. All across the country the states are passing local laws to bring our towns back from chaos. After a while the ACLU will run out of money and manpower and they cannot sue all of us. So please pass this bill. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Eve Sokol. Eve Sokol.

MS. SOKOL:

My name is Eve Sokol. I'm from Bellport, New York. I came to speak to everyone here, those supporting the bill and those who are not supporting the bill because there are issues that need to be dealt with in small towns like housing problems. But I believe our country has criminalized this bill so much that I address this to Joseph Caracappa and to Jack Eddington that when there is anger and hate and people are criminalized, the hate groups tend to gravitate to that area.

And I bring today a magazine that has been published by the South •• Southern Poverty Law Center that has been in operation for some 72 years under the direction of Morris {Dees}. It's a very renown lawyer. And in here he has over these years followed hate groups. And there's much in this current magazine that talks about the hate groups that have gravitated to different groups that are dealing with immigration. So I warn everybody to be aware of the fact that you might be inundated with a hate group person. So watch the rhetoric around all of this and the hate that is spewing.

The other thing I would like to bring up is when I heard the •• Congress, when in the House especially the bill they came up with, it was so hateful. I really got very frightened myself because I'm a health care worker in a dialysis unit. And I will be subject to criminal conspiracy under their bill. And all health care people, I'm sure, who value their commitment to the welfare of people would be under this bill criminally indicted.

When I was a kid in World War II, we needed •• I lived in a steel town. It was called Lorraine, Ohio. And we brought Hispanics there to work in the steel mills. We brought them and we built barracks for them. We supported them being there because we needed them. And we all know there are laws and there are laws. And the exploitation of poor people is a real problem by our corporate run government today. And I've been a member of SOA Watch and I've gone to Fort Benning, Georgia to protest at a school, the School of Americas where we teach torture, we teach soldiers from Central and South America to combat their own people when the poor people want to rise up and make decent livings in their own home. We support the dictators, the oligarchies that support our corporate interest in Central and South America.

So remember that history. Why would so many people leave the beautiful country like Guatemala to come here in our snow storms and slush and things like that? So there are problems, but they should be looked at by a civilized nation with compassion for all.

I'd like to leave this magazine.

P.O. LINDSAY:

Thank you, Ms. Sokol. Nina Friedberg. Nina Friedberg.

MS. FRIEDBERG:

Good afternoon. Nina Friedberg. I have one kind of a name. I look like a different type of person. No racial profiling, please. Okay. What is happening in our country today? We have a

wonderful country, a country that has history of every kind of people in the world coming to this land to live. Why do they come here? They came here certainly because economic conditions were very bad. Why are the people from Latin America here today that economic conditions where they live are very bad? Would you want to come and live in horrible conditions where people are discriminating against you, where you're not sure where you fit in? Why do people come here? Because their families are starving. And I think we all have to have a sense of compassion.

Our ancestors or relatives or whoever came here came because they had personal problems and came here to resolve their problems because this was a country that was magnanimous or had the opportunities for people to be able to better their life. Whether we like it or not, the Latino people are here. They're on our continent as it happens. They don't have to go across oceans. But they are here. And every group that has been •• come to this country as a minority group came, were demonized and then became a part of our society. You know, the Irish, the Italian, the •• whatever. Jews. Even some Asians.

What are we going to do? Either we're going to create, again, an atmosphere of hostility, encourage hate groups and encourage an anti un American attitude towards people or are we going to find a way to integrate these people into our community? Apparently they're here because they're are economically necessary; otherwise they would not be here in a large number. So we can't fool ourselves. It isn't that the snuck in and they just happen to grow. They are necessary for the economy of our country. They are necessary for you to have nice fruit and vegetables in the middle of the winter. Without the undocumented workers •• I refuse to call any human being illegal •• I think it's inhuman to do that. They are undocumented. That is the factor. And that's what we can call them.

Also, demonizing people with names like that, you do create a kind of atmosphere where then you want our children to grow up being afraid of a certain group of people or not accepting them? This is not good for our country. Our country is only good if we all accept and know that we have to depend on each other. We are dependent on these people who come here. It is a lie they do not contribute to the economy of our country, our state and our town. They pay •• what is it? \$19 billion worth of taxes come into New York State from immigrants. That money is used for everybody. And so we cannot use the excuse that we can't spend our money on these people. There are not such thing as "these people." We are all human beings and we have to have a

certain sense of compassion. It is bad for our country. It is bad for our reputation. I'm embarrassed. Steve Levy. I mean he come from a position of people who had to get into any country they could illegally because they were chased from the •• all around the world. How could he take such a position? It insults me.

It's embarrassing for me when I hear what's happening in other states; even in Nassau County and Suffolk. There are hiring laws. Their housing is (inaudible). We can make it a much better country. It'll be better for us. We can provide housing. We could make sure that health care is given. We can make sure that there is peace and we encourage people to accept each other instead of encouraging people to fight each other. I think people on this land, think it's to their benefit to learn to live with their neighbors who are here to stay. I'm sorry. This bill is very bad. It is bad for the reputation of our County. It must not pass.

(APPLAUSE)

P.O. LINDSAY:

Linda Lane•Weber. Linda Lane•Weber. Ms. Weber, if you'd like to sit down and give your testimony, please, avail yourself of that.

MS. LANE•WEBER:

That's very kind of you but I only have about four minutes worth. I can manage.

I will try to be interesting so that you will not be {aborito}? My name is Linda Lane•Weber. Honorable members of the Legislature and guests. And I reside at 215 Beaver Dam Road in Islip.

By way of identifying myself, I am an activist with the South Suffolk Chapter of the National Organization for Woman and the founder and past President of that chapter. Currently I'm their news letter editor. Diversity. Stopping race discrimination is one of NOW's core issues. You know the other ones; reproductive rights, lesbian rights and so on. I am also founder and a past president of the Suffolk County Coalition against Domestic Violence formerly known as the Long Island Woman's coalition, Inc. I am a past president and past board member of the Unitarian Universalist Society of South Suffolk and currently a member of the National Association of Puerto Rican and Hispanic Social Workers though neither Puerto Rican nor Hispanic nor a social worker. I'm a retired English teacher with a sex discrimination and retaliation complaint against a former employers which is still not adjudicated.

Thank you for giving me the opportunity to speak again. I didn't speak last time but I have spoken previously. On behalf of myself against the Levy immigration bill 2025. The focus of my comments is on the enforcement of the newly added anti•discrimination clause. You have not really improved your proposed solution for your perceived problem of dealing with illegal immigrant workers by adding an anti•discrimination clause to this bill. You can't make a silk purse out of a sow's ear.

Spanish translation

Is that right from my Spanish friends?

THE AUDIENCE:

The national anthem?

MS. LANE•WEBER:

Okay. You'll only increase the fears of contractors. Now of not only being penalized for hiring illegal immigrants, but also the fear of being charged with discrimination for not hiring legal ones. These increased fears will lead to increased bias against all immigrants. Most of us know that fear is the root of most hostility and aggression. How much easier it is to say curtly that position has been filled to an immigrant than to get involved in any discourse which might lead to a discrimination charge. And if an immigrant wants to bring a discrimination complaint, do you know what is involved with making a discrimination complaint against an employer? Do you know what it takes to prove it? Where does the legal immigrant who has been discriminated

against go?

This is a proposed county law. Perhaps the immigrant will go to the Suffolk County Human Rights Commission. While I have the utmost respect for the Human Rights Commission, it is but an investigative agency for the most part without enforcement teeth. An employment complaint deemed valid would refer to the New York State Division of Human Rights. At the division the immigrant can go in pro se representing him or herself or searches self know lawyer needed for the first level. And with his or her limited English limited skills will there be pitted against the employer's seasoned and knowledgeable employment attorneys. The waiting list for a hearing at the division spans years. And once started, the case is not heard expeditiously. Trial days are not consecutive but are set and held sporadically when the administrative law judge who hears the case and both parties and their lawyers will be available. The trial location changes with the division of holding court not in a DHR court but in vacant rooms in a court such as district court in Hempstead in whichever room is available that day.

If the immigrant complainant successfully goes through the first or probable cause level, he or she will wait to be called for a public hearing, again, held on sporadic days in different court rooms. And at that level can, in fact, must be provided with a division attorney if he or she cannot afford a lawyer.

My own employment case was filed in 1991. It took to 1994 to get to a probable cause, the first level hearing. The public hearing was completed in March of 2004.

P.O. LINDSAY:

Ms. Weber, your time is up. Please summarize.

MS. LANE•WEBER:

I will summarize. In post hearing briefs submitted to the Judge in November of 2004, that case

number 9DEDO•91, 144934E has not yet been fully adjudicated after 15 and a half years.

P.O. LINDSAY:

Come on, summarize.

MS. LANE•WEBER:

All right. Is that where you want a legal immigrant to go with a discrimination case? Perhaps with the abominable conditions in the State Division of Human Right the immigrant will choose to go into federal court with his or her complaint. Can he or she afford a federal trial lawyer? I think not. It is, therefore, hardly likely that the anti•discrimination clause in the proposed bill can be enforced. And the increased bias against immigrant works will fall heavily upon them and their families. Thank you.

(APPLAUSE)

P.O. LINDSAY:

Salvatore Ferrara.

MR. FERRARA:

Good afternoon, members of the Legislature. My name is Salvatore M. Ferrara. I'm a Suffolk County resident since 1963. I have a little hearing disability so I talk a little loud I probably don't even need the microphone.

I'd like to commend the Legislature that was in office when this horseshoe was designed. I see you's on the same level as the speaker unlike other Legislatures that I've seen. To that end you are here representing the people. That is the citizens of the County of Suffolk.

I'd like to start by quoting a letter written by Rosemarie {Labonte} to the editors of the Orange County register who neglected to publish it. So many letters •• so many letter•writers have based their arguments on how this land is made up of immigrants. Some suggest we should tear down the Statue of Liberty because the people now in question aren't being treated the same as those who passed through Ellis Island and other ports of entry.

"Back in 1900 when there was a wash from all areas of Europe to come to the United States, people had to get off ship and stand in a long line in New York and be documented. Some would even get down on their hands and knees and kiss the ground. They made a pledge to uphold the laws and support their new country in good and bad times. They made learning English a primary rule in their new American household. And some even changed their name to blend in with their new home. They had waved goodbye to their birth place to give their children a new life and did everything in their power to help their children assemble into one culture.

Nothing was handed to them. No free lunches, no welfare, no labor laws to protect them. All they had were the skills and craftsmen they had brought with them to trade for a future of prosperity. Most of their children came of age when World War II broke out. My father long side, men whose parents had come straight over from Germany, Italy, France and Japan. None of these first generation Americans ever gave any thought about what country their parents had come from. There were Americans fighting Hitler, Mussolini and the Emperor of Japan. They were defending the United States of America as one people. When we liberated France no one in those villages were looking for French American or German American or Irish American. The people of France only saw Americans.

And we carried one flag that represented one country; not one of those immigrant sons would have thought about picking up another country's flag and waving it to represent who they were. It would have been a disgrace to their parents who had sacrificed so much to be here. These immigrants truly new what it meant to be an American. There stood the melting pot into one

white red and white bowl. And here we have our 2006 with a new kind of immigrant who wants the same rights and privileges; only they want to achieve it by playing with different set of rules, one that includes the entitlement card. And guarantees of being faithful to their mother country. I'm sorry. That's not what being American is all about.

I believe that immigrants who landed on Ellis Island in the early 1900's deserved better than for all that •• hard work and sacrifice in raising future generations to create a land that has become a beacon for those legally searching for a better life. I think they would be appalled that they are being used as an example by those waving foreign country flags. And for that suggestion about tearing down the Statue of Liberty, it happens to mean to a lot of citizen who are voting on the immigration bill. I wouldn't start talking about dismantling it just yet."

That is the end of the letter. And it has my feelings.

P.O. LINDSAY:

Mr. Ferrara, your time is up.

MR. FERRARA:

I'd also like to quote from Suffolk Life newspaper August 30th editorial "County Executive Levy is trying to pass a bill to make it illegal for companies to do business with the County if they use illegal immigrants workers. We applaud Levy's intentions but Suffolk County questions why Levy's bill puts the burden and responsibility on the employer."

P.O. LINDSAY:

Please wrap up.

MR. FERRARA:

End of quote. I now wish to add my comments.

P.O. LINDSAY:

No, Mr. Ferrara. Your time is up, Mr. Ferrara.

MR. FERRARA:

I wish to paraphrase Theodore Roosevelt. There is only one flag in this country and is that the red, white and blue of the United States." I oppose this bill because it puts the burden in the wrong place. It should be put on the County, not on the employer. Thank you.

P.O. LINDSAY:

Thank you, Mr. Ferrara. Harriet Ha•Sidi. While they're coming up, I polled the body to see what they wanted to do whether they want to take a break for lunch or to work through. And it's like 9/8. What I'd like to do is I'm going to call a one•hour recess at a quarter to two; by then this hearing will be over. We've reached the three hour limit so we'll get that behind us. A lot of people have come here twice now. I don't want to inconvenience them any more. So, Harriet, you got five minutes.

MS. HA•SIDI:

Thank you.

P.O. LINDSAY:

Quarter to two is the end of the three hours.

OFF THE RECORD

I'm sorry, Harriet. Please go on.

MS. HA•SIDI:

Yes. I came here today to speak to you as a Unitarian Universalist to explain to you our seven principals particularly our belief in the inherent worth and dignity of every human being and justice, equity and compassion. But, you know, the longer I sat here, the more I realized that I wanted to speak to you about something else.

I'm insulted today. I'm insulted as a taxpayer who can barely afford to pay her taxes on her home to be told that this legislation will not cost me any more than to enforce if it did not exist. I'm insulted by being told that it is not a duplication of other laws. And I'm insulted •• I'm glad to see most of you are back in the room that, you know, this was our opportunity to speak to our Legislators. And I watch them coming and going and not being here to listen to us speak.

I have a big problem with this law. And I just do not see the need for it. I listen to the Deputy County Executive tell me that Mr. Levy is at the forefront of protecting peoples' rights. I think he's at the forefront of instigating problems that precipitate things for him to go ahead and say that he's there to protect peoples' rights. We don't need this law. If the real meaning behind this law was that the federal government is not enforcing its laws, then why not pass a resolution insisting that the federal government enforce it's laws rather than this resolution that is before us today? Thank you.

(APPLAUSE)

P.O. LINDSAY:

Alexis Grasso.

MS. GRASSO:

Harriet just about said what I wanted to say. I'm from Farmingville. And I am a descendant of immigrants; however, the America that we are today is not the American of manifest destiny in the late 1800's. We have big problems. And I don't believe we can absorb unfettered immigration any more. I'm sorry.

On the other hand, Mr. Bush and the corporate government have invited the immigrants into this country and suppressed INS. In fact, absorbed it into Homeland Security. And we know what happens when entities are absorbed into Homeland Security. They become ineffective. And I do believe we need to get after the federal government to do their job and to enforce the laws of this nation. I am •• I don't blame Mr. Levy for responding to the public outcry from his community. He's trying to get the federal government to do its job. Unfortunately I don't think this will work; instead it will add another lawyer of taxpayer burden.

On the other hand I live at the top of Blue Point Road. I have a lot of immigrant neighbors. And they are good neighbors. Improving the properties of dilapidated former summer homes owned by former Americans; quiet, respectful. They are good neighbors. They are not to blame. They were invited into this country by our President. And we need to get the President, the government to enforce our laws. That's it. All I have to say.

P.O. LINDSAY:

Thank you, Ms. Grasso. Shirley Aldebol.

MS. ALDEBOL:

Good afternoon everyone. Thank you for the opportunity to speak today. My name is Shirley Aldebol and I'm the Long Island District Supervisor of SCIU Local 32BJ. Our union represents more than 85,000 members on the east coast from Maryland to Connecticut with 3,000 local 32BJ members living and working on Long Island. Our members are supers and porters and residential buildings and janitors in commercial office buildings and malls.

Through my work with the union, I have encountered many different types of cleaning contractors. Some contractors are, in fact, responsible. They pay prevailing wages, provide employer paid benefits to their employees and adhere to health and safety laws. Many also allow card check agreements and signed union contracts. Unfortunately there are many irresponsible contractors who prefer to pay their workers poverty wages, deny them benefits and may subject their employees to unsafe working conditions. Such behavior is not unique in the cleaning industry.

One local building contractor was quoted in Newsday a couple of weeks ago expressing his frustration at illegal contractors who don't do the right thing. I share his frustration. And I believe that all workers regardless of where they come from, how they got here or their immigration status deserve to be protected from such unscrupulous practices. In fact, that is the law.

Here on Long Island we organize workers who clean commercial office buildings and are currently organizing workers who clean food courts and simon malls. Workers that we organize • that we are organizing who are not in the union earn as little as 6.75, sometimes less per hour while the union rates starts at 8.30 and up with benefits. Many of these worker are immigrants. Many are legally residing and working here yet this does not stop employers from violating their rights, committing unfair labor practices or wage and hour violations. Many workers are subjected to unsafe conditions; often working without proper equipment and protective clothing to do their jobs. Why? Because employers who want to exploit workers for their own gain to

increase their profit margin will do so without regard to the law; any laws.

Right now too many workers on Long Island don't have anyone protecting their rights. I think that Suffolk County Legislature should try to change that, but it won't do so by passing Intro 2025. Intro 2025 only serves to cast suspicion on immigrants; many of whom are hard working, decent members of the community who are trying to make a better life for themselves and their families.

In the same Newsday article I mentioned earlier construction companies were asked why they have abandoned work in Nassau and Suffolk County for New York City. Their response was that stricter enforcement of prevailing wage laws creates a more hospitable work environment in New York City. If the true motivation of this legislation is to crack down on irresponsible law breaking contractors who undercut responsible contractors and drive down wages, why hasn't Suffolk County tried to enforce other federal laws like the NLRA, health and safety laws, anti discrimination and civil rights laws? Why hasn't Suffolk County demanded the State Labor Department step up its enforcement of prevailing wage laws?

We agree that Suffolk County should go after law breakers. Suffolk County should strive to create a fair and just working environment where good employers are rewarded. But the race to the bottom begins with Suffolk County where contracts are awarded to the lowest bidder regardless of how they treat their workers or how many laws they violate. Unfortunately Intro 2025 does nothing to solve the real problems that workers face in Suffolk County everyday.

In addition we believe that if passed, this law has very little chance of ever going into effect. The federal government has exclusive domain over immigration. Our current federal immigration laws would preempt any local law attempting to impose civil or criminal penalties.

We believe that this law is invalid and we're serious we're seriously considering a challenge should it be past. I urge you know not to expend the County's resources on this misguided bill and instead to spend your time on working with labor, religious and the community to develop more

effective ways to protect workers from exploitation. Please vote no on Intro 2025.

P.O. LINDSAY:

Dina Rodriguez? Dina Rodriguez.

THE AUDIENCE:

She will give the testimony in Spanish and I will translate as soon as she's finished. That's okay?
Thank you.

[RETURN OF STENOGRAPHER • DONNA CATALANO]

(*THE FOLLOWING TESTIMONY WAS GIVEN THROUGH A TRANSLATOR*)

MS. RODRIGUEZ:

Good afternoon. Thank you for having me here today. My name is Dina Rodriguez, and I'm from El Salvador, but I live here on Long Island for the past 12 years. I came to this country because of my imbalance and political instability in my country. The economy was falling and I wanted a better life. When I first arrived, I worked as a janitor and other jobs in different places. I did that for several years before I got my current job at the Nassau Community College.

I still work as a cleaner, but now I belong to a union 32 BJ, and I earn \$11 an hour with benefits. The pay is good, and I can afford to provide for my family. I don't mind working hard, because I get treated fairly at my job. But many other immigrants cannot say same thing. There are lots of employers who exploit workers. They pay them less than a fair wage, they don't give them any

benefits, and sometimes make them work in dangerous conditions.

I came from a country where people's basic rights weren't always protected, and I thought United States was different. I thought Long Island was a place where people didn't •• did not have to worry about being attacked just because they wanted to work. I think our government should be working to make sure that all workers are treated fairly, whether they are immigrants or not. All of us who live here on Long Island want the same thing, to work hard, to provide for your families and to get a good education for your children. Please do not divide the community by passing this law, vote against 2025. Thank you.

P.O. LINDSAY:

Thank you. Avidah Moussavian.

MS. MOUSSAVIAN:

Good afternoon and thank you for your time. My name is Avidah Moussavian, and I am the Senior Staff Attorney for Immigration Advocacy and Training at the New York Immigration Coalition, which is a state•wide umbrella policy and advocacy organization with over 160 member organizations throughout New York. And we work to promote justice and opportunity for today's immigrant and refugees. The New York Immigration Coalition serves one of the largest and most diverse new comer populations in the United States, and our membership includes grassroots community organizations, not•for•profit health and human services organizations, religious and academic institutions, labor unions and legal, social and economic justice organizations.

Our work as a leading advocate for immigrant communities on the local, state and national levels reminds us every day just how integral immigrants are to our country's past and present as well as to our prosperity and security in the future. For generations, immigrants have brought their talents, entrepreneurial spirit, and desire to integrate and become part of our national identity. Immigrants today are no different.

They make indispensable contributions to all sectors of our nation's workforce and our economic growth to our religious communities and schools, to our neighborhoods and to many of us individually as members of our own families. In Congress and in localities around the country, the debate around immigration reform has sometimes become toxic, and in some instances, it has, in fact, been xenophobic. Recent bills and proposals before Congress focus on draconian and punitive enforcement measures that would terrorize millions of undocumented immigrants who are working hard to provide for their families. These measures are costly, unrealistic and more importantly, they are inhumane and unAmerican and do nothing to improve our unjust immigration system.

Our current immigration laws are out of touch with the reality of what is happening on the ground day•to•day in our communities. And I think that we've heard that over and over, that we've accepted the hard work, the contributions in our communities that immigrants have been making, and yet, we're still facing proposals like IR 2025 that would punitively treat immigrants who are merely seeking to better their lives and to provide opportunities for their families in ways that are no different than what you and I are struggling with every day.

At the local level, when we see measures like 2025, they are redundant and they do nothing to improve our current situation. We need wholistic and comprehensive solutions to our immigration system, not piecemeal legislation like IR 2025. And therefore, when a law is redundant, it seems nothing more than a symbolic message to the community that we don't welcome immigrants, and that, in fact, we're going to treat them punitively and make life here more difficult, uncomfortable and terrorizing for them every day.

On behalf of our state•wide coalition's nearly 160 members organizations, the New York Immigration Coalition strongly expresses its opposition to IR 2025. Enforcement of Federal Immigration Law by local officials raises constitutional and practical concerns. The Country's department •• the County's Department of Labor is not an immigration agency, nor is it trained, skilled or funded to act like one. IR 2025 threatens employers with the punishment of fines and even imprisonment, which will inevitably lead to abuse and discriminations by employers who are uncertain of the scope and the appropriate application of a complicated area of the law. And it will discourage business owners from hiring immigrants regardless of whether they are here

lawfully or unlawfully and anyone who's just perceived as being foreign born.

In addition, IR 2025 would set a dangerous precedent for other localities in New York and across the country by sending the message that this type of discrimination is permissible. New York State's economic and cultural vibrancy depends on our immigrant population. It's crucial that we take realistic steps to acknowledge these vast contributions to our state and our nation as a whole. Rather than support misguided piecemeal legislation that scapegoats and discriminates against hard working immigrants, we should instead develop and support a position for realistic, just and comprehensive immigration to our federal immigration system that would fix our nation's broken immigration system. On behalf of the New York Immigration Coalition's membership throughout New York State, I again strongly urge you to oppose this bill. Thank you for your attention.

P.O. LINDSAY:

Wait a minute. There is a question from Legislator Alden.

LEG. ALDEN:

You spoke about the affect on, I guess, you're calling it immigrants, right? So I have another question though. Should people, employers, pay employee taxes, employer taxes, sales tax, income tax?

MS. MOUSSAVIAN:

I'm not sure I understand your question.

LEG. ALDEN:

Okay. So somebody's got a business in Suffolk County. Okay. Should they pay all the taxes that are applicable to that business, including sales tax, employee tax, Social Security taxes, disability tax, should they pay •• should they be subject to and pay all those taxes?

MS. MOUSSAVIAN:

Yes. And I think all workers ••

LEG. ALDEN:

Good.

MS. MOUSSAVIAN:

•• in the community are also paying taxes as well, many of whom will not see the benefits from ••

LEG. ALDEN:

And employees •• employees that are employed in Suffolk County, should they be subject to all those taxes including the withholding tax or income, the withholding for any other •• the disability end of it, the Social Security end of it, should they be subject to that.

MS. MOUSSAVIAN.

Yes. I think it's been reiterated by multiple people who have provided testimony that immigrants pay an enormous •• in the billions of dollars every year towards Social Security benefits that don't enjoy the benefits, they will not enjoy the benefits of because they don't have immigration status and that every year they're paying billions of dollars in taxes at the local state and federal levels.

LEG. ALDEN:

So it's your belief that there is •• whatever you want to call it •• black, undercurrent economy where people don't pay their •• employers don't pay the tax and employees don't pay the tax, that's your belief?

MS. MOUSSAVIAN:

I'm saying that there are many •• the majority of immigrants in this country regardless of immigration ••

LEG. ALDEN:

No. Don't go with the majority. Are there people in Suffolk County according to your belief that don't pay their taxes and employees, employees and employers in Suffolk County, do you feel they are or aren't people in this category?

MS. MOUSSAVIAN:

I'm sure there may be some people who aren't paying their ••

LEG. ALDEN:

Some?

MS. MOUSSAVIAN:

•• taxes, however, what I'm emphasizing is that the majority of •• I can't speak for citizens •• all citizens and non citizens of Suffolk County. I think we even had testimony to the fact that it's common practice in certain industries.

LEG. ALDEN:

You're not answering the question. But you don't feel that that's a problem with people not paying their taxes. You don't think that we have a problem in Suffolk County right now?

MS. MOUSSAVIAN:

My testimony speaks to the fact that I think we mutually agree that we have major problems and major failings and inadequacies in our federal immigration system. And the fact that we're trying to address it in one limited capacity without looking at the problem as a whole, without looking at the fact that we have an estimated 12 million people here working, living, raising their families, providing to their communities and our Federal Immigration Laws are out of touch by only providing a fraction of those people with a legal venue for entering the country ••

LEG. ALDEN:

So you as attorney, you as an attorney and also as a •• your ••

MS. MOUSSAVIAN:

An advocate for immigrant communities in New York State.

LEG. ALDEN:

Okay. But you're an attorney too. So you would advocate •• or actually you would adopt the position that we should ignore the nonpayment of taxes, we should ignore the current laws as they exist, because there's a bigger problem with immigration, is that a good summary of what you've just stated?

MS. MOUSSAVIAN:

No. I don't appreciate the way in which you characterize my testimony.

LEG. ALDEN:

Well, I don't appreciate the way you came up and made it all about immigration. You really didn't even hit on the economic impact of people not paying their taxes. The impact on people that pay their taxes in this country.

MS. MOUSSAVIAN:

In fact, I have by saying ••

LEG. ALDEN:

All right. Never mind. You are not answering the question. Thank you.

MS. MOUSSAVIAN:

If I could just respond to that last comment or question by saying that the very purpose of my testimony is to say that we need to look at these issues that are federally governed. And if they're not being enforced in ways that effective, realistic or humane, then we need to have a wholistic approach and not just look at what's happening just in Suffolk County, because it's happening across the country. And that's why it's in our interest to take a position on comprehensive immigration reform at the federal level. Thank you.

P.O. LINDSAY:

Jackson Chin.

MR. CHIN:

Good afternoon. My name is Jackson Chin. I'm an Associate Counsel at the Law firm of Puerto Rican Legal Defense and Education Fund in New York City. I'm here today to urge you to oppose this proposed Intro 2025. And far more eloquent voices have come before me, so I will not attempt to speak that.

But I do want to depart from my remarks and address Mr. Alden's question, which is do we believe that immigrants ought to be their paying taxes as well as their employers. And absolutely, they should be. But your legislation does nothing to address it at all, not one bit, because there have people that have brought to your attention the fact that you don't ask your contractors to certificate that they indeed follow labor standards and health codes and work place safety. You don't certificate that. The state may or may not do that, I don't know if they enforce it. But you are seeking to enforce immigration law, which is in the province of the Federal Government.

It is our position, and you have heard this many times, that what you are doing is going down the path of an unconstitutional direction. You are putting forward a law. You have spent tremendous amounts of political capital on behalf of County Executive Steven Levy, who seems to be sitting on a tack on this issue. And these are the people who want to vilify these immigrants who are

new comers who work and renovate and restore your flagging economies in the last decade.

The demographic shift is in place. Yes, there are more Latinos moving into your towns, into this county, that is a reality. There are people who live in families that have US citizens and undocumented members at the same time. What you are trying to do is drive this community and drive it to its core of division, which is wasted, misguided, totally, totally lacking in sagacity as a law making body. Sagaciousness, wisdom, I don't care.

We talk about the rule of law, we know that in history, the rule of law has been used for all sorts of purposes, from legalizing slavery to legalizing misogyny to legalizing all sorts of things. You can hide behind the rule of law, but as Legislators, reach into your conscience and say to this day, is this the kind of policy making we really need to do, or are going to risk the cost of litigation, the cost of increased discrimination, the cost of •• there are people who we know will not get into the discrimination treadmill of investigating the anti discrimination laws, we know that.

There's a lady here who's a US citizen who spoke eloquently about how it took her six years to get through that process. This is a figment of your imagination to think that by adding in Friday's amended version a few sections on anti discrimination that you're going to solve the rampant xenophobia, the fear that people have in hiring people who look or sound different. They'd rather not do avoid your sanctions. I think this is all I have to say, that PRLDEF is here on behalf of the community, on behalf of some of the local groups. We have been invited here. We've have litigating in Hazelton, Pennsylvania, for the very same kind of misguided policies that attribute all social ills of that city to illegal immigrants.

And there's really no difference when you start talking about your legal versus your illegal immigrants, because you can't make that determination in a very clear way, you just can't do that. That's something that the federal authorities know how to do. You don't have staff, you don't have people who could come •• you may have people who may come in for five weeks, you know, the Immigration and Customs Enforcement already does that, they come in and train your corrections people for five weeks. That doesn't make them immigration experts.

I guess the last I wanted to sort of reiterate is that what you are trying to do is in violation of the supremacy clause of the United States Constitution. You are doing something which is clearly preempted by federal law, it conflicts with the authority and the comprehensive scheme that is already in place, that is found within the Immigration Nationality Act, a federal law. What you are doing is also in conflict with that effort. Thank you very much.

P.O. LINDSAY:

Stop. No booing, no applause. Stop. Legislator Alden has a question for you.

LEG. ALDEN:

You started your comments with addressing me, but aside from that, whose legislation do you think is? Who do you think proposed this legislation?

MR. CHIN:

I believe it's Mr. Levy and his supporters.

LEG. ALDEN:

Good. Okay. Thank you.

MR. CHIN:

Thank you.

LEG. KENNEDY:

Mr. Chairman, just one quick question.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

You spoke of Hazelton, Pennsylvania, and the litigation that's gone on there in the middle •• Federal District, is there something that's transpired or come about of that recently as far as that challenge?

MR. CHIN:

Yes, sir. I was about to say Your Honor.

LEG. KENNEDY:

No. No. Far from it.

MR. CHIN:

As of last Friday, there was agreement. We were on the eve of filing our preliminary motion with the federal judge. And Mr. Hazelton's attorneys have agreed and they recognized that their legislation is flawed. They have agreed not to enforce it. They want more time to consider either enforcement and/or introducing an entirely new set of legislation.

LEG. KENNEDY:

So this was the Mayor of the City Council who withdrew or agreed to go ahead and not implement?

MR. CHIN:

We wouldn't call it withdrawing. He agreed not to enforce it until he was able to, with his legal advisers, confer on how to best go forward, which we understand may be introducing an entirely new bill, withdrawing what has been passed as an ordinance.

LEG. KENNEDY:

Fine. Thank you.

P.O. LINDSAY:

Legislator Romaine. Wait a minute, Mr. Chin.

LEG. ROMAINE:

Mr. Chin, it is your contention that this bill that County Executive Levy has drafted on its face is preempted by the federal statutes?

MR. CHIN:

That would be our belief. I mean, I'm just looking at this Friday version, and I think it hasn't changed.

LEG. ROMAINE:

I believe the County Executive has carefully crafted this bill, but I will ask Counsel •• is Legal Counsel here?

P.O. LINDSAY:

Again, this is questions for the speakers, it's public portion, we're not debating the bill. You'll have ample opportunity in both committee as well as when it comes back to the floor.

LEG. ROMAINE:

I would simply ask Counsel to do the research on the preemption and provide us with a copy of his opinion prior to the vote. That's all I would ask, Mr. Chairman. Thank you.

P.O. LINDSAY:

Brian Schneck. Brian Schneck.

MR. SCHNECK:

Good afternoon, Legislators. I had a prepared statement, but I'm not going to do that. My name is Brian Schneck. I'm the Co•Chair of the Working Families Party here in Suffolk County. And our chapter is in opposition of 2025 for several reasons.

First, we should really take a look at how we get here, how this debate on immigration that's now in the media, on the tongues of a lot of Americans. The rural •• rural part of immigration, unless we are

somewhat, you know, of American•Indian heritage, we all got here somehow, all right, whether it was from the Euro Nations, the Asian Nations, wherever. The world is a big place. We come to America for a better way, for a better life.

The root of this certain immigration flow, many of our brothers and sisters that have come to America from South and Central America and Mexico, we need to •• we need to examine that. How is this happening? Why it is happening? My belief is, and many people that I interact with, it's what they call corporate investment policy. The marketing phrase is free trade. Free trade is the root of the issue that is causing the proposed legislation and the debate of immigration now in America.

Do any of us believe that workers down in Central•South America, you know, have a desire to trek thousands of miles to live in the shadows in the United States and to be exploited? That's their true desire? The reality is they have no other choice because of corporate investment policy, in other words, free trade has raped their natural resources, is exploiting their labor, and has devastated their economies to where the working class, which is now the working poor, have no other choice but to risk lives, leave their families and come to America to live in the shadows. That's what's really happening.

So we must understand the big picture, not the surface. It goes so deep. This has been happening for decades. This is just the tail of the dog, all right? So I ask the Legislators that will be voting on this legislation to research this if you haven't already, because I know a lot of you •• as a matter of fact all of you, are very well learned, you are in the game of politics and you're up there for a reason. But part of that reason also •• I would only guess that a majority, if not all of you, most likely campaigned on the theory of good government. So the question that I have for you, is passing a redundant law an example of good government? Is passing a law that's its enforcement capability and funding are questionable, is that example of good government? I argue not.

We also have, you know, this issue of immigration that has created this proposed legislation. You know, my theory is that it's really not an example of good government, but it's an example of playing politics, playing politics with the working class, playing politics in dividing working people and fueling the flames of hatred, fueling the flames of divide. We can't have that. It is

proven time after time where working people, when the greater good formed together and we're united, there's nothing that can stop us. What we need to do is find the middle ground of all of us; the electeds, and the people behind me, the good brothers and sisters, whatever side of the issue they're on, all right?

I've listened to the proponents of the legislation and, of course, the opposition. There has to be sensible and reasonable middle ground on this. And that's going to challenge us today, tomorrow and the days to come after that to find that. But I think effectively we can do that, because •• I don't believe we have a desire. But again, our position from the chapter of the Working Families Party here in Suffolk County is in opposition of 2025. We feel that it is not a good government solution. We feel that it's nothing but playing politics and fueling hate. And I would ask all of you to go home tonight and ask yourselves that question of is this a good government piece of legislation or is it merely politics. Thank you for your time.

P.O. LINDSAY:

Dr. Gregory Maney.

MR. MANEY:

Good afternoon. My name is Dr. Gregory Maney. I'm an Associate Professor at Hofstra University. A colleague of mine at Columbia just wrote a book entitled "Freedom is an Endless Meeting". So I salute those of you who stayed here to listen to that what your constituents have to say carefully. It's greatly appreciated.

As a scholar who's specializes in ethnic group relations, I believe that any legislative debate on immigration should know how different government policy options actually impact two things; one, how a government policy impacts the human rights status of those within your constituency; and two, how your policy impacts intergroup relations within your community.

Not too long ago, President Bush affirmed our nation's commitment to human rights by proclaiming December 10th to be Human Rights Day. In marking the occasion, President Bush stated, "This important observance honoring our Bill of Rights and advocating human rights around the world allows all Americans to celebrate the universal principals of liberty and justice that define our dreams and shape our hopes as we face the challenges of a new era."

And this gets to what Legislator Caracappa, who unfortunately, I see has left, was wondering about the rule of law. We are as a nation legally binding signatories to the Universal Declaration of Human Rights. Our government has pledged to protect the human rights of all those living within its borders regardless of citizenship status. Article 2 of the Declaration is very clear in this regard, and I quote, everyone is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind such as race, color sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 7 of the Universal Declaration of Human rights underscores the responsibility of the government to uphold the rights of all those living within its borders. All are equal before the law and are entitled without discrimination to equal protection of the law. All are entitled to equal protection against any discrimination or violation of this Declaration and against any incitement of such discrimination. Protecting human rights within our borders will enhance our ability to persuade others to protect the dignity of your citizens living within their borders.

Beyond leading by example, strong adherence to human rights norms also has numerous internal benefits for our nation. Research consistently indicates that those living in communities characterized by equitable inclusive and cooperative intergroup relations are more productive and more fulfilled than who live in communities characterized by inequalities, exclusion and group conflict. In other words, insuring human rights provides the best conditions possible for life, liberty and the pursuit of happiness.

Now, the debate over immigration has featured lots of heated rhetoric, but little in the way of calm objective research to assess the social consequences of different government responses to immigration. To assist lawmakers such as yourselves in making foreign policy decisions, I conducted a major survey of day laborers on Long Island. One hundred and forty six day laborers

were randomly selected at hiring sites in eight municipalities, including two in Suffolk County; Farmingville and Huntington Station.

The findings •• the statistical analysis of the survey data make it clear that local policies have a critical impact upon human rights and community relations. Human rights abuse is varied across the eight municipalities that I studied. These variations reflected different policy responses to day labor markets. In community or municipalities where there were threats, fines and arrests of day laborers and contractors by law enforcement officials, there was a significant increase in a wide range of human rights abuses, such as physical assaults by contractors, robberies of day labor, threats made by strangers and merchants towards day laborers, ethnic slurs against day laborers by police, strangers and merchants, injuries on the job, and wage theft. And to give you idea of the extent of human rights abuses, a quarter of the respondents to the survey noted having been physically assaulted either while working or looking for work. That is 109 times the rate of aggravated assault for the Northeast Region.

P.O. LINDSAY:

Your time it up.

MR. MANEY:

I'll wrap up. So overall, the results of the survey make it clear that efforts to exclude immigrant workers such as Resolution 2025 not only reduce the quality of life on Long Island by heading ethnic conflict, they also do a disservice to our nation's long standing commitment to protecting human rights. To be perfectly clear and plain about it, if you support this resolution you will knowingly be contributing to human rights abuses, to hate crimes and to deteriorating community relations in your constituency. Thank you.

P.O. LINDSAY:

Hold on. Legislator Viloría•Fisher has a question. Before I give her the mike, I'd just like to point out something to you. We're into five and a half hours of testimony on this. Everyone that

has come here, has had an opportunity to speak. If one of our Legislators has to step out of room for bodily functions or for some other business, there are speakers so they hear you. So your comments about Legislator Caracappa are unwarranted.

LEG. CARACAPPA:

Mr. Chairman.

MR. MANEY:

May I respond to that? My comments were more ••

LEG. CARACAPPA:

I don't think the Chair allowed you to respond to it. Mr. Chairman, just a point of personal privilege. The point is perfectly clear that the Chairman said. I heard every word that you said. I'm just outside this door. And I think you confused my comments and you're trying to spin them. And I think your comments about saying that we are going to lend to hate crimes based on this bill is so ridiculous. You know, it doesn't even •• it doesn't even deserve a response. What I asked the pastor earlier was do we as a society follow God's law, whatever God you believe in, or do we follow society's law? And what is your answer to that?

MR. MANEY:

That's why I was hoping that you were going to be in here. And by the way, it was not a criticism of you, it was to applaud those who managed to stay to here to stay to listen to every speaker. I find that to be above and beyond and it's greatly appreciated. To respond to your comment, what I was trying to say, it's okay if we •• as you are saying it's important to uphold the law the United States Government ••

LEG. CARACAPPA:

Answer the question.

MR. MANEY:

I am.

LEG. CARACAPPA:

Do we follow society's laws of God's law?

MR. MANEY:

I am commenting that we are as a government and a society •• we have signed on to the universal declaration of human rights, which makes it very clear that we are bound to protect the human rights of all people within our society regardless of citizen status. So if you're saying that's it's important to uphold the law, well, this is a law that we are bound to uphold. We are bound to uphold the human rights of all people who are living in this society. That was the point I was trying to make, sir.

LEG. CARACAPPA:

Thank you for not answering my question.

P.O. LINDSAY:

Legislator Viloría•Fisher dropped her question. Rosemary Schumann.

MS. SCHUMANN:

My name is Rosemary Schumann. I didn't come expecting to speak, but when I found out there was an opportunity to do so, I decided I would speak. I want to thank you for waiting, and I want to tell you how much I have learned by being here these many hours, because I think seeing government in action is an invaluable experience for a citizen.

I was a teacher for 40 years in education, and I got a Doctorate at Teachers College Columbia. And I think the pursuit of knowledge is something that I really value, and I hope to go into my grave still learning. I'd like to tell you also about myself, because as I was listening to the cognitive arguments that were given, and I think there were many, many very fine ones, I decided I could not attempt to duplicate that. What I could do is use myself as an example, because all people here together and we have commonalities. And I thought if I could point out the commonalities, they might help you make your own decision. I think it's a very important decision that you are going to have to make.

First of all, my father was born in the early part of the last century, and his grandfather had come here from Ireland as a 14 year old all by himself. We know about what happened to the Irish. But I as a child was startled to hear my father ridicule what he called the green horns that he used to see in Brooklyn, and he could tell by the way they dressed that they just got out of the boat. And later on I learned that, "No Irish Need Apply." That was part of the my education what the Irish went through in their early part of their trying to accommodate themselves to being an American.

Another story that came out of my family is that •• I'll tell you about •• my grandfather was born in Germany, and he was not a friendly person. I didn't know him well. We were always told in our house, "Don't bother grandpa," and we never knew quite why we were not to bother grandpa, you had to walk, like, on eggs if you went through the room where grandpa was sitting. I was one by the way •• basically an Irish family, and I was one of eight kids. I'm going to tell you I was born in 1930, and I was the fifth child. And my mother had numbers five, six, seven and eight between 1930 and 1935. And maybe some of you are old enough to know how downhill the economy was going in those years.

Well anyway when I introduced grandpa to my fiance in 1951, that's when we got married, I said to him, "Grandpa, this is Werner Schumann, he's my fiance, we're going to get married at the end of the summer." And grandpa all six feet, more than 200 pounds of him. So to make conversation I said to him, "Werner was born in Germany just like you." Well, grandpa rose up like a 500 pound gorilla and said, "What do you mean I was born in Germany, I'm an American." Well, I knew from my mother that he was born in Germany, so I just grabbed my fiance's hand and we ran for my mother.

And you know what the story was? In 1920, in Glendale, where they lived, a very German community •• oh, God, I'm 76 and now the name of the •• the KKK was having a membership drive and parading in the streets. And they were talking about families, and my grandpa wanted to be part of this group. But guess what? He had to produce a birth certificate. He was not eligible to join them, because he was not native born. And this happened in 1951, and it was 1920 when he had that experience. Can you imagine 30 years later he still hasn't gotten over it.

P.O. LINDSAY:

Ms. Schumann, your time it up.

MS. SCHUMANN:

Oh, I'm sorry to hear that. I just want to say in the final that we all have a we•they attitude. And I think that we learned it in our earliest years in our families. Thank you.

P.O. LINDSAY:

Frances Whittelsey. Last try, Frances Whittelsey. Nadia Marin•Molena.

MS. MARIN•MOLENA:

Good afternoon to everybody. My name is Nadia Marin•Molena, and I'm here on behalf of the Workplace Project. We are a community organization, a work organizations. We have offices in Hempstead and in Farmingville on Long Island, and we have members in Nassau and Suffolk Counties.

In addition to providing services such as ESL, in Farmingville, for example, one of things that we do is support workers that have problems on the job. And I just came to speak briefly about •• about that issue. I wanted to mention that there •• there is a problem. There is a serious problems with worker exploitation in Suffolk County and in the United States. In fact, from the workers who've come to us, we can tell you that the most serious problem that we see is nonpayment of wages and nonpayment of overtime. Workers who are paid as little as \$20 a day or who are paid nothing at all for the work they do.

In 2005, in cooperation with attorneys with the Department of Labor and with going to Small Claims Court, for example, we were able to recuperate over \$200,000 in unpaid wages for workers. Now, the question here is that IR 2025, it doesn't seem to do anything to improve the situation. So there is real problem, but unfortunately, most of the time it's by private contractors. Most of the workers are working for small companies, those fly•by•night contractors that end up not doing the work for the homeowner and not paying the worker themselves.

If the intent here were really to protect workers, we would be looking at immigration status. No agency, the Federal Department of Labor, the State Department of Labor, the Attorney General's Office, any agency that's interested in protecting workers rights is not going to also enforce Immigration Laws. Now, I just wanted to mention quickly as well, that there have been speakers in previous hearings who have accused our organization and people who are against the legislation of being •• I think the words used were communist, subversive and orchestrating an invasion. Talking about overheated rhetoric.

Many of our members are from Latin America, from El Salvador, from Columbia, from Mexico, and then of them came to the United States because they were fleeing similar accusations. People,

when they spoke up for their rights, when they tried to unionize, what they found is that they were threatened. And after being called communists, the next think was that they were •• that their friends or family showed up dead.

So we take these kinds of things very seriously. And I appreciate the call for moderation in rhetoric from Legislator Caracappa. It's good to hear also that Mr. Sabatino admitted that the legislation was more or less unenforceable and that it would mainly be making a statement. But what we would ask is for you to make a real statement and make a real statement on behalf of workers. Go after the exploitative employers. We will help you write it.

D.P.O. VILORIA•FISHER:

I have a question.

P.O. LINDSAY:

Hold it. There's a question from Legislator Vilorina•Fisher.

D.P.O. VILORIA•FISHER:

Thank you for coming here, Nadia. I have a question for you because I've asked several of the representatives from the County's Executive Office, in fact, I ask the County Executive himself today, what kind of data do we have regarding the number of contractors who bid with the County, who contract with the County, who are guilty of employing non documented •• undocumented workers. And the County Executive admitted today that there are no numbers available, nobody has been able to give us those statistics. And so we are working on a piece of legislation that is not based on any empirical data. You work ••

P.O. LINDSAY:

Question.

D.P.O. VILORIA•FISHER:

I'm getting to the question. You work on a daily basis with workers who are talking about exploitation. Do you know what percentage of those workers are working with contractors who deal with Suffolk County?

MS. MARIN•MOLENA:

First, I would agree of •• not only the County Executive hasn't provided any •• any sort of statistics saying how many workers under contract might be undocumented, but none of the speakers, at least in the hearings that I've heard in favor of the legislation, have provided any of their own either. I can only speak to the people who've come to our office complaining of some sort of problem on the job. We have had workers who've come because of prevailing •• because of prevailing wage cases. Actually, most of the time a worker comes to us because they haven't been paid. So, for example, they'll say, I worked for •• I worked, they paid me, and in the last two weeks they didn't pay me. And in one of those cases, for example, we found that they weren't paid the last weeks, but then it turned out that for the couple of months that they had been working, they actually were being \$15 an hour for a subcontractor on a Town of Brookhaven project. So that was clearly a prevailing wage case. And when we get a case like that, we'll bring it to the State Attorney General's Office or to the •• you know, to the local District Attorney.

D.P.O. VILORIA•FISHER:

My question was regarding County contracts.

MS. MARIN•MOLENA:

Of those •• of those •• I don't think we have any that are •• I don't we've had any that are Suffolk County contracts. And we have had I would say •• let's say in the past year we may have had one

or two that are prevailing wage any kind. Sometimes we'll have workers here who are from, you know, Nassau or from New York City, working in New York City, but they're fairly rare from our point of view. The vast majority are private contractors.

D.P.O. VILORIA•FISHER:

Thank you.

P.O. LINDSAY:

Amy Sugimori.

MS. SUGIMORI:

I spoke before so I only want to very •• speak very, very shortly to add to my previous testimony.

P.O. LINDSAY:

Thank you. We missed that.

MS. SUGIMORI:

Previously I testified on discrimination, so I just wanted to make a couple of comments on the amendments that have happened since the last hearing. And just wanted to emphasis that while I do see that there's references and incorporation of some of the protections under federal law, my previous testimony about the pervasive patterns of discrimination found by the General Accounting Office and by the US Commission on Civil Rights related to the federal law that did have those protections.

And I just wanted to highlight one piece. When the General Accounting Office uncovered the pattern of discrimination that they found concerning, the way they found this was surveying employers and by using match testers. And what they were looking at, a lot of cases, was discrimination and hiring. And as has been pointed out before in many situations, when a person is not hired, they're not told you're not hired because of your race or your nationality or your background, they're not given a reason at all. They're often told there just isn't a position available.

And so the concern is that there have been pervasive patterns of discrimination particularly against Latino workers, there have been discrimination against people with all sorts of different kinds of immigration status, including US citizens. And this is the kind of discrimination that can't be easily got at just simply by saying there's an anti discrimination provision or you can go make a complaint, because people don't know.

And I think the point that has been many times before that the problem is this kind of legislation sets a tone. And it does set a tone of discrimination regardless of what the language of the legislation says or whether there are anti discrimination provisions. So I just want to echo the concerns about discrimination. Look at the pattern of discrimination that has happened under existing federal law and note that in the many, many cases people will not know or certainly not be able to prove that the discrimination was based on their race or nationality, because they simply were told there's no jobs available. Thank you.

P.O. LINDSAY:

Thank you. Edward Wolfe. Edward Wolfe.

MR. WOLFE:

Good afternoon, ladies and gentlemen. I just want to say that my parents came here through Ellis Island legally. I was a union carpenter for 41 years, and I retired. Every time I was hired, I had to

previous that was a legal United States citizen before I was hired. That was the law. I couldn't start work if I didn't have proper proof and legal documents, and that was in the form of a Driver's License, a Social Security card, and I've even used my own passport at times.

IR 2025 makes sense with respect to our federal laws as they will coincide. We need enforcement of IR 2025. United States citizens come first, just as when our citizens go to other countries, those citizens come first. It is not racist to protect the United States from an alien invasion. The whole world would love to come here, but we would be overwhelmed. All of our resources and everything else would be overwhelmed, and it's happening right now.

Legal immigration is the answer with respect to IR 2025. This is about abiding to our laws. This bill says that if you are here as a legal citizen, you can work. If you are •• if you are an illegal alien, you cannot. We cannot reward people who have broken the law by illegally entering the United States. This problem has been going on for some time, and our legal citizens are being displaced in favor of illegal taking jobs at lower wages in cash and not paying all the taxes. This hurts legal workers and the country, state and the federal taxpayers. IRS (sic) 2025 solves this problem in one place; with the hiring.

There is also a lot of false documents being obtained in the underground market. Again, we are a country, state, county, town and neighborhood of laws which have to be obeyed. Foreign governments need to take care of their people. It's not the job of the United States to take care of all the world. Please adopt 2025. We can make excuses for all the illegal behavior, but the rule of law must supercede. Thank you and God bless America.

P.O. LINDSAY:

Thank you, Mr. Wolfe. John Fickes. Last call, John Fickes. Okay. We have the last of the five minute cards. Antonio Polacios.

AUDIENCE MEMBER:

Excuse me. My card was never called. I've been here since 8:30.

P.O. LINDSAY:

Did you speak at the last hearing?

REV. COVERDALE:

No, I didn't.

P.O. LINDSAY:

All right. I'll try one more time with Antonio Polacios. We had you speaking at last time. I apologize. Come forward, Reverend Coverdale.

REV. COVERDALE:

Mr. Romaine would remember if I spoke last time, right?

LEG. ROMAINE:

You did not.

LEG. ALDEN:

We called your name, and you weren't here.

P.O. LINDSAY:

No. We had him marked as clearly speaking last time. It was a mistake. Please come forward. It was a clerical mistake. You have to appreciate something. We have had more than 125 speakers on this subject, and it gets a little confusing.

REV. COVERDALE:

I respect that. My name is Reverend Charles A. Coverdale, I am the Pastor at the First Baptist Church of Riverhead, and I'm President of LION, which is the Long Island Organizing Network.

All of us recognize the problem our County has with contractors exploiting workers. These contractors win contracts because they do submit the lowest bid. They are the lowest bidders because they cut their employer's cost to the bone. How do they do? This they don't pay prevailing wages, they don't pay Social Security and income taxes, they don't pay health benefits, they don't even pay the State Workers Compensation Fund.

When a worker gets injured, the dump on the County. They don't invest in training their workers. They fire their workers when they speak up about injustices. They cut corners on health and safety. Most of these things are illegal, but these contracts make enforcement difficult by lying or, as we heard, keeping two sets of books and paying their workers in cash. This is sweatshop labor whether it happens on the construction site, in a uniform factory or through a cleaning service. It is wrong for the County to do business with sweatshop contractors.

You may save money in the short run, but you cost all of us in the long term. You make it impossible for a reasonable contractor, someone who follows the rules and treats workers fairly to compete. We all agree on this right, unfortunately, in looking for a solution to this problem, you are making things worse. Who do these unscrupulous contractors hire when they want to exploit people? They hire people who don't have other options. They hire people who are scared to speak up. They hire the least among us, undocumented immigrant workers.

These contractors know that undocumented workers won't come forward to tell the County they're being underpaid. They won't come forward when they fall off a roof and end up in the emergency room because they know their foremans who dump them there will deny ever having hired them. They won't come forward, Mr. Levy, because you and others have declared open season on undocumented immigrant workers. By making workers the fall guy, you hurt us all.

Yes, we know everyone polls numbers. It rises when you play to the worst fears, the prejudice of the people of Long Island. We know that you get national press when you make speeches about enforcing immigrant policies at the local level that you know cannot be enforced, but you don't solve the problem. You don't stop contractors from exploiting the immigrants. You just drive hardworking immigrants deeper underground, meanwhile, you divide people. You silence one set of hard working people and stir up the worst in our communities. You give encouragement to racial profiling and hate crimes, and don't stop sweatshop contractors.

We hope that most Legislators will not (sic) vote against this bill, for it will not solve our problems at all. There's two things I remember very well in all of my education, people who do not their history tend to repeat it. The other one is stop blaming the victims.

P.O. LINDSAY:

Thank you Reverend Coverdale. Okay. We're at the •• come forward.

(*THE FOLLOWING TESTIMONY WAS GIVEN THROUGH AN INTERPRETER*)

MR. POLACIOS:

Thank you for having me here, for giving me the opportunity. I'm a member of ACORN in Nassau County. There have been so many changes that affect workers. We are persecuted, and security is not available. It's a racial system as in the burning of Hispanic home. There's a difference in our medical care. And even in police systems' attention and care, we need Hispanic officers, more attention in schools to focus on our community and our family. We are one family,

and we all pay taxes. Money is always green, and we pay, and we pay it in the same amount. We work hard, more than 40 hours, we work weekends, we work willingly, and we get home tired just to sleep.

We return the next day to work again, and then we want our respect. When they are problems in other countries and we need people, we don't ask for documents to confront armed forces. When I came to this country I enrolled in the military, they didn't call me, but I was ready. Now, we should always think in one family. Our kids go to school with people of different colors, but they receive the same instruction. Construct in one nation. Why does there have to be differences? Say no more to discrimination.

P.O. LINDSAY:

Your time is up. Please summarize.

MR. POLACIOS:

No more to a racial system. Thank you.

P.O. LINDSAY:

We have reached the three hour limit on this public hearing. This is the second three hour limit. I'm making a motion to close, seconded by Legislator Alden.

AUDIENCE MEMBER:

What about the rest of us.

MS. STEINMANN:

Excuse me. Mr. Lindsay, some of us have been since eight o'clock this morning.

P.O. LINDSAY:

I realize that, but I said right at the beginning, you're subject to three hour limit. We have taken six hours of testimony. And Ms. Steinmann, you've already spoken at the last hearing.

MR. STEINMANN:

I know, but I was also told at the beginning that we would be given three minutes. And I was willing to keep it down to one minute.

P.O. LINDSAY:

Nope. Nope. Unless this body is going to overrule me, I'm making a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

I'm not taking any discussion from the floor. It's over.

LEG. MONTANO:

Just a question. How many speakers are left?

P.O. LINDSAY:

Ten people.

LEG. ALDEN:

That have spoken already.

P.O. LINDSAY:

That have spoken already.

LEG. MONTANO:

Of those ten, how many have not spoken yet?

P.O. LINDSAY:

No. They've all spoken.

LEG. MONTANO:

Oh, that's different. I'm not going to take any talk from the audience, period. I've made a motion to close this public hearing, I have a second. All those in favor? Opposed? Abstentions? Closed.

MR. LAUBE:

18.

P.O. LINDSAY:

Next public hearing is **2026, a local Law amending the Suffolk County Empire Zone boundaries to include US Web, Inc.** First speaker is Vincent Pellitteri.

MR. PELLITTERI:

Good afternoon. Thank you. I'm here on behalf of US WEB who has made the application for 2026. Some of you have heard from me before, and I'm sorry to be redundant, but for those who haven't, I'd just like to tell you a little bit about the company and why the application for the Empire Zone status.

US Web was started on Long Island by John Bussa about 20 some odd years ago. It grew from a five person company to a 300 person company today. Its sales have gone from a couple of million of dollars to \$45 million. The problem that US Web has been facing is that much of its competition is out•of•state, and its national client base is now focusing much more on price than it has been on quality and quantity. As everyone knows who operates on Long Island, our cost structure has risen. And we find ourselves in the position of not being as competitive with the national clients as we have been in the past.

We think we have tremendous opportunity to grow and to grow in this community, but we're looking for partnership with both the state and the Suffolk County Legislature to help us do that. We know we can provide at least 50 more jobs for the residents of Long Island. And we would like to be able to continue to penetrate our market place, share those opportunities with the people in Suffolk County and hopefully with Suffolk County as a whole.

P.O. LINDSAY:

Mr. Pellitteri, before you leave, Legislator Mystal has a question and then Kennedy and Cooper.

LEG. MYSTAL:

Currently, where is your company located?

MR. PELLITTERI:

780 Park Avenue, Huntington.

LEG. MYSTAL:

Park Avenue, Huntington. Do you have any idea what the definition of an Empire Zone is?

MR. PELLITTERI:

I believe I do.

LEG. MYSTAL:

Would you please say it to me?

MR. PELLITTERI:

In all, it's an empowered zone that would provide us with the ability to have some reductions in our cost structure while providing benefits to the Suffolk County community by offering increased jobs to the local community.

LEG. MYSTAL:

Mr. Sabatino. Paul.

P.O. LINDSAY:

This is a public hearing that you're supposed to question the the speaker.

LEG. MYSTAL:

Okay. The way I understand Empire Zone, it is usually located in areas that are economically depressed to answer •• to answer some of the plights and also to ••

P.O. LINDSAY:

Legislator Mystal, the next speaker is from Economic Development. She might be able to answer.

LEG. MYSTAL:

Okay. I'll let him go. Thank you.

LEG. KENNEDY:

Mr. Chair.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. My question to you is just very simple. You've grown your company, you have approximately 300 employees now.

MR. PELLITTERI:

Yes.

LEG. KENNEDY:

They are primarily County residents?

MR. PELLITTERI:

Well, some of them come from Nassau County, but they are primarily Long Island residents.

LEG. KENNEDY:

And you expansion you anticipate hiring an additional 50 employees?

MR. PELLITTERI:

Yes.

LEG. KENNEDY:

What is the essence of your business? What do you do, are you a publication or?

MR. PELLITTERI:

I'm sorry. I should have explained that. We're a printing and mailing manufacturing company for the largest retail and financial services companies. So a lot of the mail you get from •• whether it's Chase Manhattan Bank or CitiBank or American Express, we produce that. We don't design it, we don't creat the mailing list, we just produce it on big web presses and mail it for them.

LEG. KENNEDY:

Do you do any work for the County of Suffolk specifically.

MR. PELLITTERI:

Not to my knowledge, no.

LEG. KENNEDY:

Okay. And do you pay prevailing wage?

MR. PELLITTERI:

Yes, we do.

LEG. KENNEDY:

Good.

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

I had a couple of questions. How much has US web grown over the past five or ten years?

MR. PELLITTERI:

Well, I don't go back that far, but I can tell you over the last three or four years they've gone from about a 25 to \$30 million company to today looking at \$45 million, from an employee base of probably around 150 to 160 to •• in April of this year it was 260 people, and currently it's about 310 people.

LEG. COOPER:

So over the past three or four years you've increased your employee base from about 150, now it's about twice that?

MR. PELLITTERI:

Yeah. Part of the that was acquisition of a couple of mailing •• small mailing companies on Long Island, which created the mailing piece of the business.

LEG. COOPER:

Would you say that there's a good likelihood that even if nothing changed, your business would continue to grow and you'd probably add more employees?

MR. PELLITTERI:

That's a great question. What we're trying to do is strategically grow our business. What we have recognized is that since pricing has become the critical path to that growth we are finding •• we are having difficulty today competing with all similar companies outside of New York with these national customers. American Express doesn't care where we're located. American Express today cares about how do we price our product. And it's getting increasingly more difficult to compete. So will we stay in business? Yes, we will. Will be be able to meet the potential that we believe exists? I think the answer to that is no.

LEG. COOPER:

There are many companies on Long Island that face the same problems that you have with high property taxes, high electric rates and the traffic, why should these special incentives be given to US Web when they're not being offered to lots of other firms that could likewise perhaps threaten to move out of Suffolk County if they didn't get the enhanced benefits.

MR. PELLITTERI:

We never threatened to move out of Suffolk County. That's never been anything that we've said, and we don't intend to move out of suffolk County. Want to grow our business. Why others haven't taken advantage of that opportunity, I can't answer. I know we found out about it at a seminar. And we were told manufacturing companies are something that the state wants to keep in New York State. There are opportunities that you can avail yourselves of. And received the Manufacturing Assistance Program Grant from the state, and they advised us to be talking to Suffolk County about becoming Empire Zone because of the benefits it would give us and, therefore, incent us to want to stay here and grow our bsiness, because certainly as we grow our business and employ more people, everybody benefits from that in the community, not just US Web.

LEG. COOPER:

And this •• the new Empire Zone or the expanded Empire Zone would be how broad, would it only be the boundaries of ••

MR. PELLITTERI:

I can't answer that question, somebody is here who can, but I think •• the way I understand it, the legislation was passed that would allow a particular address who meets the benefits that the Empire Zone wants to get as a result, meets those criteria, can apply now. That was not the case a year or so ago. I'm not sure when that changes. And we are in Huntington Station, and although it may not be, you know, classified as a zone, it certainly has lots of people who needs jobs and who benefit by, not only the jobs, but the benefits that US Web gives them.

LEG. COOPER:

My last question, any idea of what percentage of your workforce id from the local community?

MR. PELLITTERI:

I don't offhand. It's largely from the local communities, because one of the problems they have is getting to and from work. And it's easier for people locally to do that then for people who live far away. Although I do know there are people who live in Freeport, there are people who live in other communities, but I don't know the specific number.

P.O. LINDSAY:

There's two more Legislators, but I can see Carolyn Fahey wants to jump up. And she's the next speaker. Legislator Horsley, did you have something you wanted to ask Mr. Pellitteri?

LEG. HORSLEY:

Yes, I did.

P.O. LINDSAY:

Go ahead.

LEG. HORSLEY:

Good afternoon. I've heard your testimony before, and I think it's something that's applaudable that we're looking at a manufacturing corporation that is growing in Suffolk County. Have you been •• has your company been approached by other •• by other other states and/or others of the world to move?

MR. PELLITTERI:

Yes, we have.

LEG. HORSLEY:

Okay. Do you know what you minority population is amongst your workforce?

MR. PELLITTERI:

I don't have statistics ••

LEG. HORSLEY:

Give or take.

MR. PELLITTERI:

•• but I can tell you that we have to be 60 to 70% minority.

LEG. HORSLEY:

Thank you. Would the Empire Zone, which you are •• which you are talking advantage of, and we all know that Empire Zones are created to entice •• as well as Industrial Development Law, Economic Development Law often to entice manufacturers, do •• would the •• is this •• would this be considering a floating economic development zone, so it's not •• so that is by design that you could be either in Huntington Station or you could be in Freeport or you could be •• well, you couldn't be in Freeport, because it's a Suffolk Economic Development Zone •• you could be in Babylon or you could be in Riverhead, is that ••

MR. PELLITTERI:

My understanding is •• Carolyn could probably answer that.

P.O. LINDSAY:

Why don't you hold that for Carolyn Fahey.

LEG. HORSLEY:

Okay. I just wanted to get the general gist of it.

P.O. LINDSAY:

She'sn ext.

LEG. HORSLEY:

Is it also true that in your business, the mass mail order business, that we have lost manufacturers throughout Suffolk County, and you might be one of the last ones ••

MR. PELLITTERI:

Well, we're not the last one, but we've lost a lot. Throughout New York State, the printing business has disappeared. And there are lots of states that offer •• were offering much better incentives.

LEG. HORSLEY:

Have we not lost hundreds of jobs in your profession.

MR. PELLITTERI:

I believe we have.

LEG. HORSLEY:

Thank you.

P.O. LINDSAY:

Thank you, Mr. Pellitteri.

MR. PELLITTERI:

Thank you. I appreciate it.

P.O. LINDSAY:

Our next speaker is Carolyn Fahey.

MS. FAHEY:

Good afternoon. I did have a prepared statement, but I think Mr. Pelletteri answered a lot of the questions regarding his company. But, Legislator Mystal, before I go forward, let me explain to you that the Empire Zones were created by New York State initially for economically distressed areas. You have to prove through demographics and economics that your community needed this type of program in order to generate private investment and job creation.

A few years after the initial legislation, they also created the ability to create an Empire Zone in an area where there was a former military or a former state hospital. That is how the Suffolk County Zone came into be. The property out at Calverton was applied for state designation through a cooperative effort between the Town of Riverhead and Suffolk County, it was a former military facility. The intent on the state's park was that it be a County•wide zone, because it had a regional impact, not just a local impact based upon demographics.

The Empire Zone last year went through significant state changes, and one of the changes allowed the zone to create what Legislator Horsley was talking about, these separate and distinct zones for specific companies who are not located within the traditional zone boundaries, but are able to thrive where they are and to create 50 jobs. Currently it's only for manufacturers. So Legislator Cooper, if there's a manufacturer out there who wants to create 50 jobs or more, send them our way. I mean, this is offered to them as well as it is to US Web. And we would walk them through the process.

We're here to ask you support on this local law. It would allow US Web to remain here. As he said, they're not going to go anywhere in the near future, but we don't look in the next five years, we look at giving companies the tools to be able to have them stay for ten, 15, 20 years down the line. And we honestly believe that this type of program would give US Web that ability to forecast 15, 20 years to stay in Suffolk County and continue their growth. So I ask for your support.

P.O. LINDSAY:

Legislator Mystal, does that answer your questions?

LEG. MYSTAL:

Yeah. Ms. Fahey, I'm very familiar with the law, because I happened to have been working up in Harlem in those days for a Congressman named Charlie {Rengell} when the law was being drafted under Cuomo and Pataki came in, and now it's being changed. And what I'm looking at, this floating Empire Zone ••

P.O. LINDSAY:

Question.

LEG. MYSTAL:

Is the new floating Empire Zone jeopardizing the revitalization of communities that are economically distressed at the detriment of specific •• and this is, I think, what you were saying •• specific businesses?

MS. FAHEY:

No, I don't believe they are. I think it allows those businesses that are in the community that they're in now to stay where they are, keep the employment where it is and grow. It doesn't •• if you look at the two Empire Zones that were created based upon the initial criteria on economic and demographics, North Bellport•Bellport in the Brookhaven Zone and the Central Islip Zone are thriving. I don't think it's affecting them at all.

LEG. MYSTAL:

I'll wait for committee meeting.

P.O. LINDSAY:

Thank you very much, Ms. Fahey. And the last speaker on this subject is Zabby.

MS. ZABBY:

I just wanted to say that I put together a program about this. I was at the Ways and Means Committee and filmed this and put this on television yesterday, and it was censored, it didn't play in its entirety, half of the program was cut out of in the middle. I'm still to find out why. But in any case •• and it was a program against, opposed to 2026. It played last week in its entirety, and it also advertized this meeting today for people who wanted to see it.

I am against corporate welfare, the initial thrust of all of this, but also I want to find out if we're going to be tax subsidies, and this is the reality of it, I think we should have truth in tax subsidies. And I want to know who is the owner of the property, because I have a card here from John Bussa, who is the 75% owner of the company US web and Charlie {Marcella} is the 25% owner. And the location is in Huntington, it's not it Huntington Station, it's in Huntington, prime property right down the road a couple •• a few •• a few yards from the Cinema Arts Center on Park Avenue.

I have a whole other •• I'd like •• you know, this is a public hearing, I think I have a right to find out who is the owner of the property, because as the Ways and Means people on that board asked, you know, well, what •• you know, mister •• Mr. Bussa is not even •• US Web does not even this. I want to find out who owns this property, because I happen to go back a few years in the Town of Huntington with a resident what was •• Mary Kennedy, who was located on Park Avenue a few yards down also from this address. She, I believe, was 549. And also I think Mr. Cooper's former staff person Barbara LoMoriello lives at 495, quite a •• you know, just a wave away from 780 Park Avenue.

And this old woman Ms. Mary Kennedy has been plagued with people first offering money for her property that was going to be rezoned as it appears. And as she found out through the years, she didn't want to sell it, though. She put the •• she put •• she built •• you know, she transformed that house and it was attached to that residential property. But then, you know •• then there was strongarming. And I understand she mentioned Jon Cooper was involved when she was telling me this long, long story Mr. Petrone and Mr. {Leihl} of •• the town attorney of Huntington. They were resorting to, you know, a form of eminent domain, the taking of her property, the taking of her property, forcing her out of her property.

And so it tunred out some of things •• I mean, Mr. Bussa just this was just a sideline he thought of, there was a another business that he had. I'd like to know what that business was originally and what the sideline is now •• well know we know what the sideline •• and then manufacturing. I thought printing, you know, might be a stretch. You know, you put together a book. He said he was printing books. We have a lot of publishing companies in America thriving. But I think this is more a service industry. And perhaps it's not in Calverton or being located at Calverton.

There's now a lawsuit going on over who owns that property in Calverton. And it's being alleged that it's polluted, highly polluted, extremely toxic, ready for •• it's brown •• brown property, which means polluted, it needs clean up. And so maybe that why. This here is going in a pristine location. And this woman talked about the property, you know, to her •• herself. South Park Avenue north•south for the most part and how they wants to take that property. And I think there's something wrong here.

P.O. LINDSAY:

Times up.

MS. ZABBY:

Do I get answers to my questions?

P.O. LINDSAY:

No.

MS. ZABBY:

Why not? This is a public hearing. I want to know who owns that property.

P.O. LINDSAY:

It's a public hearing.

MS. ZABBY:

They're going to get the benefit of a tax subsidy ••

P.O. LINDSAY:

Legislator Alden.

MS. ZABBY:

•• not Mr. Bussa.

P.O. LINDSAY:

You have five minutes to make a statement. Your five minutes are up.

MS. ZABBY:

Where is the answer to my question? Will somebody there who can •• has authority, will they find the answer to my question?

P.O. LINDSAY:

We will get the answers to your questions.

MS. ZABBY:

Okay. And I'd like it public.

P.O. LINDSAY:

Everything we do is public. Is there any other speakers on this subject? Seeing none, I'll make a motion to close.

LEG. ALDEN:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

13.

P.O. LINDSAY:

2027, A Local Law to update and strenghten the investigation and enforcement powers of the Suffolk County Human Rights Commission and to achieve substantial equivalence with the Federal Fair Houding Act. I have one speaker that spoke already, so we'll put him at the back of the list, and the rest •• Paul Sabatino.

MR. SABATINO:

Thank you, Mr. Chairman. Paul Sabatino, Chief Deputy County Exec. Again, I'm here to ask on behalf of the County Executive that the public hearing be closed at the conclusion of today's deliberations. But before you do that, I just want to bring you up•to•date on transpired since we last met on August 22nd.

I'm happy to announce that through the diligent efforts and hard work of County Attorney, Christine Malafi, and Legislators Montano and Mystal, we were able to arrive at a final, truly final, compromise, historic landmark legislation that incorporated the following changes: Number one, we addressed the issues of gender that was raised at the last public hearing by a variety of speakers as well as several Legislators, that was handled in the definitional part of the statute; number two, the requirement that statistics with respect to cases that are reported be kept on an annual basis by the Human rights Commission wwas incorporated as part of the legislation; number three, a request was made to have identification of the basis for dismissing cases by the Human Rights Commission was incorporated into the legislation.

And then the two big items that were also made part of the compromise were, number one, with respect to conciliation agreements, the Human Rights Commission is now assured, is assured, a role in making a final decision with respect do whether or not a conciliation agreement should be made public or not be made public. And the last item, which I know has been a point of major contention which was with respect to the issue of the ability to refer cases to the state from the County.

The compromise that we worked out, which we believe addresses it is we put three criteria into that section outlining those instances in which cases would or could be referred to the state. Those three categories, you know, very simply are, number one, if there's an existing case that's pending that involved a pattern or practice of housing discrimination, that would be item that would be subject matter for referral. The second category would be if it would be something that further the goals and purposes of the housing legislation itself. And the thirs category would be if it was determined by the Executive Director of the Human Rights Commission to be a matter that would be more appropriately handled at the state level, and we had given examples at the session siting, for example, the real estate company that might have a whole serties of retail outlets in maybe 61 or 62 counties and it might make more sense to deal with it on a state •• wide basis.

That's the compromise. This is the final version that we're very happy with. Again, it's going to make history in Suffolk County because for the first time in the history of this County, we will have the ability to prosecution cases on the basis of discrimination in housing, rental of housing or financing of housing. And the County Attorney is here if anybody wants to get into any of the other nuances that we had discussed at the last session, because we've literally gone through about 27 or 28 versions since March of 2004. Thank you much for time and attention on the bill.

D.P.O. VILORIA•FISHER:

Thank you, Paul.

P.O. LINDSAY:

Wait. There's a question from Legislator Montano.

LEG. MONTANO:

It's not really a question, but I must ••

P.O. LINDSAY:

It has to be a question.

LEG. MONTANO:

Would you agree that this bill, this version, I mean, is really a historical version, historical for Suffolk County? And I want to thank you for the work. I know that we've been through this, and

I think that this bill •• would you agree that everybody is going to be happy with this bill?

MR. SABATINO:

I think all reasonable people that know the history of Suffolk County are going to be happy.

LEG. MONTANO:

Sorry I asked. It's really a great bill. Thank you.

D.P.O. VILORIA•FISHER:

Thank you, Paul. Tom Kirdahy.

AUDIENCE MEMBER:

He had to leave.

D.P.O. VILORIA•FISHER:

He had to leave? Okay. Eileen Novack.

AUDIENCE MEMBER:

She had to leave.

D.P.O. VILORIA•FISHER:

Reverand Charles Coverdale.

LEG. ROMAINE:

He had to leave.

D.P.O. VILORIA•FISHER:

Elaine Gross. That's our last card.

MS. GROSS:

Good afternoon. I know some you were hoping, I hope she left too so we could get out of here. I'm Elaine Gross. I'm President of ERASE Racism. Glad to be here this afternoon for a very brief statement. The passage of IR 2027 as amended coupled with the rigorous enforcement of the enacted law by the Suffolk Human Rights Commission will allow Suffolk County to take concrete steps to address housing discrimination.

Residents of Suffolk County who experience housing discrimination in Suffolk County will at long last be given the opportunity to have their complaint investigated and prosecuted in Suffolk County. Many thanks are in order for all of those who championed the passage of a sound Fair Housing Bill. We hope that this bill will receive unanimous support from the Legislature. ERASE Racism is pleased to see this law moving forward, and we look forward to working with the Human Rights Commission in any way that will further our shared objective of fighting discrimination and promoting racial equity.

A year from now when we are all reviewing the annual statistics from the Human Rights Commission, it will give us great pleasure to be able to affirm that housing discrimination in Suffolk is being vigorously enforced and that victims of housing discrimination are finally being granted the right to have their case heard before a Suffolk County Administrative Law Judge. We congratulate the three cosponsors of this legislation; County Executive Steve Levy and Legislators Ricardo Montano and Elei Mystal. And many thanks to the many Legislators who met with us and who were very helpful in thinking through the amendments that are •• have been put into this bill. Thank you so much.

D.P.O. VILORIA•FISHER:

Thank you for your hard work, Elaine. We do have a question from Legislator Eddington.

LEG. EDDINGTON:

I just wanted to ask is that a smile on your face?

MS. GROSS:

Yes.

LEG. EDDINGTON:

All right. Thank you.

D.P.O. VILORIA•FISHER:

There are no other cards. Is there anyone in the audience who would like to make any kind of comment on this. Yes. Can you please come to the podium and identify yourself.

MS. OWENS:

Yes. I'm Julie Owens. I'm the Executive Director of LITAG, a Long Island Transgender Advocacy Group. We have seen the language changes to Resolution 2027, and we would like to thank Mr. Sabatino for his work. The new wording we have seen includes a definition of gender,

which is defined as both the biological and social characteristics of being female or male. The wording also defines the protected basis, whihc includes gender.

We appreciate the support we have received from the County Executive's office as well as the Legislative sponsors. We would publically like to thank Mr. Sabatino, Mr. Mystal and Mr. Montano. We ask the Legislature to approve Resolution 2027 with the modified wording. Thank you.

D.P.O. VILORIA•FISHER:

Thank you very much. Is there anyone else who would like to make any comments on this legislation? There being none, do I have a motion?

LEG. D'AMARO:

Motion to close the public hearing.

D.P.O. VILORIA•FISHER:

Motion to close by Legislator Montano.

LEG. COOPER:

Second.

D.P.O. VILORIA•FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? 2027 is closed.

MR. LAUBE:

10.

D.P.O. VILORIA•FISHER:

2028, A Local Law authorizing the establishment of a suffolk County Local Development Corporation for the purpose of developing a WI•FI network in Suffolk County. I do see one card. Zabby, you have five minutes.

MS. ZABBY:

You'll be happy to know that I support this.

D.P.O. VILORIA•FISHER:

Is that your whole statement?

MS. ZABBY:

No. But I thought I would put some smiles on your faces. As you know, I'm here filming the Suffolk County Legislature. And I had helped too from Bob Taylor who gave me these five DV Discs of the August 8th Meeting, ten hours here.

And I would suggest that maybe US Web might pay back the County for some of this and help ••

you know, they say web so maybe they could get our •• help to get our meetings of Suffolk County over the web. But also though, this WiFi Network, I think this would be a great opportunity. I'm not sure of the specifics, and I would like to get some •• you know, hear about this a little bit more, but it seems it would be a great opportunity to get Suffolk County Legislature not only on the web, though, but on television.

And we need to, again, get a sharing of that channel, the state channel, the state channel, so that we can use the cameras that we install for, I hope, a video web. And, you see, this is what would be so great for the WiFi to do a video streaming, not just voice streaming, but video streaming. And it can easily be done with this modern technology. And then take those and put them on the state channel, which channel 116 now, move that down to a lower range broadcast channle, perhaps 18, where the state originated its programming three years ago, and we could have both analog and digital, perhaps, transmission of these meeting, because as somebody said just before from Cornell University, a graduate •• a graduate had said that knowledge is power.

This is very important that we see what our Legislature is doing, what our government is doing, then we could catch •• we could perhaps curb the fraud, the abusive power, as I mentioned with that woman who was, you know, just put through the mill. But she won an Article 78, the Town of Huntington pursued her. But in justices like this, we all could look at, and if we happen to know some information that •• background information that none of you know, we could bring that to the floor. But we need to try to get true open government so that we can end some of the corruption and the abuse of power and the abuse of our taxes. So thank you very much.

D.P.O. VILORIA•FISHER:

Thank you, Zabby. I see no other cards. Is there anyone in the audience who would like to speak to IR 2028? Seeing no one, is there a motion?

LEG. MONTANO:

Motion to close.

D.P.O. VILORIA•FISHER:

Motion to close by Legislator Montano.

LEG. EDDINGTON:

Second.

D.P.O. VILORIA•FISHER:

Seconded by Legislator Eddington. All in favor? Opposed?

MR. LAUBE:

15.

D.P.O. VILORIA•FISHER:

IR 2028 is closed. **IR 2029, a Charter Law to simplify and clarify Operating and Capital Budget Property Tax Impact Statements.** The first card is Paul Sabatino.

MR. SABATINO:

Thank you, Madam Chair. Paul Sabatino, Chief Deputy County Exec. On this particular Charter Law, we're going to be asking that you close the hearing today. And if, and I underscore the word

if, there is a consensus and a comfort level with the substance and the content of the bill, we would ask that you discharge the bill, wait the one hour and adopt the bill today, if, again, there is consensus amongst the Legislature with respect to the substance of the bill.

I'm going to give you a little history lesson just to walk you through what happened, what generated it, and why we think the bill is important. It's time sensitive if there's a consensus only because we are moving into the Operating Budget cycle. So if you don't mind bearing with me just with regard to the •• you know where we were and how we get here today, I think it will be helpful in terms of the dialog. And if there's a consensus, great, we could move it today. That would be nice.

In 1988, former County Executive Pat Halpin submitted a budget that was for fiscal year 1989. And what happened was, back in those days, there wasn't what you have today, which is the Omnibus process where you're able to link together a lot of different ideas and components into one piece of legislation and then conceptually modify what a proposal is. Back in those days, you have individual amendments sponsored by individual legislators, but no necessarily coherent or cohesive alternative.

That particular year due to the inexperience youth of the Budget Director who had submitted the budget, the proposed budget spoke of a 13% property tax increase for 1989. What happened was when the budget was finally actually adopted, there was no Omnibus to change the bill. There were some individual budget amendments, maybe two or three were adopted, but the budget itself was not changed in any kind of dramatic fashion. When the budget was finally adopted and the tax warrant and the tax bills were calculated, there was really a 161% property tax hike, which coupled with the fact that just purely coincidentally that year the school districts on average •• this was across the board •• had generated an average of a thousand dollars property tax hikes. Coupled between what was happening with the schools, the 161% versus the 13% that everybody thought was going to be the actual calculation, it led to a tax revolt.

In 1989, a whole series of bills were then proposed by the County Executive, by Legislators. Some bills were good, you know, some bad •• some bills were bad, some bills made sense, some bills didn't make sense. One of the bills that was proposed what ultimately became Local Local

Law 13 of 1989. Now, you got to go back see what the problem was with the calculation itself, the reason the 13% was not accurate versus the 161% was that the 13% was calculated based on the tax levy, not the tax warrant. So the cause for the problem really was not addressed by Local Law 13 of 1989.

But what Local Law 13 of 1989 did is it required that as part of your financial or fiscal impact statements, you have this town by town calculation that we've now lived with for the last 17 years, which basically does the apportionment of the taxes within each of the ten towns. And what happens is even though you as elected officials may be voting on a budget that's got a tax or a zero percent tax freeze or a 2%, you know, tax increase, that's what you are voting on as individual Legislators. That's the impact to the people of Suffolk County that you represent.

But because there's the apportionment of taxes, which is based on full equalized value •• which I know is going to make your eyes glaze over, because you've to divide the assessed value by the equalization value, that varies from year to year, each town's got its own separate equalization rate, because we don't have a uniformed assessment across Suffolk County. What happens is you wind up that even though you voted on zero percent or 2% or a 1% cut or a 4%, you've got this statement attached to all the budget amendments and to the Capital Budget, the Operating Budget and the College Budget, which has a breakdown of each of the ten towns, and it's going to show Riverhead goes up one year by, you know, 27%, but you know, Islip is going down by 16% percent and Southold is going up •• I don't know the percentage.

What happens is you wind up spending all kinds of time trying to explain to the public why your 2% tax increase or your 2% tax cut or your tax freeze isn't really a tax freeze or a 2%, you know, tax increase, because the charts that are attached break it down town by town by town by town. And because of all the reasons I described before, it generates enormous confusion. And then compounding that •• you know, Legislator Caracciolo, when he was Chairman of the Finance Committee, would then ask you to take those ten charts and multiply them by ten more charts, because he would want to break it out, you know, based on a whole bunch of other series and factors.

So the thought process here is that if you would repeal those provisions and just go back to

County-wide impact, that's what you care about. If you vote on a budget, whether its the Capital Budget, the College Budget, the Operating Budget, zero percent, that's what the financial impact should show, not 2% or 27% or whatever.

D.P.O. VILORIA•FISHER:

Legislator Kennedy has a question.

LEG. KENNEDY:

Paul, I recall it •• as a matter of fact, the way you recounted it was accurate as far as some of the towns, otherd of the towns did not susstain this biggest •• as large an increase. My question to you is, though, is that by eliminating the town by town calculation, we're not doing away with equalization, though. The equalization process still will be in place. And that •• that overall budget increase, decrease or zero percent will still be calculated, in fact, amongst each of the towns. So the impact in the Town of Smithtown of Brookhaven, my constituents will still ak me about. It will just be that much harder for me to figure it out now.

MR. SABATINO:

Here's reality, okay. The problem that generated the bill was not solved by the bill, but the bill has created a whole nother series of proplems now, which is everybody is focusing on something that was neven ever focused on before, because you as a County Legislator or the County Executive or both together are •• can only control what you can control. So if you raise, you know, County taxes by 10%, you should be responsible for 10%. If you cut them by 10%, you should be cutting them by 10%. And the statement that you attach to the resolution by law should accurately reflect that.

The problem is that for the 17 years it's become a focus and a debate about somehow the perception being created that an elected official is lying or disrespecting to his or her constituents, and that's the unfairest charge of all for all the people sitting around the horseshoe and the County Executive in those years in which, you know, you raised taxes by 2% and •• but the chart shows

that you raised it by 20% or 17% or 16%. That's not the reality. The reality is that what you control in the County budget, okay, it's going to be a lump sum figure spread across, you know, 500 or 600,000 property tax owners.

We're just saying that the statement should reflect that and really just shift the debate back to what the debate should be about, which is what you actually voted on. I mean, I can't speak for the Budget Review and the Budget Offices, but I can anecdotally tell you that for the last 17 years, you know, they've •• they've made the point that they spent literally scores of hours redoing charts to try to explain, because you as Legislators are being unfairly criticized or unfairly characterized as somehow, you know, saying you voted one way, but the chart shows something different.

So, you're right, Legislator Kennedy, it's not going to change what the apportionment of the taxes are within a given town, because that's the function of things you don't control, which is state law and the fact that we don't have a uniform assessment system in the County. But to the extent that you can control something, the thing that you can control, we're saying you should simplify it, make it more accurate and basically give yourselves a break.

LEG. KENNEDY:

Thank you.

D.P.O. VILORIA•FISHER:

We have other questions. Robert, does this mean no more Melvin?

MR. LIPP:

What this would do is eliminate the town•by•town effect impacts, which is referred to appropriately as the Melvin, which is the name of the spreadsheet. Budget Review feels that it's

simple enough to make these calculations, and Legislators are interested in the information in terms of what the impacts are on a town•by•town basis related to their particular districts. So we don't particularly support this.

D.P.O. VILORIA•FISHER:

Legislator Montano.

LEG. MONTANO:

Paul, I didn't really get a chance to look at the implications of this bill, because I didn't think that you were going to ask for it to be discharged. But from what I'm reading, there's not a lot of changes. It really just deletes that section of the towns and talks about that the budget, and I guess you want to do this before the budget is submitted •• but that there should be a statement as to the average tax bill for the County taxpayer overall. Can't you do that? Can't you add a statement to this year's budget irrespective of this bill?

And I don't think you need this bill to make the kind of statement that you're looking to make in your budget presentation; am I correct?

MR. SABATINO:

You can clearly make the statement. The problem is that you're legally required on all of these budgets and all of these budget amendments ••

LEG. MONTANO:

To make the other statements.

MR. SABATINO:

To show the town by town. What's happened is the town by town, because it's the officially legally required document, has become the central point of debate for the last 17 years. And now matter how hard you as individual Legislators or the County Executive try to get the focus back to what you actually did in the budget, it's extremely difficult because when you've got the official legal document out there, people just •• it's human nature. People are suspicious. They think that •• you're saying one thing but you're doing another.

So our thought was that if the two things meshed, if the law and the actual reality of what you're doing and the document itself were all the same, it would change the nature of the debate. I fully readily acknowledge that people can still look and ask for the other information; but the starting point of the debate at least will be what you did as a collective body, you know, with or without the County Executive depending on vetoes •• not vetoes but as opposed to this whole debate comes down to you're spend time responding to and trying to defend yourselves against unfair charges that what you voted on doesn't conform to what's in the chart.

So again, as I said before, it's only •• if we get a consensus, if people feel comfortable with the idea that there's been a certain level of unfairness, we'd like to see it happen today. If you don't feel comfortable with that, you know, we understand but we're just laying it for you. I'm sorry to be so long but I thought it was important to know the history of how we got here to understand what we're trying to address.

LEG. MONTANO:

Right. But just so I'm clear, my point is that if we don't, you know, if we don't discharge it and we don't pass it today, it doesn't really prevent you from making this kind of statement in the presentation that precedes the submission of the operating •• of the operating budget.

MR. SABATINO:

No, it does not preclude that; but it also does not •• it does not eliminate the starting point ••

LEG. MONTANO:

Okay. The other stuff that you really want to get rid of.

MR. SABATINO:

- the starting point which is going to be the town by town so.

LEG. MONTANO:

Right. Last question. There's no inconsistency between the two items; in other words in you explain •• if you put in what's required now and then you put in this generic statement as to the effect on the average taxpayer, it really isn't inconsistent; you just have to go through the process and understand the •• you know, understand budget.

MR. SABATINO:

It's not technically or •• it's not technically inconsistent but I can tell from you experience that it's virtually impossible to explain to the average citizen once you get beyond the first chart because you got to talk about equalization rates and full assessed valuation. It's extremely complicated. Plus there's a chart. The chart says, you know, I see in front of my eyes it's different than what you're telling me verbally. That's the point.

LEG. MONTANO:

Okay. Thanks, Paul.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes, Paul, I was there. And as you know, and the transcripts will reveal, Bob {Kerer} at that time was the Budget Director; came out of Wall Street. And I questioned him and I said right on the record that his numbers were wrong. We did not know how wrong they were. And eventually that led myself and three other Legislators to take the drastic action of voting against the tax levy. But I can tell you as a citizen when I get my tax bill, the first thing I do is I'm not interested in the general rate; because last year the County Executive announced that he was increasing taxes holding that increase to 1.6%, I believe. Okay? Correct me if I'm wrong.

MR. SABATINO:

No. Actually last year we had to cut it by less than 1% to offset the increase in the Community College so that we'd have an overall general fund zero and the police district was going up 2.2%.

LEG. ROMAINE:

Let's talk about the general fund. What was the general fund?

MR. SABATINO:

The general fund last year we had to cut •• I think it was 1.1 ••

LEG. MONTANO:

Your mike's off.

MR. SABATINO:

I believe last year we cut the general fund by 1.1 to offset the Community College increase. But at the end it was leveled out, right.

LEG. ROMAINE:

Right. You cut the general fund by 1.1. Do you know that in the Town of Brookhaven the general fund part of the County bill went up by 29.7% for every resident in Brookhaven Town; every resident? And I'll send you the correspondence from the tax receiver because that's one of the questions that I got hit with when I took over in January, how come the general portion of the taxes went up? I thought it was going to go up by 1% or go down or whatever. But it went up by 29.7%. And every Legislator sitting around this podium here is going to have to deal •• and I deal with four towns •• but most Legislators deal with one or two towns, everyone is going to have to deal with how much that general went up.

Now if you put out a message or a press release or you say, yes, we're only voting to increase it or decrease it by 1%, and they get hit by an almost 30% increase, there is going to be tremendous skepticism. And I think it would be better for us to arm ourselves with the knowledge of how much is going up town by town by town instead of being surprised or having constituents, you know, act as if what were you doing? Misleading me? Why did you vote for this? They're going to ask Legislators on the record why did they vote to increase Brookhaven Town, the County general portion of the county taxes by 29.7%? And to say, well, I only thought I was voting for a decrease of 1%, isn't going to cut it. I think it's very helpful that we keep that town by town perspective there. I think it is something that the Budget Review Office has indicated it is very simple to do. I think it would be very beneficial.

MR. SABATINO:

Well, if I can just respond though. The 29% that you're •• I didn't know Brookhaven was 29%.

But I know ••

LEG. ROMAINE:

29.7.

MR. SABATINO:

But that's the issue we dealt with at two sessions ago. That was the other bill. The bill that showed •• the legislation addressing the percentage increases, which again is a function of what the state does, that's the bill that we repealed in •• two meetings ago; the first meeting in August because that percentages come out of the state requirement. So that one's been addressed. This is different. This is the other issue which is the town by town apportionment within •• within the overall tax levy. The Town of Brookhaven didn't go up by 29%. It was just because when that state percentage that's applied to all of the tax certiori's and the special assessments compared to the year before •• so you raise a good point. We addressed that one because it was unfair to you and all the other Legislators that voted on that budget to have that percentage imposed. I know you didn't vote on it last year, but those Legislators who did, it was unfair to have that kind of distortion. That's why •• this is like part two to that process. You're trying to get, you know, accuracy and clarity back to the budgetary adoption process.

LEG. ROMAINE:

But that's not still going to change the final result on the tax bill for the constituent I have to deal with. You know, no matter how you describe it, the people •• for example, people in Brookhaven are going to say as they have said to me, and I said well, I wasn't there last year, the bottom line was that they went up by 29.7%. Now I can start explaining it the way you have, and I'm not saying that that explanation isn't justified. It certainly is. But let me tell you at that time I've lost my constituent because it's just lost on them.

MR. SABATINO:

Right. You stated the case for why we're trying to make this change as well. Because what you had to confront there is exactly what the first bill addresses.

LEG. ROMAINE:

But that won't be reflected in their tax bill.

MR. SABATINO:

But again •• I'm being open and direct about it. It's an attempt to try to clarify it. There's not a consensus, you know, I understand there's not a consensus. But these are the issues that have been coming up over the years. Budget Review is correct to say it's simple •• it's simple for them to calculate with the computer. That's not the issue. The issue is it's not simple to explain to the electorate. It's not simple to explain that chart after you voted on something it shows one number and the chart shows a different number. When the chart shows the same number as what you voted on, it's a hell of a lot easier coming out of the box to have that conversation and that discussion. That's all we're saying.

P.O. LINDSAY:

Thank you. Next speaker is Zabby.

MS. ZABBY:

I am definitely, definitely against resolution 2029 here. I am an accountant. And I live in Brookhaven. And it's an insult •• just an absolute insult to the public •• to the public for you •• now Mrs. Nowick is not here, but she was the tax assessor •• oh, there she is. Okay. And you were the tax assessor in Smithtown. And I was here •• I was here at that committee meeting when this was discussed. And all the point were •• you made some good points as well. The people have the right to know. And do not insult the intelligence of the voter. These remarks •• excuse me, Mr. Sabatino. But then you were saying it was distorted and confusing. Mr.

Caracappa was saying those words. That's disingenuous. And now you're saying, Mr. Sabatino, it's unfair, you know, it's unfair. No. It's unfair for you to take information from the public that they have a right to know so that they can decipher how, in fact, that one vote, how it was allocated per each of the ten towns •• for each of the ten towns. And we have intelligence. We can look at the absolute tax. We can see well, maybe it came to \$4 and yes it's a big percent but that's \$4. Okay? So we can make all of these things. And for you to change this •• it used to be very difficult to understand the tax bills. So I appreciated the administration who passed this new sort of truth in taxes. We should have some truth in taxes, not only truth in tax subsidies. And by the way I did get answer which I appreciate for the owner of the property. NRA 2LLC. Well, no, I want to know who owns that. That's an LLC. I want to know what are the names. Are there any politicians perhaps; politicians that have a stake in that corporation. That's what I want to find out; who owns that property on Park Avenue that was discussed. So there should be truth in tax subsidies and truth in the taxes that we're paying these tax subsidies corporate welfare. It's really wrong for you to try to change a tax bill that gives us percentatges from year to year. It's just plain wrong.

Please do not discharge this. And as Mr. Romaine said in the last meeting, he can explain then to the people what it means if people want to know. And he was able to do that. And I'm sure all of you can explain it. And why should •• you know, do we have the computers that Mr. •• that Budget and Review that we can just know one, two, three? No. The people want to know and they have the right to know and they have the right to see these meetings on television. Because if you only put it the web, you're discriminating against the poor people who cannot afford to be on the internet and especially senior citizens who are the voter. And you guys, you know, I have those tapes. I offer those tapes to any of the 18 of you now. We can get them on TV within two weeks. I offer them to all of you. I know, however, there are •• there's probably some of who will go to Cablevision with me and get these tapes on just like Steve Fiore Rosenfelt did in Brookhaven and just as Joanne Gray did in Smithtown. And we will get this government on because it's •• these meetings should be played in their entirety unedited, uncensored, ten hour meetings. I don't have time to put them on channel 20. They do not belong on channel 20. And you need to, you know, get into this. Get into open government because it may in fact, believe it or not, stop some of the cynicism when people see the huge decisions you have to make, serious decisions and how you do work hard; maybe it will cut down on cynicism. Your fears are miss •• you know, really misplaced.

And also I'd like to call for the firing of Paul {Pedrilli} who was abusive to me the other day.

P.O. LINDSAY:

Your time is up.

MS. ZABBY:

We could cut some of the taxes that way.

P.O. LINDSAY:

You have a question, Legislator Nowick.

LEG. NOWICK:

Zabby, excuse me, just a fast question. The tapings that you do that I watch once on a while on channel 18, are those edited at all? Or are those straight ••

MS. ZABBY:

No, no. 18 is the government channel. And the Town of Smithtown thanks to Patrick Vecchio has installed his own cameras. And, you know, I think he's happy that I don't show up at his Smithtown meetings any more to film. So it might be a very wise thing for you guys to get your own cameras.

LEG. NOWICK:

Thank you.

P.O. LINDSAY:

Okay. I don't have any other cards. Would anybody else like to speak on 2029? Ben Zwirn.

MR. ZWIRN:

Thank you very much, Mr. Presiding Officer. I just want to reiterate one thing that Legislator Romaine brought up. And the reason that we put this legislation before the County Legislature is that when you vote for a reduction in taxes for your constituents and you make cuts in programs and you take the tough stand and you try to help out the constituents in your different towns, what can happen is because of the way the state equalization formula works, Town of Brookhaven will see a 30% property tax increase to the general fund when you have voted for a tax reduction. You are voting on the general fund taxes which is approximately \$50 million. That's it. That's the \$50 million. And what we're trying to do is explain so people understand that when you give a tax cut, they see a tax cut. And I think that was the genesis of this legislation and nothing more than that.

But what's happening is because of things that are out of the control of the County Executive and the County Legislature, some of the people in different •• five towns are going to go up and five towns are going to go down based on the property values in those particular towns in that particular year.

In one year •• I think it was two years ago in the Town of Southold, property taxes went up 20%. Last year they came down about the same amount. They go up; they go down. But I went out to talk to the people of the Town of Southold for people who were interested to explain why when they heard and •• heard from their County Legislator who supported a budget where there was a property tax reduction why their property taxes seem to go up even though this Legislature had no control over that.

And that is the genesis of this. If you do the benefit of a tax reduction, the County Legislature and

the County Executive ought to be able to take credit for that. And when they pass a tax increase, they ought to be able to take credit as well for that. And that was the genesis of this. Nothing more; nothing less. Just trying to be an actual genuine reflection of the actions of this Legislature when they pass the budget.

P.O. LINDSAY:

Thank you. Okay. Seeing no one else on this subject, I'll entertain a motion to close. Legislator Browning made a motion to close. Legislator Eddington seconded. All in favor? Opposed? Abstentions?

MR. LAUBE:

17.

P.O. LINDSAY:

Okay. We got procedural motion number seven, review modification of agricultural districts in the Towns of Brookhaven, East Hampton, Riverhead, Southampton and Southold.

LEG. ROMAINE:

Motion.

P.O. LINDSAY:

Motion by Legislator •• wait a minute, wait a minute. This is a public hearing. Is there anyone in the audience that would like to speak on this? I have no cards. Now your motion's in order.

LEG. ROMAINE:

Motion to close.

P.O. LINDSAY:

Motion to close by Legislator Romaine.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

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

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Moving right along. Back to the agenda. Okay. I'm going to go back to page six 2009 amending the Suffolk County classification of salary plan in connection with a new position title in the Department of Health Services. There was some questions on that. I don't have my notes. Which of the ••

MR. ZWIRN:

Legislator Losquadro, I believe.

P.O. LINDSAY:

Okay.

MR. ZWIRN:

At committee, I think, this was explained by Civil Service. The woman who held the position that would entitle this changing asked for a desk audit from Civil Service because she believed that she was doing work that was out of title. There were more people for her to supervisor. Civil Service came in. This is not an exempt position. This is Civil Service position. This is somebody who has a competitive title. She asked for a desk audit. Civil Service came in, performed it and they agreed with her. And there was a recommendation that this title •• that the title be changed to the one that was here.

P.O. LINDSAY:

Okay. No other questions?

D.P.O. VILORIA•FISHER:

Motion to approve.

P.O. LINDSAY:

I have a motion to approve by Legislator Viloría•Fisher, second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

You had a motion and a second on this earlier today.

P.O. LINDSAY:

No. The motion was by Legislator Viloría•Fisher.

D.P.O. VILORIA•FISHER:

He's saying there was an earlier motion.

MR. LAUBE:

And you had a second •• and you had a second by Legislator Mystal earlier.

P.O. LINDSAY:

Oh, I see. Okay. Okay. So it would revert back to the original •• okay. My mistake. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

I recognize Legislator Montano for the purpose of making a motion.

LEG. MONTANO:

Yeah. I would like to go back to the agenda and reconsider resolution 1592.

D.P.O. VILORIA•FISHER:

What page?

LEG. MONTANO:

That's what I'm looking for now.

LEG. ROMAINE:

Page two.

LEG. MYSTAL:

Page two.

LEG. MONTANO:

Yeah. And the reason is that I believe that the bond has been put forward so we can vote on this today. So I would ask that we reconsider it.

P.O. LINDSAY:

All right. We have a motion by Legislator Montano and I'll second that motion to reconsider 1592 A, B and 1592. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

LEG. MONTANO:

Okay. I would make a motion to approve 1592.

P.O. LINDSAY:

Okay. We have a motion on 1592 A which is appropriating funds in connection with the improvements to lighting and paving on County Road 100 Suffolk Avenue, Brentwood, Town of Islip. I'll second that motion. Any debate on it? Roll call.

D.P.O. VILORIA•FISHER:

On the motion I just have a question. We had received a bond resolution. But the one I see before me is 2037. Was that one also ••

MR. NOLAN:

That will come up later. This is •• there are two separate bonds for 1592 because one is for paving one, one is for lighting. The total is \$200,000. This is something bond counsel insisted on was two separate bonding resolutions.

D.P.O. VILORIA•FISHER:

Okay. Thank you.

P.O. LINDSAY:

Okay. Roll call.

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

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

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.

MR. LAUBE:

18.

P.O. LINDSAY:

Same motion, same second on 1592 B. Roll call.

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

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

LEG. ALDEN:

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.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. On 1592, same motion, same second, same vote. I think we're up to page seven.

1991 A is a pending bond resolution authorizing the purchase of two hybrid support vehicles and accepting the appropriating federal aid 80% state aide, 10% county funds, 10% connection with the purchase of.

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Vilorio•Fisher, second by Legislator Cooper. Roll call.

LEG. LOSQUADRO:

Just a quick explanation, Mr. Chairman. I just •• not being on that committee, they say support vehicles; but in what capacity will they be used? Just support for •• anyone? Mr. Zwirn, do you know?

MR. ZWIRN:

I haven't got the bill in front of me but I'll ••

LEG. LOSQUADRO:

Perhaps was it for the Parks Department? Were they Ford Escape hybrids for the Parks Department?

P.O. LINDSAY:

Wait a minute. I think Counsel has the answer for you, Legislator Losquadro.

MR. NOLAN:

I don't have much. The backup indicates two hybrid support vehicles for replacement of existing support vehicles for the Transportation Division of the Department of Public Works. County's

share is 10%.

LEG. LOSQUADRO:

All right. The bill that I have passed recently regarding the County vehicle standard specifically has language in it that does not preclude the Department of Public Works from looking at alternate technologies. So being that this is being done with 90% alternate funding from other levels of government, I'm prepared to support it. But, Mr. Zwirn, if you could just bring to the Department of Public Works I'd like to have a conversation with them regarding this.

MR. ZWIRN:

Absolutely.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Roll call.

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

D.P.O. VILORIA•FISHER:

(Not present)

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG.MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

D.P.O. VILORIA•FISHER:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

You have one in the negative.

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Okay. Same motion, same second, same vote on 1991. Agreeable with everyone?

1992 A, pending bond resolution authorizing a purchase of hybrid electric transit buses for Suffolk County Transit including radios, fair boxes and spare components and including audit and inspection during manufacturer and amending the 2006 capital budget and accepting and appropriating federal aid in the amount of 80% state aid, 10% county funds 10% in connection with this purchase.

D.P.O. VILORIA•FISHER:

Motion.

LEG. COOPER:

Second.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

First of all we have motion by Legislator Viloría•Fisher second by Legislator Cooper. And

Legislator Alden has a question.

LEG. ALDEN:

First I'd like an explanation. Are these forty passenger buses or are these the small theatre type buses? If anybody can answer that.

MR. ZWIRN:

I don't have the bill in front of me. Maybe BRO may have it because they have the •• it's CP 5658. Might be able to pull it up.

MS. VIZZINI:

We don't have the backup with us. I can get it if it's in there.

P.O. LINDSAY:

How about if we pass over that, Legislator Alden? When we get the back up ••

LEG. ALDEN:

There's a whole bunch of questions.

LEG. LOSQUADRO:

Yeah, I have a question on this.

P.O. LINDSAY:

Well, why don't we get the back up and then we'll go back to it. All right?

LEG. LOSQUADRO:

Well, Mr. Chairman, it doesn't pertain to the •• I'll wait for the answer to Mr. Alden's question because I have that as well; but there's language in here which I don't recall seeing in other resolutions where it says including audit and inspection during manufacture. Is that common practice when we're ordering or purchasing vehicles? And what exactly does that mean? Are we going to be sending someone or one or more individuals to the point of manufacture? This is something I know that had been sort of frowned upon in the fire departments across Suffolk County when there were trips being taken to various parts of the country to audit a manufacturer of a vehicle.

MR. ZWIRN:

You mean were they manufactured in Honolulu? Usually they're like in Newark or Cleveland or •

LEG. LOSQUADRO:

I'd want to know why this language was put in there. Is it necessary for •• do we have someone who's an expert in this manufacture?

MR. ZWIRN:

Let me go give a call to Public Works while we're checking this out. And I'll get that answer for you.

P.O. LINDSAY:

Okay. So, I'm going to pass over that one. We'll back to it.

IR 2008, pending bond resolution appropriating funds in connection with the modifications to warehouse at the Board Of Elections.

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Montano, seconded by Legislator Cooper.

MR. ZWIRN:

If I might just ask that this be tabled one cycle 'til the 19th if that could be possible. The capital project. Just to table it one cycle. There are a couple of reasons. One is about which machines we're going to be getting. We'd just like to take one last look at this before ••

P.O. LINDSAY:

But this is the warehouse; not the machines.

MR. ZWIRN:

I understand that. But the warehouse is being built to house the new machines that are coming in. So if we could just have •• table it one cycle, we would appreciate it.

P.O. LINDSAY:

Don't we have to build a warehouse regardless of what the machines are?

MR. ZWIRN:

I don't know if that's the case. But if we just wait 'til the 19th. There's no urgency on this. If we can just have one round.

P.O. LINDSAY:

Legislator Romaine.

LEG. ROMAINE:

Yes. Usually with warehouses and with this resolution, we're not adapting specifications. We're adopting an appropriated amount of money. If in your final look at this, more money is needed, I'm sure we can come back and add money. And I think there's a 10% overage in any event that's allowed in capital programs.

MR. ZWIRN:

We're just asking •• there's nothing nefarious. We're just asking for •• tabling for one cycle if that's possible.

P.O. LINDSAY:

You make a motion to table. I'll second. All in favor? Opposed? Abstentions

LEG. ROMAINE:

I'm opposed.

P.O. LINDSAY:

One opposition. Any others?

LEG. MONTANO:

Opposed.

P.O. LINDSAY:

Two oppositions. Got it.

MR. LAUBE:

16.

P.O. LINDSAY:

2037, I'm being told by Counsel, it doesn't indicate it on our agenda but there's a bonding resolution. It has to go with that. It has been circulated. It should be in front of you. All right. So I'm going to accept a motion to approve on the bonding resolution for 2037 amending the prior capital authorized appropriation for the construction of a helicopter hangar for east end operations Gabresky Airport. Motion to approve by Legislator Schneiderman, second by Legislator Eddington. On the question.

LEG. ALDEN:

Just one quick question. Is this on our property or we building a hangar on somebody else's property that we actually lease to them and then lease back to the County?

LEG. SCHNEIDERMAN:

It's our property.

LEG. ALDEN:

But didn't we lease this property to someone else and now we're sub-leasing it back to us?

LEG. SCHNEIDERMAN:

Not this piece of property. This is not the same site as the current medi vac helicopter hangar which is the property that we have leased to someone who built a hangar and now we are leasing the space. We're trying to get out of that. And instead of paying rent, I guess we'll be paying debt service, but we'll out far ahead. And I think the location will be an improved location, too.

LEG. KENNEDY:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Just through the Chair to the sponsor, earlier today we just approved some resolution associated with Brownfield's activities at Gabresky. I would assume that this physical site for this hangar is a field or away from where the contamination area is or where the Brownfields work is going to be done?

LEG. SCHNEIDERMAN:

Yes.

LEG. KENNEDY:

Yes.

LEG. SCHNEIDERMAN:

It's a different •• it's a 1400 acre, Gabresky Airport. It's quite away's away. Ben, did you want to correct •• it's my understanding when you look at the map there's quite a distance between the two.

MR. ZWIRN:

There is. And this is a •• it's less expensive than we originally planned. It's a modular unit. It'll house two helicopters on the east end. Originally there's only room for one. It's a vast improvement.

P.O. LINDSAY:

Okay. Legislator Eddington.

LEG. EDDINGTON:

You're going to assure me that it will it be heated?

MR. ZWIRN:

It'll have windows, I think, and heat and ••

LEG. EDDINGTON:

Those things you would assume but in the last place it wasn't so I just want to make sure. Thank you.

P.O. LINDSAY:

Okay. We have a motion and a second. Roll call.

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

LEG. SCHNEIDERMAN:

Yes.

LEG. EDDINGTON:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Here. Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

18.

P.O. LINDSAY:

Okay. Same motion, same second, same vote on the accompanying resolution 2037. You got that, Mr. Clerk?

MR. LAUBE:

Yes, sir.

P.O. LINDSAY:

Okay. 2038 A, pending upon resolution amending the 2006 capital budget and program and appropriating additional funds in connection with the improvements to the County Center in Riverhead phase I renovations to the south wing for the Health Department Mammography Unit. I'll be very happy to make that motion.

D.P.O. VILORIA•FISHER:

I'll second it.

LEG. ALDEN:

On the motion.

P.O. LINDSAY:

On the motion, Legislator Alden.

LEG. ALDEN:

I'm very happy if this is going to actually, in fact, happen. It's over a year ago that this legislative body approved the money to purchase this unit and with the assumption that it was going to go into this health center almost on an immediate basis; because I just got done looking over the testimony. And even Legislator Foley, you know, had to admit it's a bipartisan effort to provide health services to our constituents. So ••

P.O. LINDSAY:

It was five years ago we approved the funding for the building.

LEG. ALDEN:

Absolutely. So, you know, I'm just a little bit perplexed that, you know, the length of time to actually get this unit or even to bring forth a resolution that would allow the unit to be placed in there when we appropriated the money or •• it's over a year ago now to actually purchase this piece of equipment; and the testimony from the Health Commissioner at that time was that he was going to make every effort to put it in there on almost immediate basis. So I just •• I'm perplexed at this and the length of time that it took to do this.

P.O. LINDSAY:

So we're moving right along. Legislator Romaine.

LEG. ROMAINE:

Yes. We're amending the 2006 capital budget and program and appropriating additional funds. What are the offsets that you're using for those additional funds.

MR. ZWIRN:

I don't have the bill in front of me but you probably have a copy of the bill right there.

LEG. ALDEN:

Budget Review has the ••

LEG. ROMAINE:

Well, let me re•direct if I may through the Chair that question to Budget Review then.

P.O. LINDSAY:

So done.

MS. VIZZINI:

The offset is \$250,000 from the Riverhead County Center project that was originally included in the Capital Program for the purposes of a data center for the County Clerk.

MR. ZWIRN:

So there was money within the •• in the project itself to be able to do this. These are renovations

to the building.

LEG. ROMAINE:

I assume the data center will still continue and go forward.

MR. ZWIRN:

Yeah, I don't think there's any •• any problem with this. And just to get back •• this is going to go ahead as quickly as possible. But just to get back to the comments that Legislator Alden made, one of the reasons was this has taken so long is that when this initially •• the money for this •• in the budget was for another mammography van. The Health Department came down and said that a stationary unit, digital unit would be much better. And we did one in Coram. And then Legislator Caracciola said we'd like to have one out in the east end out in Riverhead. And we went and we said that's great. But the problem is, and it was on the record back because I remember I was here was that we had no space for it at that time. We had no place in the health center out there •• we were looking for space. We looked at the title examiner's space. We were looking at lots of different space where we could put this unit in. We didn't have it. But the Space Management Committee found space when I think the Waste Water Unit of the Health Department moved out of the second floor.

The reason we had to spend this money is because where this might have gone on the second floor, the unit is so heavy that they had to move all the offices that are on the first place to the second floor and then rearrange the space to handle this unit. So now •• I mean there was a history here that we have always been moving in the right direction, but the problem was originally, and it was on the record from the very beginning was to find this space to put this unit initially. So we are •• we are moving forward. And it has had •• for government I think it's been a pretty direct route.

P.O. LINDSAY:

Okay. Legislator Vilorina•Fisher and then Alden.

D.P.O. VILORIA•FISHER:

Ben, getting back to the offset, you said yes, that's not a problem. What does that mean; that it'll •

MR. ZWIRN:

Because there was money in the project to re•do the health center. There's enough within that ••

D.P.O. VILORIA•FISHER:

The offset, the 250 that you're taking ••

MR. ZWIRN:

It's really not an offset in the traditional sense because there's money in the project that they can use. They're just using it for something different than what they had originally planned.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Just two quick things. The \$250,000 for the clerk, for their data center, that's going to go forward ••

MR. ZWIRN:

Yes.

LEG. ALDEN:

•• even though this says we're taking 250 out of that to pay for this?

MR. ZWIRN:

Yes. My understanding is that that's •• there'll be no problem at all.

LEG. ALDEN:

Okay. Number two, at the committee hearing when we passed the resolution to put the digital mammography unit in Riverhead, the Commissioner actually was against purchasing the digital mammography unit because he didn't feel that number one that they •• I guess his primary reason was that he didn't have room for it, but he really didn't make a case or didn't agree with the case that was made by the Legislature that that unit should go in there. So while I'll defer to your recollection, I just read the transcript and the Commissioner of Health was not very enthusiastic about even putting a digital mammography unit in the Riverhead Health Center.

MR. ZWIRN:

Well, the only •• my recollection is very specific in that Liz Harrington was here. She was a Deputy Commissioner of Health at the time. And she testified because she was sitting next to me at that particular day saying we really don't recommend a mammography van. I don't know if you were on the committee ••

LEG. ALDEN:

Now you're going back •• you're going back almost •• almost a year prior to when this took place when we actually approved it. Because it was last August that we approved the mammography unit. And that's at the meeting, and I'll refresh your recollection a little bit, Legislator Kennedy asked a question how big's the unit. Is it the size of this room? And then the Commissioner responded, no, it's about the size of one of those desks. So then Legislator Kennedy said so we're looking at a space six by twelve, twelve by twelve, something like that? And then the Commissioner said, yes, it would fit in that space. Then Legislator Foley jumped in and said, look, we just want to get this done so if this moves the process along, even though you're reluctant to do it, we want it in bipartisan fashion provide that unit. So there was a reluctance on the part of the Health Department and the Commissioner of the Health Department to even put it in there. I'm glad we're at this point now but I wanted to clarify that.

MR. ZWIRN:

Yeah. My recollection is that it was the Health Department's recommendation that we go with a digital unit as opposed to mammography van; and that they were very supportive of it.

LEG. KENNEDY:

Mr. Chair.

LEG. ALDEN:

Now like him or not, it was Legislator Caracciolo that actually came up with it so ••

MR. ZWIRN:

It was his •• he was the author of the bill that ••

LEG. ALDEN:

Right. To put the unit in there.

MR. ZWIRN:

They took the recommendation of the Health Department and got it moving.

P.O. LINDSAY:

You got the digital unit but the Commissioner's gone.

LEG. ALDEN:

No, he's not gone yet.

P.O. LINDSAY:

Legislator Kennedy.

LEG. KENNEDY:

Since we're taking a trip down memory lane, I have a recollection of what the dialogue was, too. And as a matter of fact we talked about other areas of space as well including some of the suites for County Executive's Office and areas like that. I equally am pleased to go ahead and see that this is finally going to wind up going in. I supported it and talked about it in committee. But I guess, then, I'll pose to you does the Acting Commissioner from the Health Department support

this technology? Because Dr. Harper did not. Dr. Harper said that there was a question out there as to the effectiveness of the technology. And he was deferring to Stony Brook. So Dr. Graham is now our Acting Commissioner. Does he support it?

MR. ZWIRN:

This came out of the •• it came out of the Health Department this recommendation. They suggested this as opposed to the mammography vans which they said were not helpful. There were a lot of mis•diagnosis, lot of mis•readings. But that this was state of the art. They recommended putting one in Coram which has been done. And this was the second one. I mean •• my recollection is they supported the technology. In fact they recommended it.

LEG. KENNEDY:

What I guess the purpose for me asking that, Ben, is is there's been other resolutions that we passed here before and have heard that the Department was actually going to go ahead and implement. And then for whatever reason it doesn't happen. Everybody's on the same page. That's great. Thank you.

P.O. LINDSAY:

Okay. We have a motion. We have a second. Roll call.

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

P.O. LINDSAY:

Yes.

D.P.O. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

MS. 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.

P.O. LINDSAY:

Okay. Same motion, same second, same vote. All right with everybody?

1749, a local law amending the procedure for disposition of property acquired through Suffolk County tax act. (Montano) Legislator Montano.

LEG. MONTANO:

Motion.

P.O. LINDSAY:

Motion to approve.

LEG. MONTANO:

Yes.

LEG. COOPER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper.

LEG. ALDEN:

Question.

P.O. LINDSAY:

On the question I have Kennedy first and then Alden.

LEG. KENNEDY:

Just through the Chair I guess and to the sponsor, I recall that we had some brief discussion as to whether or not the language that was in the bill was actually going to achieve the outcome, I guess, that the sponsor was seeking. And/or whether the Health Department might •• I'm sorry, the Division of Real Estate might or might not engage in some of the additional review that we were seeking. I should have had a conversation with you about this, you know ••

LEG. MONTANO:

You should you have.

LEG. KENNEDY:

•• sooner. But I also recall that the discussion we had at the committee, I think, was less than enthusiastic on the part of the Division of Real Estate.

LEG. MONTANO:

Right. But that doesn't affect the issue. I think the Real Estate Department's position is, well, you know, we're kind of doing this already but the reality is that this is, you know, our purpose here is just to ensure that all those parcels that meet minimum standards for development are, in fact, offered out for general auction as opposed to, you know, possibility of an oversight by going to

the adjacent landowner. I mean that's really the intent of it; to make sure and to make a statement that we need to do what we can to build affordable housing. And I'm not saying that this is the bill that's going to achieve it. This is just a small step. And that's why I'm asking it to be, you know, move forward.

And we can certainly work on other stuff. I know you have an interest in this also. But we just want to make sure that, number one, parcels that are sold are sold for reasonable value; that if we're going to sell it to whomever we get the maximum. Number two, that if we have parcels that are developable that we don't want to preserve, that we make them available for affordable housing. Or for housing, period. Whether it's affordable or not is another debate. Thank you.

P.O. LINDSAY:

Legislator Alden.

LEG. ALDEN:

Through the Chair, to the sponsor if he wants answers this is limited to the parcels that are annexed, too?

[RETURN OF STENOGRAPHER • DONNA CATALANO]

LEG. MONTANO:

Yes. This was an issue that came up in the Ways and Means and Committee because of the number of parcels that were being sold to adjacent homeowners. And the debate was whether or not everything had been done to ensure that before they're sold for purposes of annexing them to an existing piece of property where they would never be developed that if, in fact, we could get some affordable housing or housing on this property, that should be the first priority.

LEG. ALDEN:

Okay. Thank you.

P.O. LINDSAY:

Any other comment? Seeing none, all in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1912, Sale of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Brookhaven) (SCTM No. 0200-900.00-02.00-018.000). (Co. Exec.)

Do I have a motion? Motion by Legislator Eddington, seconded by Legislator Caracappa. Any questions? All in favor? Opposed? Abstentions.

MR. LAUBE:

18.

P.O. LINDSAY:

1949, To amend Chapter 674 of the Suffolk County Code to include policy and procedures for the naming of County facilities, parks, and roadways. (Cooper)

LEG. COOPER:

Motion to approve.

P.O. LINDSAY:

Motion to approve by Legislator Cooper.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Seconded by Legislator Montano. On the question.

LEG. CARACAPPA:

Mr. Chairman, as I asked the last time we brought this up, this doesn't preclude the Legislature from having the ability to override ••

LEG. COOPER:

Correct.

LEG. CARACAPPA:

Okay. Thank you.

P.O. LINDSAY:

Everybody is okay? All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

1997, Transfer of County-owned real estate pursuant to Section 72-h of the General Municipal Law (Town of Babylon) (SCTM No. 0100-172.00-02.00-033.000). (Co. Exec.)

LEG. MYSTAL:

Motion to approve.

P.O. LINDSAY:

Motion by Legislator Mystal to approve, seconded by Legislator Horsley. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

Memorializing Resolution M•61, Memorializing resolution in support of the Breast Cancer and Environmental Research Act of 2005. (Browning).

Legislator Browning, what's your pleasure.

LEG. BROWNING:

Motion.

P.O. LINDSAY:

Motion to approve.

D.P.O. VILORIA•FISHER:

Second.

P.O. LINDSAY:

Seconded by Legislator Vilorina•Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

M•63, Memorializing resolution in support of safe and sustainable procurement. (Stern).

Legislator Stern

LEG. STERN:

Motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Seconded by Legislator D'Amaro.

LEG. ALDEN:

Is there an Assembly Bill Number associated with this?

P.O. LINDSAY:

Legislator Alden has a question on this, Legislator Stern.

LEG. ALDEN:

Is there an Assembly Bill Number or a Senate Bill number on it.

LEG. STERN:

4545.

LEG. ALDEN:

Usually Jon Cooper takes care of that, you know, like, little detail. All right. Thanks.

P.O. LINDSAY:

We have a motion and a second. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

M•64, Memorializing resolution in support of the "New York State Public Health Protection Act". (Stern).

LEG. STERN:

Motion to approve.

P.O. LINDSAY:

Motion to approve, do I have a second? Legislator D'Amaro seconds. Any questions on the subject? Got the numbers, right? Got the numbers. Okay. All in favor? Opposed? Abstentions?

MR. LAUBE:

18.

P.O. LINDSAY:

M•65, Memorializing resolution in support of the development of an Environmental Health Tracking System. (Stern)

LEG. STERN:

Motion.

P.O. LINDSAY:

Motion by Legislator Stern.

LEG. COOPER:

Second.

P.O. LINDSAY:

Seconded by Legislator Cooper. Got the numbers? Legislator Alden wants to know if you have the numbers? All in favor? Opposed? Abstentions? Anybody else?

MR. LAUBE:

You didn't call the vote.

P.O. LINDSAY:

You have a question on M•65? I didn't finish 65? All in favor? Opposed? Abstentions on M•65?

MR. LAUBE:

18.

P.O. LINDSAY:

1992, bonding resolution. Authorizing the purchase of hybrid•electric transit buses for Suffolk County Transit including radios, fareboxes and spare components and including audit and inspection during manufacture and amending the 2006 Capital Budget and accepting and appropriating Federal aid (80%), State aid (10%) and County funds (10%) in connection with this purchase (CP 5658). (Co. Exec.)

Mr. Zwirn, do you have those answers.

MR. ZWIRN:

I have the answers, I think, of the questions that were asked. Legislator Losquadro, it's for four full-sized buses, four full-sized buses. Not big buses feeder sized buses, but the big buses. And the fact that the language in there including audit inspection during manufacture. Apparently, that appears in the body of all our Public Works bills, but not in the title. They don't put in it generally in the title, and they did this time. That's why it looks different, because part of the that will be that is received here does go for a consultant to watch the process of the manufacturing of the buses. I believe they will be manufactured in California or Upstate, New York, from what I understand. Those are the two locations where they they're making these buses, whichever one wins the bid.

LEG. LOSQUADRO:

Okay. I was a bit confused and concerned because I had never seen that language in the title like that. I knew when I saw it, it was it was definitely something different.

MR. ZWIRN:

We spoke to Bob Shinnick, and he said that language is in is in the body the bills, but they don't put it in the title. This time it wound up in the title. So it's the first time you would have seen it appearing the way it does.

LEG. LOSQUADRO:

Thank you.

P.O. LINDSAY:

Legislator Alden has a question.

MR. ZWIRN:

It better be a very easy question.

LEG. ALDEN:

These are diesel electric?

MR. ZWIRN:

I don't know. Hybrid, so I don't know what the ••

LEG. LOSQUADRO:

Yes, they are.

LEG. ALDEN:

Well, I'm, you know, just a little bit surprised, because for years and years I've been asking to do something to do with the gas, and I was always told, you know, like, the technology is not there, the fueling and things of that nature. So if it's a technology that we're okay with as far as the diesel ••

MR. ZWIRN:

I think that's true, because I asked the same question when I first got here, because Nassau County has propane powered buses. That was a problem as far as an alternative fuel, because the routes are so long. So I will stand by Legislator Losquadro's response who is on Public Works.

LEG. ALDEN:

And the purpose of doing this is to possibly switch the whole fleet over to ••

MR. ZWIRN:

I think that's the whole idea is to try to get away from ••

P.O. LINDSAY:

And take 90% of the money too.

LEG. ALDEN:

I'm glad it's 90% on the finances, because, you know, it's quite expensive, our transportation system.

LEG. BARRAGA:

Bill, let me ask a quick question.

P.O. LINDSAY:

Yes. Legislator Barraga.

LEG. BARRAGA:

Just a very •• what is the cost differential between the purchase of these buses versus the regular buses that you buy?

MR. ZWIRN:

They're more expensive, I'm certain, but I don't know the exact numbers.

LEG. BARRAGA:

Okay. And the 90% reimbursement, that comes from the federal and the state?

MR. ZWIRN:

That's correct.

LEG. BARRAGA:

That's still Tom Barraga, right? Unless I miscalculated, I still pay the federal, I still pay the state, I still pay the local. I pay everything, right?

MR. ZWIRN:

That's correct.

LEG. BARRAGA:

Thank you.

P.O. LINDSAY:

Any other questions? Comments? Okay. Roll call.

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

D.P.O. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. D'AMARO:

Yes.

LEG. STERN:

Yes.

LEG. MYSTAL:

Yes.

LEG. HORSLEY:

Yes.

LEG. NOWICK:

Yes.

LEG. KENNEDY:

Yes.

LEG. BARRAGA:

No.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. EDDINGTON:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. CARACAPPA:

Yes.

LEG. BROWNING:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. ROMAINE:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

17.

P.O. LINDSAY:

On 1992, same motion, same second, same vote.

MR. LAUBE:

17.

P.O. LINDSAY:

Now, I will entertain a motion to adjourn. Legislator Caracappa, I have to give him the pleasure of doing it.

(*THE MEETING WAS ADJOURNED AT 3:40 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY

